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TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53370]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

REFUNDS OF EXCESSIVE DUTIES, TAXES, ETC.

Under present procedure when it is found on liquidation or reliquidation of an entry that there has been an excess deposit of duties and internal-revenue taxes, the collector of customs (1) prepares a notice of refund of duties due which is forwarded to the person to whom the refund is due together with a check in payment thereof, and (2) prepares a notice of refund of internal-revenue tax due which he sends to such person. To obtain payment of the internal-revenue tax refund, such person is required by regulation to file a claim with the Internal Revenue Service.

In order to expedite the payment of refunds of excess deposits of internal-revenue taxes collected by collectors of customs and to conserve manpower both in the Internal Revenue Service and the Bureau of Customs, the Secretary of the Treasury by Treasury Department Order No. 165–2,[1] T. D. 53368, has authorized the Commissioner of Customs or such officer of employee of the Customs Service as may be designated by him to make refunds of excess deposits of internal-revenue tax found by collectors of customs on liquidation or reliquidation to be due. No claim for such refunds need be filed.

So that collectors of customs may make such refunds and to eliminate certain provisions of the Customs Regulations inconsistent with that procedure, § 24.36 is hereby amended as follows:

1. The first sentence of paragraph (a) is amended by inserting "of excessive duties or taxes, or both," between "that a refund" and "is due" and by changing "(c) and (d)" to "(b) and (c)."

2. Paragraphs (b), (e), and (f) are deleted; paragraphs (c) and (d) are redesignated (b) and (c), respectively; and the first sentence of newly designated paragraph (c) is amended by adding the words "or internal-revenue taxes" after the word "duties".

[1] See Department of the Treasury, Office of the Secretary, F. R. Doc. 53–9545, in Notices section, *infra*.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

These amendments shall be effective with respect to all refunds found to be due on entries liquidated or reliquidated on or after January 1, 1954.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: October 29, 1953.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 53–9540; Filed, Nov. 10, 1953; 11:21 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter C—Regulations and Standards Under the Farm Products Inspection Act

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS[1] (INSPECTION, CERTIFICATION AND STANDARDS)

RECODIFICATION

By virtue of the authority (18 F. R. 4839) vested in me by the Secretary of Agriculture and in accordance with the revised Federal Register regulations, the format of the regulations (7 CFR, Part 51) governing the grading and certification of fruits, vegetables and other products and the United States standards with respect thereto, which are currently operative pursuant to the applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953), is recodified as hereinafter set forth.

The recasting of the format due to such recodification is not intended, nor shall it be deemed to make any substantive change in said regulations. However, in §§ 51.620 and 51.680 (formerly §§ 51.191 and 51.192) the statements on the coverage of the standards were changed to reflect the fact that separate standards have been issued for Florida

[1] Among such other products are the following: raw nuts; Christmas trees and greens; flowers and flower bulbs; and onion sets.

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FEDERAL REGISTER

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grapefruit and oranges. Since the services and programs provided by the regulations are currently in effect, the regulations as presented in recodified form shall become effective upon publication in the FEDERAL REGISTER so as to avoid any interruption to the continuity of such services and programs.

The recodification is set forth below.

Issued at Washington, D. C., this 6th day of November 1953.

ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

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51.376 Unclassified.

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UNCLASSIFIED

51.522 Unclassified.

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51.789 Very serious damage.
51.790 Diameter.

SUBPART—UNITED STATES CONSUMER STANDARDS FOR HUSKED CORN ON THE COB

GRADES

51.810 U. S. Grade A.
51.811 U. S. Grade B.

OFF-GRADE

51.812 Off-Grade husked corn on the cob.

DEFINITIONS

51.813 Similar varietal characteristics.
51.814 Well trimmed.
51.815 Well formed.
51.816 Clean.
51.817 Damage.
51.818 Well filled.
51.819 Tender.
51.820 Plump and milky.
51.821 Units.
51.822 Properly clipped.

SUBPART—UNITED STATES STANDARDS FOR GREEN CORN

GRADES

51.835 U. S. No. 1.
51.836 U. S. Fancy.

UNCLASSIFIED

51.837 Unclassified.

COUNT

Sec.
51.838 Count.

APPLICATION OF TOLERANCES

51.839 Application of tolerances.

DEFINITIONS

51.840 Similar varietal characteristics.
51.841 Well trimmed.
51.842 Well formed.
51.843 Damage.
51.844 Well filled.
51.845 Plump and milky.
51.846 Fresh.
51.847 Properly clipped.

SUBPART—UNITED STATES STANDARDS FOR BERRIES FOR PROCESSING

GRADES

51.860 U. S. No. 1.
51.861 U. S. No. 2.

UNCLASSIFIED

51.862 Unclassified

SIZE

51.863 Size.

DEFINITIONS

51.864 Dried.
51.865 Undeveloped.
51.866 Distinctly immature.
51.867 Damage.
51.868 Well colored.
51.869 Diameter.

SUBPART—UNITED STATES STANDARDS FOR TABLE GRAPES (EUROPEAN OR VINIFERA TYPE)

GRADES

51.880 U. S. Fancy Table Grapes.
51.881 U. S. Extra No. 1 Table Grapes.
51.882 U. S. No. 1 Table Grapes.

UNCLASSIFIED

51.883 Unclassified.

APPLICATION OF TOLERANCES

51.884 Application of tolerances to individual packages.

DEFINITIONS

51.885 Well developed grapes.
51.886 One variety.
51.887 Well matured.
51.888 Fairly uniform in appearance.
51.889 Well colored.
51.890 Firm.
51.891 Weak.
51.892 Shriveled at capstems.
51.893 Shattered.
51.894 Wet.
51.895 Decay.
51.896 Waterberry.
51.897 Sunburn.
51.898 Damage.
51.899 Fairly well filled.
51.900 Excessively tight.
51.901 Injury to the bunch.
51.902 Shot berries.
51.903 Dried berries.
51.904 Well developed and strong.
51.905 Diameter.
51.906 Serious damage.
51.907 Mature.
51.908 Fairly well colored
51.909 Reasonably well colored
51.910 Slightly shriveled at capstems.
51.911 Straggly.

SUBPART—UNITED STATES STANDARDS FOR GRAPEFRUIT (CALIFORNIA AND ARIZONA)

GRADES

51.925 U. S. Fancy.
51.926 U. S. No. 1.
51.927 U. S. No. 2.
51.928 U. S. Combination grade.
51.929 U. S. No. 3.

UNCLASSIFIED

Sec.
51.930 Unclassified.

TOLERANCES

51.931 Tolerances.
51.932 U. S. Fancy, U. S. No. 1, U. S. No. 2 and U. S. No. 3 grades.
51.933 U. S. Combination grade.

APPLICATION OF TOLERANCES

51.934 Application of tolerances to individual packages.

STANDARD PACK

51.935 Standard pack.

STANDARDS FOR EXPORT

51.936 Standards for export.

DEFINITIONS

51.937 Similar varietal characteristics.
51.938 Well colored.
51.939 Firm.
51.940 Well formed.
51.941 Smooth.
51.942 Fairly thin skinned.
51.943 Injury.
51.944 Fairly well colored.
51.945 Fairly smooth.
51.946 Excessively thick skinned.
51.947 Damage.
51.948 Slightly colored.
51.949 Fairly firm.
51.950 Fairly well formed.
51.951 Decidedly rough.
51.952 Serious damage.
51.953 Slightly spongy.
51.954 Misshapen.
51.955 Very serious damage.

SUBPART—UNITED STATES CONSUMER STANDARDS FOR FRESH KALE

GRADES

51.975 U. S. Grade A.
51.976 U. S. Grade B.

OFF-GRADE

51.977 Off-Grade kale.

DEFINITIONS

51.978 One type.
51.979 Fresh.
51.980 Fairly tender.
51.981 Clean.
51.982 Well trimmed.
51.983 Small pieces of leaves.
51.984 Damage.
51.985 Serious damage.
51.986 Reasonably clean.

SUBPART—UNITED STATES STANDARDS FOR PERSIAN (TAHITI) LIMES

GRADES

51.1000 U. S. No. 1.
51.1001 U. S. No. 2.
51.1002 U. S. Combination grade.

UNCLASSIFIED

51.1003 Unclassified.

APPLICATION OF TOLERANCES

51.1004 Application of tolerances to individual packages.

DEFINITIONS

51.1005 Firm.
51.1006 Fairly well formed.
51.1007 Fairly smooth texture.
51.1008 Stylar end breakdown.
51.1009 Damage.
51.1010 Good green color.
51.1011 Fairly firm.
51.1012 Badly deformed.
51.1013 Excessively rough texture.
51.1014 Serious damage.

SUBPART—UNITED STATES STANDARDS FOR MUSTARD GREENS AND TURNIP GREENS

GENERAL

51.1030 General.

GRADES

Sec.
51.1031 U. S. No. 1.

UNCLASSIFIED

51.1032 Unclassified.

APPLICATION OF TOLERANCES

51.1033 Application of tolerances.
51.1034 Basis for calculating percentages.

DEFINITIONS

51.1035 Similar varietal characteristics.
51.1036 Fresh.
51.1037 Fairly tender.
51.1038 Fairly clean.
51.1039 Damage.
51.1040 Firm.
51.1041 Diameter.
51.1042 Serious damage.

SUBPART—UNITED STATES STANDARDS FOR COMMON GREEN ONIONS

GRADES

51.1055 U. S. No. 1.
51.1056 U. S. No. 2.

UNCLASSIFIED

51.1057 Unclassified.

SIZE

51.1058 Size.

APPLICATION OF TOLERANCES

51.1059 Application of tolerances.

DEFINITIONS

51.1060 Fairly well formed.
51.1061 Fairly clean.
51.1062 Damage.
51.1063 Well-trimmed.
51.1064 Fresh.
51.1065 Good green color.
51.1066 Diameter.
51.1067 Not badly misshapen.
51.1068 Fairly young and tender.
51.1069 Serious damage.
51.1070 Fairly well-trimmed.
51.1071 Fairly good green color.

SUBPART—UNITED STATES STANDARDS FOR ORANGES (CALIFORNIA AND ARIZONA)

GRADES

51.1085 U. S. Fancy.
51.1086 U. S. No. 1.
51.1087 U. S. No. 2.
51.1088 U. S. Combination grade.
51.1089 U. S. No. 3.

UNCLASSIFIED

51.1090 Unclassified.

TOLERANCES

51.1091 Tolerances.
51.1092 U. S. Fancy, U. S. No. 1, U. S. No. 2 and U. S. No. 3 grades.
51.1093 U. S. Combination grade.

APPLICATION OF TOLERANCES

51.1094 Application of tolerances to individual packages.

STANDARD PACK

51.1095 Standard pack.

STANDARDS FOR EXPORT

51.1096 Standards for export.

DEFINITIONS

51.1097 Similar varietal characteristics.
51.1098 Well colored.
51.1099 Firm.
51.1100 Well formed.
51.1101 Smooth.
51.1102 Injury.
51.1103 Fairly smooth.
51.1104 Damage.
51.1105 Fairly well colored.
51.1106 Fairly firm.

Sec.
51.1107 Fairly well formed.
51.1108 Excessively rough.
51.1109 Serious damage.
51.1110 Slightly spongy.
51.1111 Misshapen.
51.1112 Very serious damage.

SUBPART—UNITED STATES STANDARDS FOR FLORIDA ORANGES

GENERAL

51.1140 General.

GRADES

51.1141 U. S. Fancy.
51.1142 U. S. No. 1.
51.1143 U. S. No. 1 Bright.
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.
51.1148 U. S. No. 2 Bright.
51.1149 U. S. No. 2 Russet.
51.1150 U. S. No. 3.

UNCLASSIFIED

51.1151 Unclassified.

TOLERANCES

51.1152 Tolerances.
51.1153 U. S. Fancy grade.
51.1154 U. S. No. 1 grade.
51.1155 U. S. No. 1 Bright and U. S. No. 2 Bright grades.
51.1156 U. S. No. 1 Golden and U. S. No. 1 Bronze grades.
51.1157 U. S. No. 1 Russet grade.
51.1158 U. S. No. 2 grade.
51.1159 U. S. No. 2 Russet grade.
51.1160 U. S. No. 3 grade.

APPLICATION OF TOLERANCES

51.1161 Application of tolerances to individual packages.

STANDARD PACK

51.1162 Standard pack for oranges except Temple variety.

DEFINITIONS

51.1163 Similar varietal characteristics.
51.1164 Well colored.
51.1165 Firm.
51.1166 Well formed.
51.1167 Mature.
51.1168 Smooth texture.
51.1169 Injury.
51.1170 Discoloration.
51.1171 Fairly smooth texture.
51.1172 Damage.
51.1173 Fairly well colored.
51.1174 Reasonably well colored.
51.1175 Fairly firm.
51.1176 Slightly misshapen.
51.1177 Slightly rough texture.
51.1178 Serious damage.
51.1179 Misshapen.
51.1180 Slightly spongy.
51.1181 Very serious damage.
51.1182 Diameter.

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

51.1183 U. S. Grade AA Juice (Double A).
51.1184 U. S. Grade A Juice.
51.1185 Maximum anhydrous citric acid permissible for corresponding total soluble solids.
51.1186 Method of juice extraction.

SUBPART—UNITED STATES STANDARDS FOR PEACHES

GRADES

51.1210 U. S. Fancy.
51.1211 U. S. Extra No. 1.
51.1212 U. S. No. 1.
51.1213 U. S. No. 2.

UNCLASSIFIED

51.1214 Unclassified.

APPLICATION OF TOLERANCES
Sec.
51.1215 Application of tolerances to individual packages.
SIZE
51.1216 Size requirements.
STANDARD PACK
51.1217 Standard pack.
DEFINITIONS
51.1218 Mature.
51.1219 Well formed.
51.1220 Leaf or limb rub injury.
51.1221 Damage.
51.1222 Serious damage.
51.1223 Badly misshapen.

SUBPART—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—UNITED STATES STANDARDS FOR PEARS (SUMMER AND FALL)
GENERAL
51.1260 General.
GRADES
51.1261 U. S. No. 1.
51.1262 U. S. No. 2.
51.1263 U. S. Combination grade.
UNCLASSIFIED
51.1264 Unclassified.
DEFINITIONS
51.1265 Mature.
51.1266 Overripe.
51.1267 Carefully handpicked.
51.1268 Clean.
51.1269 Black end.
51.1270 Fairly well-formed.
51.1271 Damage.
51.1272 Seriously misshapen.
51.1273 Serious damage.
TOLERANCES
51.1274 Tolerances.
CONDITION
51.1275 Condition after storage or transit.
STANDARD PACK
51.1276 Sizing.
51.1277 Packing.
51.1278 Tolerances for standard pack.

SUBPART—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. No. 2.
51.1304 U. S. Combination.
UNCLASSIFIED
51.1305 Unclassified.
DEFINITIONS
51.1306 Mature.
51.1307 Overripe.
51.1308 Carefully handpicked.
51.1309 Clean.
51.1310 Well formed.
51.1311 Black end.
51.1312 Injury.
51.1313 Fairly well informed.
51.1314 Damage.
51.1315 Seriously misshapen.
51.1316 Serious damage.
TOLERANCES
51.1317 Tolerances.
CONDITION
51.1318 Condition after storage or transit.
STANDARD PACK
51.1319 Sizing.
51.1320 Packing.
51.1321 Tolerances for standard pack.

SUBPART—UNITED STATES STANDARDS FOR PEARS FOR CANNING
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 classification.
DEFINITIONS
51.1350 Mature.
51.1351 Handpicked.
51.1352 Firm.
51.1353 Well formed.
51.1354 Damage.
51.1355 Pears grown from late blooms.
51.1356 Seriously deformed.
51.1357 Serious damage.
51.1358 Diameter.

SUBPART—UNITED STATES STANDARDS FOR FRESH PEAS
INTRODUCTION
51.1375 Introduction.
GRADES
51.1376 U. S. No. 1.
51.1377 U. S. Fancy.
TOLERANCES
51.1378 Tolerances.
UNCLASSIFIED
51.1379 Unclassified.
DEFINITIONS
51.1380 Similar varietal characteristics.
51.1381 Overmature.
51.1382 Excessively small.
51.1383 Badly misshapen.
51.1384 Fairly well filled.
51.1385 Well filled.
51.1386 Damage.
51.1387 Serious damage.

SUBPART—UNITED STATES STANDARDS FOR PECANS IN THE SHELL
GENERAL
51.1400 General.
GRADES
51.1401 U. S. No. 1.
51.1402 U. S. Commercial.
UNCLASSIFIED
51.1403 Unclassified.
SIZE
51.1404 Size.
APPLICATION OF TOLERANCES
51.1405 Application of tolerances.
DEFINITIONS
51.1406 Fairly uniform in color.
51.1407 Fairly well shaped.
51.1408 Damage.
51.1409 Well cured.
51.1410 Rancidity.
51.1411 Mold.
51.1412 Decay.
51.1413 Insect injury.
51.1414 Serious damage.
51.1415 Very serious damage.
51.1416 Diameter.

SUBPART—UNITED STATES STANDARDS FOR SHELLED PECANS
GENERAL
51.1430 General.
GRADES
51.1431 U. S. No. 1 Halves.
51.1432 U. S. Commercial Halves.
51.1433 U. S. No. 1 Pieces.
51.1434 U. S. Commercial Pieces.
UNCLASSIFIED
51.1435 Unclassified.
SIZE
51.1436 Size requirements for halves.
51.1437 Size requirements for pieces.
APPLICATION OF TOLERANCES
51.1438 Application of tolerances.
DEFINITIONS
51.1439 Well dried.
51.1440 Clean.
51.1441 Pieces of shell and center wall.
51.1442 Chipped half.
51.1443 Broken kernels.
51.1444 Particles and dust.
51.1445 Noticeable shriveling.
51.1446 Rancidity.
51.1447 Mold.
51.1448 Decay.
51.1449 Insect injury.
51.1450 Damage.
51.1451 Fairly uniform in size.
51.1452 Fairly uniform in color.
51.1453 Serious damage.

SUBPART—UNITED STATES STANDARDS FOR SWEET PEPPERS FOR PROCESSING
GRADES
51.1465 U. S. No. 1
51.1466 U. S. No. 2.
CULLS
51.1467 Culls.
SIZE
51.1468 Size.
DEFINITIONS
51.1469 Fairly firm.
51.1470 Fairly well-shaped.
51.1471 Well colored.
51.1472 Damage.
51.1473 Diameter.
51.1474 Fairly well-colored.
51.1475 Serious damage.

SUBPART—UNITED STATES STANDARDS FOR PINEAPPLES
GRADES
51.1485 U. S. Fancy.
51.1486 U. S. No. 1.
51.1487 U. S. No. 2.
UNCLASSIFIED
51.1488 Unclassified.
APPLICATION OF TOLERANCES
51.1489 Application of tolerances.
SIZE AND MARKING REQUIREMENTS
51.1490 Size and marking requirements.
DEFINITIONS
51.1491 Similar varietal characteristics.
51.1492 Mature.
51.1493 Firm.
51.1494 Dry.

Sec.
51.1495 Well-formed.
51.1496 Well-developed eyes.
51.1497 Injury.
51.1498 Damage.
51.1499 Well-trimmed.
51.1500 Well cured.
51.1501 Characteristic color.
51.1502 Single top.
51.1503 Crown slips.
51.1504 Fairly well-cured.
51.1505 Fairly well-formed.
51.1506 Fairly well-developed eyes.
51.1507 Serious damage.
51.1508 Fairly uniform in size.

SUBPART—UNITED STATES STANDARDS FOR PLUMS AND PRUNES (FRESH)

GRADES

51.1520 U. S. Fancy.
51.1521 U. S. No. 1.
51.1522 U. S. No. 2.
51.1523 U. S. Combination.

UNCLASSIFIED

51.1524 Unclassified.

APPLICATION OF TOLERANCES

51.1525 Application of tolerances.

STANDARD PACK

51.1526 Standard pack.

DEFINITIONS

51.1527 Well-formed.
51.1528 Mature.
51.1529 Sunscald.
51.1530 Damage.

SUBPART—UNITED STATES STANDARDS FOR POTATOES

GENERAL

51.1540 General.

GRADES

51.1541 U. S. Fancy.
51.1542 U. S. Extra No. 1.
51.1543 U. S. No. 1.
51.1544 U. S. Commercial.
51.1545 U. S. No. 2.

SIZE AND SKINNING CLASSIFICATION

51.1546 Size classification for all grades except U. S. Fancy.
51.1547 Skinning classification.

UNCLASSIFIED

51.1548 Unclassified.

DEFINITIONS

51.1549 Mature.
51.1550 Bright.
51.1551 Well shaped.
51.1552 Soft rot or wet breakdown.
51.1553 Internal discoloration.
51.1554 Injury.
51.1555 Diameter.
51.1556 Fairly well shaped.
51.1557 Fairly clean.
51.1558 Damage.
51.1559 Serious damage.

SUBPART—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

Sec.
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—UNITED STATES STANDARDS FOR SWEETPOTATOES

GRADES

51.1600 U. S. Extra No. 1.
51.1601 U. S. No. 1.
51.1602 U. S. Commercial.
51.1603 U. S. No. 2.
51.1604 Tolerance for size.

UNCLASSIFIED

51.1605 Unclassified.

APPLICATION OF TOLERANCES

51.1606 Application of tolerances.

DEFINITIONS

51.1607 Similar varietal characteristics.
51.1608 Firm.
51.1609 Smooth.
51.1610 Fairly clean.
51.1611 Fairly well shaped.
51.1612 Damage.
51.1613 Diameter.
51.1614 One type.
51.1615 Fairly smooth.
51.1616 Slightly misshapen.
51.1617 Serious damage.

SUBPART—UNITED STATES STANDARDS FOR SHALLOTS (BUNCHED)

GRADES

51.1630 U. S. No. 1.
51.1631 U. S. No. 2.

UNCLASSIFIED

51.1632 Unclassified.

SIZE; BUNCHES

51.1633 Size.
51.1634 Standard bunches.

APPLICATION OF TOLERANCES

51.1635 Application of tolerances.

DEFINITIONS

51.1636 Similar varietal characteristics.
51.1637 Fairly well formed.
51.1638 Firm.
51.1639 Well trimmed.
51.1640 Fairly clean.
51.1641 Damage.
51.1642 Fresh.
51.1643 Good green color.
51.1644 Diameter.
51.1645 Not badly misshapen.
51.1646 Fairly firm.
51.1647 Fairly young and tender.
51.1648 Fairly well trimmed.
51.1649 Serious damage.
51.1650 Fairly good green color.

SUBPART—UNITED STATES STANDARDS FOR SWEETPOTATOES FOR CANNING

GRADES

51.1660 U. S. No. 1.
51.1661 U. S. No. 2.

CULLS

51.1662 Culls

TOLERANCES

51.1663 Tolerances.

DEFINITIONS

Sec.
51.1664 Similar type.
51.1665 Firm.
51.1666 Fairly well shaped.
51.1667 Cull material.
51.1668 Damage.
51.1669 Badly misshapen.
51.1670 Serious damage.
51.1671 Diameter.

SUBPART—UNITED STATES STANDARDS FOR SWEETPOTATOES FOR DICING OR PULPING

GRADES

51.1685 U. S. No. 1.
51.1686 U. S. No. 2.

CULLS

51.1687 Culls.

SIZE

51.1688 Size.

TOLERANCES

51.1689 Tolerances.

DEFINITIONS

51.1690 Similar type.
51.1691 Firm.
51.1692 Badly misshapen.
51.1693 Cull material.
51.1694 Damage.
51.1695 Serious damage.
51.1696 Diameter.

SUBPART—UNITED STATES STANDARDS FOR RASPBERRIES FOR PROCESSING

GRADES

51.1710 U. S. No. 1.
51.1711 U. S. No. 2.

UNCLASSIFIED

51.1712 Unclassified.

DEFINITIONS

51.1713 Similar varietal characteristics.
51.1714 Well colored.
51.1715 Mold.
51.1716 Dried.
51.1717 Distinctly immature.
51.1718 Damage.
51.1719 Seriously damaged by insects.

SUBPART—UNITED STATES STANDARDS FOR SPINACH LEAVES (FRESH)

GRADES

51.1730 U. S. Extra No. 1.
51.1731 U. S. No 1.
51.1732 U. S. Commercial.

APPLICATION OF TOLERANCES

51.1733 Application of tolerances.

DEFINITIONS

51.1734 Similar varietal characteristics.
51.1735 Well trimmed.
51.1736 Damage.

SUBPART—UNITED STATES CONSUMER STANDARDS FOR FRESH SPINACH LEAVES

GRADES

51.1750 U. S. Grade A.
51.1751 U. S. Grade B.

OFF-GRADE

51.1752 Off-Grade spinach leaves.

DEFINITIONS

51.1753 Similar varietal characteristics.
51.1754 Fresh.
51.1755 Clean.
51.1756 Well trimmed.
51.1757 Damage.
51.1758 Serious damage.
51.1759 Reasonably clean.

SUBPART—UNITED STATES STANDARDS FOR TANGERINES

GENERAL

Sec.
51.1770 General.

GRADES

51.1771 U. S. Fancy.
51.1772 U. S. No. 1.
51.1773 U. S. No. 1 Bronze.
51.1774 U. S. No. 2.
51.1775 U. S. No. 2 Russet.
51.1776 U. S. No. 3.

TOLERANCES

51.1777 Tolerances.
51.1778 U. S. Fancy; U. S. No. 1; U. S. No. 1 Bronze; U. S. No. 2 and U. S. No. 2 Russet.
51.1779 U. S. No. 3.

STANDARD PACK

51.1780 Standard pack.

DEFINITIONS

51.1781 Firm.
51.1782 Well-formed.
51.1783 Damage.
51.1784 Highly colored.
51.1785 Discoloration.
51.1786 Fairly well colored.
51.1787 Bronzed russeting.
51.1788 Fairly firm.
51.1789 Fairly well-formed.
51.1790 Serious damage.
51.1791 Reasonably well colored.
51.1792 Very serious damage.
51.1793 Cull.

SUBPART—UNITED STATES STANDARDS FOR FLORIDA TANGERINES

GRADES

51.1810 U. S. Fancy.
51.1811 U. S. No. 1.
51.1812 U. S. No. 1 Bronze.
51.1813 U. S. No. 1 Russet.
51.1814 U. S. No. 2.
51.1815 U. S. No. 2 Russet.
51.1816 U. S. No. 3.

UNCLASSIFIED

51.1817 Unclassified.

TOLERANCES

51.1818 Tolerances.
51.1819 U. S. Fancy; U. S. No. 1; U. S. No. 1 Bronze; U. S. No. 1 Russet; U. S. No. 2 and U. S. No. 2 Russet.
51.1820 U. S. No. 3.

APPLICATION OF TOLERANCES

51.1821 Application of tolerances to individual packages.

STANDARD PACK

51.1822 Standard pack.

DEFINITIONS

51.1823 Mature.
51.1824 Firm.
51.1825 Well formed.
51.1826 Damage.
51.1827 Highly colored.
51.1828 Discoloration.
51.1829 Fairly well colored.
51.1830 Bronzed russeting.
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.

SUBPART—UNITED STATES STANDARDS FOR FRESH TOMATOES

GRADES

51.1855 U. S. No. 1.
51.1856 U. S. Combinaton.
51.1857 U. S. No. 2.

UNCLASSIFIED

Sec.
51.1858 Unclassified.

SIZE

51.1859 Size requirements.

APPLICATION OF TOLERANCES

51.1860 Application of tolerances.

UNITED STATES STANDARD PACKS

51.1861 U. S. Standard Packs.
51.1862 U. S. Straight Pack.
51.1863 U. S. Extra Row Pack.
51.1864 U. S. Bridge Pack.
51.1865 U. S. Double Wrap Pack.
51.1866 U. S. Double Wrap Bridge Pack.
51.1867 Tolerances for pack.
51.1868 Irregular pack.

DEFINITIONS

51.1869 Similar varietal characteristics.
51.1870 Mature.
51.1871 Well developed.
51.1872 Fairly well formed.
51.1873 Fairly smooth.
51.1874 Damage.
51.1875 Serious damage.
51.1876 Badly misshapen.

SUBPART—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 CLASSIFICATIONS

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 Damage.
51.1912 Badly misshapen.
51.1913 Serious damage.

SUBPART—UNITED STATES STANDARDS FOR GREEN TOMATOES FOR PROCESSING

GRADES

51.1930 U. S. No. 1.
51.1931 U. S. No. 2.

CULLS

51.1932 Culls.

SIZE

51.1933 Minimum size.

DEFINITIONS

51.1934 Green in color.
51.1935 Damage.
51.1936 Serious damage.

SUBPART—UNITED STATES STANDARDS FOR CURRANTS FOR PROCESSING

GRADES

51.1950 U. S. No. 1.
51.1951 U. S. No. 2.

APPLICATION OF TOLERANCES

51.1952 Application of tolerances and determination of grade.

UNCLASSIFIED

51.1953 Unclassified.

DEFINITIONS

51.1954 Similar type.
51.1955 Well colored.
51.1956 Mold.
Sec.
51.1957 Damage.
51.1958 Seriously damaged by insects.

SUBPART—UNITED STATES STANDARDS FOR WATERMELONS

GRADES

51.1970 U. S. No. 1.
51.1971 U. S. Commercial.
51.1972 U. S. No. 2.
51.1973 U. S. No. 3.

UNCLASSIFIED

51.1974 Unclassified.

SIZE

51.1975 Size.

DEFINITIONS

51.1976 Mature.
51.1977 Fairly well formed.
51.1978 Not badly misshapen.
51.1979 Free from damage.
51.1980 Free from damage by anthracnose.
51.1981 Serious damage.

SUBPART—UNITED STATES STANDARDS FOR FILBERTS IN THE SHELL

GRADES

51.1995 U. S. No. 1.

TOLERANCES

51.1996 Tolerances.
51.1997 Application of the tolerances and determination of the grade.

UNCLASSIFIED

51.1998 Unclassified.

DEFINITIONS

51.1999 Similar type.
51.2000 Well formed.
51.2001 Dry.
51.2002 Clean and bright.
51.2003 Blank.
51.2004 Damage.
51.2005 Reasonably well developed.
51.2006 Badly misshapen.
51.2007 Rancidity.
51.2008 Decay.
51.2009 Moldy.
51.2010 Insect injury.

SUBPART—UNITED STATES STANDARDS FOR BLUEBERRIES FOR PROCESSING

GENERAL

51.2025 General.

GRADES

51.2026 U. S. No. 1.
51.2027 U. S. No. 2.
51.2028 U. S. No. 3.

UNCLASSIFIED

51.2029 Unclassified.

DEFINITIONS

51.2030 Other kinds of berries.
51.2031 Clusters.
51.2032 Large stems.
51.2033 Other foreign material.
51.2034 Distinctly immature berries.
51.2035 Damage.
51.2036 Serious damage.
51.2037 Very serious damage caused by shriveling.

SUBPART—UNITED STATES CONSUMER STANDARDS FOR BRUSSELS SPROUTS

GRADES

51.2050 U. S. Grade A.
51.2051 U. S. Grade B.

OFF-GRADE

51.2052 Off-Grade Brussels sprouts.

DEFINITIONS

51.2053 Well colored.
51.2054 Firm.

Sec.
51.2055 Clean.
51.2056 Well trimmed.
51.2057 Seedstems.
51.2058 Damage.
51.2059 Diameter.
51.2060 Fairly well colored.
51.2061 Puffy.
51.2062 Serious damage.

SUBPART—UNITED STATES STANDARDS FOR 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.

UNCLASSIFIED

51.2079 Unclassified.

APPLICATION OF TOLERANCES

51.2080 Application of tolerances and determination of the grades.

DEFINITIONS

51.2081 Similar varietal characteristics.
51.2082 Clean.
51.2083 Fairly bright.
51.2084 Fairly uniform color.
51.2085 Damage.
51.2086 Well dried.
51.2087 Decay.
51.2088 Rancidity.
51.2089 Insect injury.
51.2090 Thickness.

SUBPART—UNITED STATES STANDARDS FOR 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.
51.2112 Mixed varieties.

UNCLASSIFIED

51.2113 Unclassified.

SIZE

51.2114 Size requirements.

TOLERANCES

51.2115 Tolerances for size.
51.2116 Application of tolerances.

DEFINITIONS

51.2117 Similar varietal characteristics.
51.2118 Whole.
51.2119 Clean.
51.2120 Well dried.
51.2121 Decay.
51.2122 Rancidity.
51.2123 Insect injury.
51.2124 Foreign material.
51.2125 Doubles.
51.2126 Split or broken kernels.
51.2127 Particles and dust.
51.2128 Injury.
51.2129 Damage.
51.2130 Serious damage.
51.2131 Diameter.
51.2132 Fairly uniform in size.

SUBPART—UNITED STATES STANDARDS FOR SAWDUST PACK GRAPES (EUROPEAN OR VINIFERA TYPE)

GRADES

51.2150 U. S. Fancy Sawdust Pack Grapes.
51.2151 U. S. No. 1 Sawdust Pack Grapes.

UNCLASSIFIED

51.2152 Unclassified.

APPLICATION OF TOLERANCES

51.2153 Application of tolerances to individual packages.

DEFINITIONS

Sec.
51.2154 Well developed grapes.
51.2155 One variety.
51.2156 Well matured.
51.2157 Fairly uniform in appearance.
51.2158 Well colored.
51.2159 Firm.
51.2160 Weak.
51.2161 Shriveled at capstem.
51.2162 Shattered.
51.2163 Wet.
51.2164 Decay.
51.2165 Waterberry.
51.2166 Sunburn.
51.2167 Damage.
51.2168 Fairly well filled.
51.2169 Excessively tight.
51.2170 Injury to the bunch.
51.2171 Shot berries.
51.2172 Dried berries.
51.2173 Well developed and strong.
51.2174 Diameter.
51.2175 Serious damage.
51.2176 Mature.
51.2177 Fairly well colored.
51.2178 Straggly.

SUBPART—UNITED STATES STANDARDS FOR EGGPLANT

GRADES

51.2190 U. S. Fancy.
51.2191 U. S. No. 1.
51.2192 U. S. No. 2.

UNCLASSIFIED

51.2193 Unclassified.

TOLERANCES

51.2194 Tolerances.

APPLICATION OF TOLERANCES

51.2195 Application of tolerances to individual packages.

SIZE REQUIREMENTS

51.2196 Size requirements.

DEFINITIONS

51.2197 Similar varietal characteristics.
51.2198 Well colored.
51.2199 Firm.
51.2200 Clean.
51.2201 Well shaped.
51.2202 Injury.
51.2203 Fairly well colored.
51.2204 Fairly well shaped.
51.2205 Damage.
51.2206 Serious damage.
51.2207 Diameter.

SUBPART—UNITED STATES STANDARDS FOR CUCUMBERS

GRADES

51.2220 U. S. Fancy.
51.2221 U. S. No. 1.
51.2222 U. S. No. 1 Small.
51.2223 U. S. No. 1 Large.
51.2224 U. S. No. 2.

UNCLASSIFIED

51.2225 Unclassified.

TOLERANCES

51.2226 Tolerances.

APPLICATION OF TOLERANCES

51.2227 Application of tolerances.

DEFINITIONS

51.2228 Well colored.
51.2229 Well formed.
51.2230 Overgrown.
51.2231 Injury caused by scars.
51.2232 Damage.
51.2233 Diameter.
51.2234 Fairly well colored.
51.2235 Fairly well formed.
51.2236 Moderately colored.
Sec.
51.2237 Badly deformed.
51.2238 Serious damage.

AUTHORITY: §§ 51.1 to 51.2238 issued under sec. 205, 60 Stat. 1090, Pub. Law 156, 83d Cong.; 7 U. S. C. 1624.

SUBPART—REGULATIONS

ADMINISTRATION

§ 51.1 *Administration of regulations.* The Administrator, Production and Marketing Administration, United States Department of Agriculture, is charged with the administration of the regulations in this part, and he may delegate any or all of such functions to any other officer or employee of the Production and Marketing Administration of the Department, in his discretion.

DEFINITIONS

§ 51.2 *Meaning of words.* 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.

§ 51.3 *Terms defined.* For the purpose of the regulations in this part, unless the context otherwise requires, the following terms shall have the following meanings:

(a) "Act" means the following provisions of the Department of Agriculture Appropriation Act, 1949 (Pub. Law 712, 80th Cong., 2d Sess.), or any other present or future act of Congress conferring similar authority:

Market inspection of farm products. For the investigation and certification, in one or more jurisdictions, to shippers and other interested parties of the class, quality, and condition of any agricultural commodity or food product, whether raw, dried, canned, or otherwise processed, and any product containing an agricultural commodity or derivative thereof when offered for interstate shipment or when received at such important central markets as the Secretary may from time to time designate, or at points which may be conveniently reached therefrom under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the services rendered.

(b) "Department" means the United States Department of Agriculture.

(c) "Administrator" means the Administrator of the Production and Marketing Administration of the Department.

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

(e) "Interested party" means any person who has a financial interest in the product on which inspection is requested.

(f) "Inspector" means any employee of the Department who is 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 and/or condition of any product covered under this part, and to perform related duties in connection with such inspection services.

(g) "Inspection certificate" means a statement, in written and/or printed form, issued pursuant to the regulations in this part, setting forth, in addition to appropriate descriptive information relative to the particular product and the containers thereof, the quality and/or condition of such product.

(h) "Quality" means the combination of the inherent properties of a product which determines its relative degree of excellence.

(i) "Condition" means the relative degree of soundness or preservation of a product and includes, but is not necessarily limited to, its maturity, decay, freezing or mechanical injury, shriveling, flabbiness, or any other factor which affects its merchantability.

(j) "Lot" means the quantity of the same kind of product offered for inspection at the same general time by an interested party, except that different varieties of the same kind of product, other than peanuts, pecans, and other nuts, shall not be considered as separate lots.

INSPECTION SERVICE

§ 51.4 *Inspection service.* 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 is available in all States with which cooperative agreements providing for this work have been entered into on behalf of the Department pursuant to authority contained in any act of Congress.[1]

(b) *Designated markets.* The following are designated as important central markets at which products may be inspected under the act: Birmingham, Mobile, Montgomery, Ala.; Phoenix, Ariz.; Little Rock, Ark.; Los Angeles, Oakland, Sacramento, San Diego, San Francisco, Calif.; Denver, Col.; Hartford, Conn.; Washington, D. C.; Jacksonville, Miami, Tampa, Winter Haven, Fla.; Atlanta, Ga.; Chicago, Ill.; Indianapolis, Ind.; Baton Rouge, New Orleans, La.; Baltimore, Md.; Boston, Mass.; Detroit, Mich.; Duluth, Minneapolis, Minn.; Jackson, Miss.; Kansas City, St. Louis, Mo.; Newark, Trenton, N. J.; Albany, Buffalo, New York City, Rochester, Syracuse, N. Y.; Asheville, Charlotte, Raleigh, N. C.; Fargo, N. Dak.; Cincinnati, Cleveland, Columbus, Youngstown, O.; Oklahoma City, Tulsa, Okla.; Portland, Ore.; Harrisburg, Philadelphia, Pittsburgh, Wilkes-Barre, Pa.; Columbia, S. C.; Memphis, Nashville, Tenn.; Dallas, Ft. Worth, Houston, San Antonio, Tex.; Salt Lake City, Utah; Norfolk, Richmond, Roanoke, Va.; Seattle, Wash.; Milwaukee, Wis.[1]

[1] The addresses of the offices at these points or markets are changed from time to time. However, any prospective applicant may obtain the address of the office nearest the place where the commodity which he wishes to have inspected is located by addressing an inquiry to "Food Products Inspection Service" at any of the following offices: 1. Production and Marketing Administration, Washington 25, D. C. 2. Room 836A, 641 Washington Street, New York 14, N. Y. 3. 1421 South Aberdeen Street, Chicago 8, Ill. 4. 739 Appraiser's Building, San Francisco 11, Calif.

(c) *Other points.* Inspection may be made at any point which may be conveniently reached from any market referred to in paragraph (b) of this section under conditions provided in § 51.41 and to the extent permitted by the time of the nearest inspector.

§ 51.5 *Kind of service.* Inspection of products may be made according to quality and/or condition, and, in the discretion of the Administrator, for any part thereof.

§ 51.6 *Who may obtain service.* An application for inspection may be made by any interested party, or by his authorized agent.

§ 51.7 *How to make application.* Application for inspection may be filed in an office of inspection at any market referred to in § 51.4 (a) or (b) or with any inspector. It may be made in writing, orally, by telegraph, or by telephone. If made orally or by telephone, the inspector may require that it be confirmed by applicant in writing or by telegraph. 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.

§ 51.8 *Form of application.* Each application for inspection shall state (a) the name and post-office address of the applicant and the name and capacity of the person, if any, making the application in his behalf; (b) the name and post-office 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 initials, car number, and name 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.

§ 51.9 *Filing of application.* An application shall be deemed filed when received 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.

§ 51.10 *When application may be rejected.* An application may be rejected by the inspector in charge of the appropriate office of inspection for failure of the applicant (a) to observe the regulations in this part, (b) to furnish necessary information or to make the commodity reasonably available or accessible for inspection, or (c) when it appears that to perform the inspection and certification service would not be to the best interests of the Government. Such applicant shall be notified promptly of the reason for such rejection.

§ 51.11 *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.

§ 51.12 *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, in the discretion of the inspector.

§ 51.13 *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.

§ 51.14 *Basis of service.* Inspection and certification service for quality and/or condition shall be based on the appropriate recommended standards promulgated by the United States Department of Agriculture, applicable standards prescribed by the laws of the State where the particular product was produced which are generally recognized and used therein, 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 under the Agricultural Marketing Agreement Act of 1937, as amended (61 Stat. 208, 707; 7 U. S. C. 601 et seq.) 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.

§ 51.15 *Order of inspection.* Inspection shall, insofar as practicable, be made in the order in 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 (7 U. S. C. 499a et seq.), and (b) to appeal inspections. Precedence may also be given to applications made on behalf of the Federal Government or of a State Government.

§ 51.16 *Financial interest of inspector.* No inspector shall inspect any products in which he is financially interested, either directly or indirectly.

§ 51.17 *Postponing inspection.* 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.

§ 51.18 *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.

§ 51.19 *Certificate form.* Certificates shall be issued on forms approved by the Administrator: *Provided,* That when an application for inspection is made by any person for the purpose of determining whether food products for use by such 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 appropriate stamp or mark on such products or the containers thereof, or otherwise, in the discretion of the inspector.

§ 51.20 *Certificates, issuance.* The inspector shall sign and issue a separate certificate for each lot inspected by him, except that when an application covers a number of lots a single certificate may be issued to cover all such lots.

§ 51.21 *Certificates, disposition.* 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 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 State Agency. One copy shall be forwarded to the Administrator to be kept on file in Washington, except that copies of certificates showing the grades of individual grower's lots offered for manufacturing or other purposes need not be so forwarded. In the case of any product covered by a marketing agreement and/or order effective under the Agricultural Marketing Agreement Act of 1937, as amended (61 Stat. 208, 707; 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 Secretary may prescribe. Copies will be furnished to other interested parties as outlined in § 51.42.

§ 51.22 *Advance information.* 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 § 51.42 shall apply.

APPEAL INSPECTION

§ 51.23 *When appeal may be taken.* An application for appeal inspection may be made whenever any financially interested person is dissatisfied with the determination stated in the original certificate.

§ 51.24 *How to obtain.* 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 appeal 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 or in writing, or by telegraph or telephone. If made orally or by telephone, the application shall be confirmed in writing.

§ 51.25 *Record of filing time.* A record showing the date and time of filing an application shall be made promptly by the receiving office.

§ 51.26 *When appeal inspection may be refused.* An application for an appeal inspection may be refused if, (a) the reasons for the appeal inspection are frivolous or not substantial; (b) the quality or condition of the 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 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 the refusal.

§ 51.27 *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.

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

§ 51.29 *Who shall make appeal inspections.* Appeal inspections shall be made by an inspector or inspectors designated therefor by the Administrator.

§ 51.30 *Appeal findings.* The inspector or inspectors making an appeal inspection shall sign and issue an appeal inspection certificate, which shall supersede and refer specifically to the original inspection certificate from which the appeal was taken, and contain a statement as to the quality or condition of the product, as determined by the appeal inspection. In all other respects the provisions of §§ 51.5 to 51.22, insofar as applicable, shall apply to appeal inspection certificates, except that if the applicant for appeal inspection is not the original applicant, a copy of the appeal inspection certificate shall be mailed to the original applicant.

§ 51.31 *Superseded certificates.* When an original inspection certificate shall have been superseded by an appeal inspection certificate, such original inspection certificate shall not thereafter represent the quality or condition of the product described therein. If the original and all copies of the superseded certificate are not submitted to the person receiving the application for appeal inspection, the officer issuing the superseding certificate shall forward notice of such issuance and of the superseding of the original certificate to such persons as he considers necessary to prevent fraudulent use of the superseded certificate.

LICENSED INSPECTORS

§ 51.32 *Who may be licensed.* Persons possessing adequate qualifications, as determined by such examinations as the Administrator may consider to be appropriate, may be licensed by the Secretary as inspectors of products which may be inspected under the regulations in this part. Such licenses 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 these regulations 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 the 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 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 7 days after the receipt of the aforesaid notice and statement of reasons by such licensee, he may file an appeal, in writing, with the Secretary supported by any argument or evidence that he may wish to offer as to why his license should not be suspended or revoked. After the expiration of the aforesaid 7 day period and consideration of such argument and evidence, the Secretary shall take such action as he deems appropriate with respect to such suspension or revocation.

§ 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 a case of an expired license.

FEES AND CHARGES

§ 51.36 *Amount of fees, rates, and charges.* For each lot of products inspected, a fee, and expenses, determined in accordance with §§ 51.37 to 51.41 shall be paid by the applicant.

§ 51.37 *Basis for charges.* (a) The fee for each lot of products inspected by a salaried inspector acting exclusively for the Department of Agriculture, except for peanuts, pecans, and other nuts, shall be on the following basis: For an inspection covering quality and condition, $9 when the quantity involved is more than one-half of a carload of the customary size for such products in the area from which shipped but not more than a full carload, and $6 when the quantity involved is not more than one-half of such carload, but the maximum fee for any carload not exceeding the customary size shall be $18. For an inspection covering condition only, $7.20 when the quantity involved is more than one-half of carload of the customary size for such products in the area from which shipped but not more than a full carload, and $4.80 when the quantity involved is not more than one-half of such carload, but the maximum fee for condition only inspection of any carload not exceeding the customary size shall be $14.40.

(b) For each lot of peanuts, pecans, or other nuts inspected, except pursuant to the provisions in § 51.19, the fee shall be $12 when the quantity involved is not more than a full carload: *Provided,* That the different grades and varieties of peanuts shall be considered separate lots, and the fee for farmer stock peanuts (unshelled peanuts) shall be $1.50 per ton.

(c) When any lot involved is in excess of a carload the quantity shall be calculated in terms of carloads and fractions thereof of the customary size for such carloads and the carload rates aforesaid applied: *Provided,* That said fractions shall be calculated in terms of fourths or next higher fourths. When inspections are made on which formal certificates are not issued, as provided in § 51.19, or when the products inspected cannot readily be calculated in terms of carlots, or when the services rendered are such that a charge on the carlot basis would be inadequate or inequitable, charges for inspection may be based on the time consumed by the inspector in connection with such inspections, computed at the rate of $3.60 per hour, or the charges may be based upon the number of pounds or number of containers in the lot inspected, if such charges are in substantial conformity with the hourly or carload rate.

§ 51.38 *Fees for inspections by licensee who is working under contract with the Administrator.* The Administrator may enter into a contract with any licensed inspector authorizing him to make inspections under the act in a designated area; to collect fees for such inspections at rates prescribed in the contract; and direct him to transmit such fees, less a designated percentage which he may retain as compensation for his services in making such inspections, to the Production and Marketing Administration at such times and in such manner as the contract shall provide.

§ 51.39 *Fees under cooperative agreement.* Fees for inspections made under cooperative agreements pursuant to authority contained in any act of Congress shall be those provided for by such agreements.

§ 51.40 *Fees for appeal inspections.* Fees for appeal inspections on all products shall be double those for original inspections, except that when it is found that there was a material error in the determination based upon the original inspection no fee will be charged, and except that appeal inspection for Government agencies shall be on the hourly basis prescribed in § 51.47, plus traveling and other expenses authorized to be charged by the provisions in § 51.41. The maximum fee for the appeal inspection of a single car shall not exceed $24.

§ 51.41 *Traveling, and other expenses.* Such further charges may be made for traveling expenses and other items paid or incurred by the Production and Marketing Administration in connection with an inspection made at a place where no inspector is located, or appeal inspection where the services of a second inspector are required, as will reimburse the Production and Marketing Administration. These charges shall be included with the fee for inspection on the bill furnished the applicant.

§ 51.42 *Fees for additional copies of inspection certificates.* Additional copies of any inspection certificate other than those provided for in § 51.21, may be supplied to any interested party upon payment of a fee of $1.50 for each set of 3, or less, copies.

§ 51.43 *Charges for inspection services on a contract basis.* Irrespective of fees and charges prescribed in 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 bases as will reimburse the Production and Marketing Administration of the Department for the full cost of rendering such inspection service, including an appropriate overhead charge to cover, as closely as practicable, administrative overhead expenses, as may be determined by the Administrator.

§ 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 inspector, and in advance, if required by the inspector.

§ 51.45 *Disposition of fees.* (a) The fees covered by §§ 51.37 to 51.39 shall be disposed of as follows:

(1) Fees for inspections made by salaried inspectors acting exclusively for the Production and Marketing Administration shall be remitted promptly to the Administrator.

(2) Fees for inspections made by a licensed inspector acting exclusively for the Production and Marketing Administration, less the percentage thereof which he is allowed by the terms of his contract of employment as compensation for his services, shall be remitted to the Production and Marketing Administration.

(3) Fees for inspections made by an inspector acting under a cooperative agreement with a State or other organizations 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 as may be due the United States shall be remitted to the Production and Marketing Administration.

(b) Fees covered by §§ 51.40 to 51.43 shall be remitted to the Production and Marketing Administration.

MISCELLANEOUS

§ 51.46 *Fraud or misrepresentation.* Any wilful misrepresentation or any deceptive or fraudulent practice found to be made or committed by any person in connection with: (a) The making or filing of an application for any inspection service; (b) the making the product accessible for sampling or inspection; (c) the use of any inspection report or any inspection certificate, or appeal inspection certificate issued under the regulations in this part; (d) the use of a facsimile form which simulates, in whole or in part, any official certificate authorized to be issued under these regulations in this part for the purpose of purporting to evidence the U. S. grade of any product; or (e) any wilful violation of the regulations in this part, or supplementary rules or instructions issued by the Administrator, may be deemed sufficient cause for debarring such person from any or all benefits of the act.

§ 51.47 *Political activity.* All inspectors are forbidden, during the period of their respective appointments or licenses, to take an active part in political management or in political campaigns. Political activities in city, county, State, or national elections, whether primary or regular, or in behalf of any party or can-

didate, or any measure to be voted upon, are prohibited. This applies to all appointees or licensees, including, but not limited to, temporary and cooperative employees and employees on leave of absence, with or without pay. Willful violations of this section will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

§ 51.48 *Interfering with an inspector.* Any further benefits of the act may be denied any applicant or other interested party who, either personally or through an agent or representative, interferes with or obstructs, by intimidation, threats, assault, or in any other manner, an inspector in the performance of his duties.

§ 51.49 *Compliance with other laws.* None of the requirements in the regulations of this part shall excuse failure to comply with any Federal, State, county, or municipal laws applicable to products covered in the regulations in this part.

§ 51.50 *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.

§ 51.51 *Publication.* Publication under the act and in this part shall be made in the FEDERAL REGISTER, the Service and Regulatory Announcements of the Department, and such other media as the Administrator may approve for the purpose.

SUBPART—UNITED STATES STANDARDS FOR APPLES

GRADES

§ 51.300 *U. S. Extra Fancy.* U. S. Extra Fancy consists of apples of one variety which are mature, but not overripe, carefully hand-picked, clean, well formed; free from decay, internal browning, internal breakdown, scald, scab, bitter pit, Jonathan spot, freezing injury, broken skins and bruises (except those that are slight and incident to proper handling and packing), and visible water core. The apples shall also be free from injury caused by russeting, sunburn or spray burn, limb rubs, hail, drought spots, scars, stem or calyx cracks, other diseases, insects, or mechanical or other means. Each apple of this grade shall have the amount of color specified in § 51.308 for the variety. (See §§ 51.308, 51.310, and 51.313.)

§ 51.301 *U. S. Fancy.* U. S. Fancy consists of apples of one variety which are mature but not overripe, carefully handpicked, clean, fairly well formed; free from decay, internal browning, internal breakdown, bitter pit, Jonathan spot, scald, freezing injury, broken skins and bruises (except those incident to proper handling and packing), and visible water core. The apples shall also be free from damage caused by russeting, sunburn or spray burn, limb rubs, hail, drought spots, scars, stem or calyx cracks, other diseases, insects, or mechanical or other means. Each apple of this grade shall have the amount of color specified in § 51.308 for the variety. (See §§ 51.308, 51.310, and 51.313.)

§ 51.302 *U. S. No. 1.* The requirements for this grade are the same as U. S. Fancy except for color and russeting. In this grade less color is required for all varieties except yellow and green varieties, for which the requirements for both grades are the same. Apples of this grade shall be free from excessive damage caused by russeting which means that they shall meet the russeting requirements for U. S. Fancy as defined under the definitions of "damage by russeting": *Provided,* That, the aggregate area of an apple which may be covered by smooth net-like russeting shall not exceed 25 percent: *And further provided,* That, the aggregate area of an apple which may be covered by smooth solid russeting shall not exceed 10 percent. (See §§ 51.308, 51.310, and 51.313.)

§ 51.303 *U. S. No. 1 Cookers.* U. S. No. 1 Cookers consists of apples of one variety which meet the requirements of U. S. No. 1 grade except as to color. This grade is provided for apples which are mature but which may not have sufficient color to meet the specifications of U. S. No. 1. (See §§ 51.310 and 51.313.)

§ 51.304 *U. S. No. 1 Early.* U. S. No. 1 Early consists of apples of one variety which meet the requirements of U. S. No. 1 grade except as to color, maturity and size. Apples of this grade have no color requirements, need not be mature, and shall be not less than 2 inches in diameter. This grade is provided for varieties such as Duchess, Gravenstein, Red June, Twenty Ounce, Wealthy, Williams, Yellow Transparent, and Lodi, or other varieties which are normally marketed during the summer months. (See §§ 51.310 and 51.313.)

§ 51.305 *U. S. Utility.* U. S. Utility consists of apples of one variety which are mature but not overripe, carefully handpicked, not seriously deformed; free from decay, internal browning, internal breakdown, scald and freezing injury. The apples shall also be free from serious damage caused by dirt or other foreign matter, broken skins, bruises, russeting, sunburn, spray burn, limb rubs, hail, drought spots, scars, stem or calyx cracks, visible water core, other diseases, insects, or mechanical or other means. (See §§ 51.310 and 51.313.)

§ 51.306 *Combination grades.* (a) Combinations of the above grades can be used as follows:

Combination U. S. Extra Fancy and U. S. Fancy.

Combination U. S. Fancy and U. S. No. 1.

Combination U. S. No. 1 and U. S. Utility.

(b) Combinations other than these are not permitted in connection with the United States apple grades. When Combination U. S. Extra Fancy and U. S. Fancy is packed, at least 25 percent of the apples in any lot shall meet the requirements of the higher grade in the combination. When Combination U. S. Fancy and U. S. No. 1 or Combination U. S. No. 1 and U. S. Utility are packed, at least 50 percent of the apples in any lot shall meet the requirements of the higher grade in the combination. (See §§ 51.308, 51.310 and 51.313.)

§ 51.307 *U. S. Hail grade.* U. S. Hail grade 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 shall be permitted, provided the apples are fairly well formed. (See §§ 51.308, 51.310, and 51.313.)

COLOR

§ 51.308 *Color requirements.* In addition to the requirements specified for the grades set forth in §§ 51.300 to 51.307, apples of these grades shall have the percentage of color specified for the variety in Table I appearing in this section. 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 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,* That, 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 except in the case of the Gray Baldwin variety.

TABLE I—COLOR REQUIREMENTS FOR SPECIFIED U. S. GRADES OF APPLES, BY VARIETIES

Variety	U. S. Extra Fancy	U. S. Fancy	U. S. No. 1
Solid Red:	*Percent*	*Percent*	*Percent*
Black Ben	75	50	25
Gano	75	50	25
Winesap	75	50	25
Other similar varieties [1]	75	50	25
Red Sport varieties [2]	75	50	25
Striped or partially red:			
Cortland	66	33	25
Jonathan	66	33	25
McIntosh	66	33	25
Other similar varieties [3]	66	33	25
Baldwin	50	25	15
Ben Davis	50	25	15
Delicious	50	25	15
Mammoth Black Twig	50	25	15
Northern Spy	50	25	15
Rome Beauty	50	25	15
Stayman	50	25	15
Turley	50	25	15
Wagener	50	25	15
Wealthy	50	25	15
Willow Twig	50	25	15
York Imperial	50	25	15
Other similar varieties [4]	50	25	15
Hubbardston	50	15	10
Stark	50	15	10
Other similar varieties	50	15	10

[1] Arkansas Black, Beacon, Detroit Red, Esopus Spitzenburg, King David, Lowry, Minjon.

[2] When Red Sport varieties are specified as such they shall meet the color requirements specified for Red Sport varieties.

[3] Haralson, Kendall, Macoun, Melba, Snow (Fameuse).

[4] Bonum, Early McIntosh, Limbertwig, Milton, Nero, Paragon.

TABLE I—COLOR REQUIREMENTS FOR SPECIFIED U. S. GRADES OF APPLES, BY VARIETIES—Con.

Variety	U. S. Extra Fancy	U. S. Fancy	U. S. No. 1
Striped or partially red—Con.	*Percent*	*Percent*	*Percent*
Red June	50	15	(5)
Williams	50	15	(5)
Other similar varieties	50	15	(5)
Gravenstein	25	10	(5)
Other similar varieties [6]	25	10	(5)
Red cheeked or blushed:			
Malden Blush	(7)	(8)	(8)
Twenty Ounce	(7)	(8)	(8)
Winter Banana	(7)	(8)	(8)
Other similar varieties	(7)	(8)	(8)
Green varieties	(9)	(9)	(9)
Yellow varieties	(9)	(9)	(9)
Golden Delicious	(10)	(10)	(10)

[5] Tinge of color.
[6] Duchess, Red Astrachan, Smokehouse, Summer Rambo.
[7] Blush cheek.
[8] None.
[9] Characteristic ground color.
[10] 75 percent characteristic color. NOTE "Characteristic color", when the white around the lenticels predominates over the green color, creating a mottling effect on the surface of the apple, it shall be considered as the minimum characteristic color.

UNCLASSIFIED

§ 51.309 *Unclassified.* Unclassified consists of apples which are not graded in conformity 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 definite grade has been applied to the lot.

TOLERANCES

§ 51.310 *Tolerances.* (a) In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent of the apples in any lot may fail to meet the requirements of the grade: *Provided,* That, not more than one-half of this amount, or 5 percent, shall be allowed for apples which are seriously damaged by insects and including not more than 1 percent for apples affected by decay or internal breakdown or both.

(b) When applying the foregoing tolerances to Combination U. S. Extra Fancy and U. S. Fancy grade, no part of any tolerance shall be allowed to reduce, for the lot as a whole, the 25 percent of apples of the higher grade required in the combination, but individual containers shall have not less than 15 percent of the higher grade.

(c) When applying the foregoing tolerances to Combination U. S. Fancy and U. S. No. 1 grade and to Combination U. S. No. 1 and U. S. Utility grade, 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.

§ 51.311 *Application of tolerances to individual packages.* 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:

(a) For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided (as in the case of size, where a tolerance of 15 percent 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 apple which is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any package.

(b) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided,* That, not more than one apple which is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any package.

§ 51.312 *Basis of calculating percentages.* (a) When the numerical count is marked on the container, percentages shall be calculated on the basis of count.

(b) When the minimum diameter or minimum and maximum diameters are marked on the container, percentages shall be calculated on the basis of weight.

(c) When the apples are in bulk, percentages shall be calculated on the basis of weight.

CONDITION

§ 51.313 *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.

SIZE

§ 51.314 *Size requirements.* The numerical count or the minimum diameter of the apples packed in a closed container shall be indicated on the container.

(b) When the numerical count is marked on the container the minimum size of the largest apple shall be not more than one-fourth inch larger than the minimum size of the smallest apple.

(c) When the numerical count is not shown the minimum diameter 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 diameters be marked on the container, as 2¼ to 2¾ inches, or 2½ to 2¾ inches, as such marking is especially desirable for apples marketed in the export trade.

(d) The measurement for minimum size shall be the largest diameter of the apple taken at right angles to a line from the stem end to the blossom end. The measurement for maximum size shall be the smallest dimension of the apple determined by passing the apple through a round opening.

(e) In order to allow for variations incident to proper sizing, not more than 5 percent of the apples in any lot may not meet the size requirements: *Provided,* That, when the maximum and minimum sizes are both stated, an additional 10 percent tolerance shall be allowed for apples which are larger than the maximum size stated.

PACKING AND MARKING

§ 51.315 *Packing requirements*—(a) *Representative face packing.* Each package shall be packed so that the apples on the shown face shall be reasonably representative in size, color and quality of the contents of the package.

(b) *Boxes.* (1) Apples packed in the standard northwestern apple boxes shall be arranged in the containers according to the approved and recognized methods with the stems pointing toward the ends of the boxes, except when jumbled. All packages shall be well filled but not to the extent as to cause excessive or unnecessary bruising to the apples because of overfilled packages. Apples packed in the standard northwestern apple boxes shall be tightly packed with sufficient bulge to prevent any appreciable movement of the apples within the containers when lidded. Each wrapped apple shall be completely enclosed by its individual wrapper.

(2) Apples packed in other type boxes, such as nailed wooden boxes, wire-bound boxes, and fibreboard boxes, may be place packed, jumble packed faced, or jumble packed, and all packs shall be well filled.

(3) Apples packed in boxes equipped with cell compartments or molded trays shall be of the proper size for the cells or the molds in which they are packed.

(4) Apples packed in consumer unit cartons and packed into shipping containers shall completely fill the shipping container.

(c) *Baskets.* Apples packed in U. S. standard bushel baskets, one-half bushel baskets and five-eighths bushel baskets may be ring faced and shall be tightly packed with sufficient bulge to prevent any appreciable movement of the apples within the containers when lidded.

(d) *Barrels.* Apples packed in barrels shall be tightly packed.

(e) *Tolerances.* In order to allow for variations incident to proper packing, not more than 5 percent of the containers in any lot may not meet these requirements.

§ 51.316 *Suggestions for marking containers.* (a) In order to conserve space, abbreviations may be used for marking United States grade names on containers. The following abbreviations are suggested where it is not desired to use the full grade name:

(1) U. S. Ex. Fcy. for U. S. Extra Fancy.
(2) U. S. Fcy. for U. S. Fancy.
(3) U. S. No. 1 for U. S. No. 1.
(4) U. S. Util. for U. S. Utility.
(5) Combination grades may be designated by abbreviations of the grades preceded by the abbreviation "Comb.", as "Comb. U. S. Fcy.-U. S. No. 1".

STANDARDS FOR EXPORT

§ 51.317 *Standards for export, as applied to condition factors.* (a) The apples in any lot shall be generally tightly packed when in barrels or

baskets, and generally fairly tightly or tightly packed, when in boxes.

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

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

(d) Not more than a total of 5 percent of the apples in any lot shall be damaged by bitter pit, Jonathan spot, scald, internal breakdown, water core, freezing, decay, or other such condition factors: *Provided*, That,

(1) Not more than 2 percent shall be allowed for apples affected by decay;

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

(3) Not more than 2 percent of slight scald shall be permitted for apples properly packed in oiled paper or which have been especially treated with oil to prevent scald; otherwise, the apples must be free from scald.

(e) Any lot of apples shall be considered as meeting the standards for export if the entire lot averages within the requirements specified: *Provided*, That, no sample from the containers in any lot is found to exceed double the percentages specified.

DEFINITIONS

§ 51.318 *Mature.* "Mature" means that the apples have reached the stage of growth 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 these different stages of firmness of apples:

(a) "Hard" means apples with a tenacious flesh and starchy flavor. Apples at this stage are suitable for storage and long-distance shipment.

(b) "Firm" means apples with a tenacious flesh but which are becoming crisp with a slight starchy flavor, except the Delicious variety. Apples at this stage are also suitable for storage and long-distance shipment.

(c) "Firm ripe" means apples with crisp flesh except that the flesh of the apples of the Gano, Ben Davis, and Rome Beauty varieties may be slightly mealy. Apples at this stage may be shipped long distances but should be moved into consumption within a short period of time.

(d) "Ripe" means apples with mealy flesh and soon to become soft for the variety. Apples at this stage should be moved immediately into consumption.

§ 51.319 *Overripe.* "Overripe" means apples which are dead ripe, with flesh very mealy or soft, and past commercial utility.

§ 51.320 *Carefully hand-picked.* "Carefully hand-picked" means that the apples do not show evidence of rough handling or of having been on the ground.

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

§ 51.322 *Well formed.* "Well formed" means that the apple has the normal shape characteristic of the variety, except that the shape may be slightly irregular, provided, it does not detract from the general appearance of the apple.

§ 51.323 *Injury.* "Injury" means any defect which more than slightly affects the appearance, or the edible or shipping quality of the apples.

(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 or not an apple is injured by russeting, except that rough or bark-like russeting in the stem cavity or calyx basin shall be considered as injury 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 injury:

(1) Smooth net-like russeting, when an aggregate area of more than 5 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 above amount permitted.

(2) Smooth, solid russeting which covers an aggregate area of more than one-half inch in diameter, 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.[1]

(3) Slightly rough russeting which covers an aggregate area of more than one-fourth inch in diameter.[1]

(4) Rough russeting, unless it is well within the stem cavity or calyx basin and is not readily apparent.

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

(2) Dark brown or black limb rubs which affect a total area of more than one-eighth inch in diameter, except that light brown limb rubs of a russet character shall be considered under the definition of injury by russeting.[1]

(3) Hail marks, drought spots or other similar depressions or scars where there is appreciable discoloration other than russeting, or when the indentations are not superficial, or when an individual indentation exceeds one-eighth inch in diameter, or the total affected area exceeds one-fourth inch in diameter.[1]

(4) Stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed a length of one-eighth inch.

(5) Diseases: (i) Cedar rust infection which affects a total area of more than one-eighth inch in diameter.[1]

(ii) 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.[1]

(iii) 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.[1]

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

(ii) Worm holes.

§ 51.324 *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.

§ 51.325 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the apples.

(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 or not 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 above amount permitted.

(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.[1]

(5) Rough russeting which exceeds one-fourth inch in diameter, unless it is well within the stem cavity or calyx basin and is not readily apparent.[1]

(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 damage:

[1] The area refers to that of a circle of the specified diameter.

(1) Sunburn or spray burn 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.

(2) 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.[1]

(3) Hail marks, drought spots, or other similar depressions or scars which are not superficial, or when such injury affects a total area of more than one-half inch in diameter.[1]

(4) 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.

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

(ii) Cedar rust infection which affects a total area of more than one-fourth inch in diameter.[1]

(iii) 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.[1]

(iv) 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.[1]

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

(ii) Worm holes.

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

§ 51.327 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the apples.

(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 that the amount of smooth solid russeting permitted: *Provided,* That, any amount of russeting shall be permitted on Roxbury Russet 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 serious damage:

(1) Sunburn or spray burn which seriously detracts from the appearance of the fruit.

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

(3) 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.[1]

(4) 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.

(5) Visible water core which affects an area of more than one-half inch in diameter.[1]

(6) Diseases: (i) Scab spots which affect a total area of more than three-fourths inch in diameter.[1]

(ii) Cedar rust infection which affects a total area of more than three-fourths inch in diameter.[1]

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

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

(v) Bitter pit and Jonathan spot which is thinly scattered over more than one-tenth of the surface and does not materially deform or disfigure the fruit.

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

(ii) Worm holes.

SUBPART—UNITED STATES STANDARDS FOR APPLES FOR PROCESSING

GRADES

§ 51.340 *U. S. No. 1.* U. S. No. 1 shall consist of apples of one variety which are not overripe and which are free from decay, worm holes, freezing injury and internal breakdown. The apples shall also be free from any defect which cannot be removed during the usual commercial preparation for use without causing a loss of over 5 percent, by weight, of the apple in excess of that which would occur if the apple were perfect. (See § 51.343.)

§ 51.341 *U. S. No. 2.* U. S. No. 2 shall consist of apples of one variety which are not overripe and which are free from freezing injury and internal breakdown. The apples shall also be free from any defect which cannot be removed during the usual commercial preparation for use without causing a loss of over 25 percent, by weight, of the apple in excess of that which would occur if the apple were perfect. (See § 51.343.)

CULLS

§ 51.342 *Culls.* Culls shall consist of apples which do not meet the requirements of either of the foregoing grades.

SIZE

§ 51.343 *Size.* The minimum size and range of size may be fixed by agreement between buyer and seller. The measurement for minimum size shall be the largest diameter taken at right angles to a line from stem to blossom end and the measurement for maximum size shall be the smallest diameter taken at right angles to a line from stem to blossom end.

TOLERANCES

§ 51.344 *Tolerances.* In the application of these standards it is contemplated that in most instances sellers will not sort their apples into separate lots of the various grades and sizes before delivery to the buyer, and that the buyer will pay on the basis of the percentage of each grade and size in the lot as determined by inspection. In such cases, there is no need for tolerances. If the contract between buyer and seller provides for the delivery of lots containing only one grade and size, such as "U. S. No. 1—2¼ inches up," "U. S. No. 1—2¼ to 2½ inches," or "U. S. No. 2—2¼ inches up," then unless otherwise specified, a 10 percent tolerance shall be allowed for apples which fail to meet the requirements of the grade upon which the contract is based, and an additional tolerance of 5 percent shall be allowed for apples below any specified minimum size and an additional tolerance of 10 percent shall be permitted for apples above any specified maximum size.

SUBPART—UNITED STATES STANDARDS FOR FRESH SHELLED LIMA BEANS FOR PROCESSING

GRADES

§ 51.355 *U. S. No. 1.* U. S. No. 1 consists of shelled lima beans of similar varietal characteristics which are fairly tender, have a green color and which are free from decay and from injury caused by discoloration, shriveling, sunscald, heating, freezing, disease, insects, or other means.

§ 51.356 *U. S. No. 2.* U. S. No. 2 consists of shelled lima beans which are free from decay, and from damage caused by discoloration, shriveling, sunscald, heating, freezing, disease, insects, or other means.

CULLS; FOREIGN MATERIAL

§ 51.357 *Culls.* Culls are lima beans which fail to meet the requirements of either of the foregoing grades.

§ 51.358 *Foreign material.* Thistle buds, weed seeds, pods or other foreign material are not incorporated in the standards since their presence is not a factor of quality for the purpose of these grades. However, the amount of such foreign material permitted in a lot may be fixed by agreement between grower and processor.

DEFINITIONS

§ 51.359 *Fairly tender.* "Fairly tender" means that the lima beans are not hard, tough, or rubbery.

§ 51.360 *Green color.* "Green color" means that the cotyledons of each bean shall have a green color characteristic of a tender or fairly tender bean for the variety.

§ 51.361 *Injury.* "Injury" means any defect which more than slightly affects the canning or freezing quality. Split or

[1] The area refers to that of a circle of the specified diameter.

broken beans incident to proper harvesting and vining operations shall not be considered as injury.

§ 51.362 *Damage.* "Damage" means any defect which materially affects the canning or freezing quality. Split or broken beans incident to proper harvesting and vining operations shall not be considered as damage.

SUBPART—UNITED STATES STANDARDS FOR BUNCHED BEETS

GRADES

§ 51.375 *U. S. No. 1.* U. S. No. 1 consists of beets of similar varietal characteristics which are firm, fairly smooth, fairly well shaped, fairly clean, free from soft rot and from damage caused by growth cracks, disease, rodents, insects or mechanical or other means.

(a) Bunches shall have tops which are fresh, and free from damage by any cause. The tops shall be either full size or cut back to not less than 6 inches.

(b) Unless otherwise specified, the minimum diameter of the beets shall be 1½ inches and the maximum diameter shall be 3 inches.

(c) In order to allow for variations incident to proper grading and handling, not more than 5 percent, by count, of the beets in any lot may be smaller than the specified minimum diameter and not more than 10 percent may be larger than the specified maximum diameter. In addition, when the tops are cut back, not more than 15 percent of the bunches may have tops less than 6 inches. In addition, not more than a total of 10 percent of the beet roots may fail to meet the remaining requirements of this grade, but not to exceed 5 percent shall be allowed for defects causing serious damage, including not more than 1 percent for beet roots affected by soft rot. (See § 51.377.)

UNCLASSIFIED

§ 51.376 *Unclassified.* Unclassified consists of bunched beets which have not been classified in accordance with the foregoing grade. 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.

APPLICATION OF TOLERANCES

§ 51.377 *Application of tolerances.* (a) The contents of individual containers 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:

(1) When a tolerance is 10 percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified, except that at least one defective and one off-size specimen may be permitted in a container.

(2) When a tolerance is less than 10 percent, individual containers 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 a container.

SIZE TERMS

§ 51.378 *Size terms.* The following terms are provided for describing the diameters of beets in any lot: Small means less than 2 inches; medium means 2 to 3 inches inclusive; large means over 3 inches.

BUNCHING

§ 51.379 *Bunching.* Bunches shall be fairly uniform in size.

DEFINITIONS

§ 51.380 *Firm.* "Firm" means that the beet is not soft, flabby, or shriveled.

§ 51.381 *Fairly smooth.* "Fairly smooth" means that the appearance of the beet is not more than slightly injured by roughness or by the presence of secondary rootlets. Very slight roughness over the crown or very slight pitting caused by the shedding of dead leaves shall not be considered as injury to the appearance.

§ 51.382 *Fairly well shaped.* "Fairly well shaped" means that the beet is not misshapen to such an extent as to materially injure its appearance.

§ 51.383 *Fairly clean.* "Fairly clean" means that individual beets are reasonably free from dirt, stain and other foreign matter and that the general appearance of the beets in the lot is not more than slightly affected by these causes.

§ 51.384 *Soft rot.* "Soft rot" means any soft, mushy or leaky condition of the tissue.

§ 51.385 *Damage.* "Damage" means any injury or defect which materially affects the appearance, or the edible or shipping quality of the individual beet, bunch or lot; or which cannot be removed without a loss of more than 5 percent of the total weight of the beet. Growth cracks which are not healed, and healed growth cracks which are not shallow and not smooth or which materially affect the appearance of the beet shall be considered as damage.

§ 51.386 *Tops which are fresh and free from damage by any cause.* "Tops which are fresh and free from damage by any cause" means that the tops are not badly wilted and that not more than 10 percent, by count, of the bunches in any lot may have any injury which materially affects the appearance of the tops. The appearance of individual bunches shall be considered materially affected when the tops are trimmed to the extent that only a few leaves or leaf-stems remain. The appearance of bunches with tops having a few slightly discolored leaves shall not be considered materially affected if the tops as a whole show a predominately normal color.

§ 51.387 *Full size.* "Full size" means that the tops have not been cut back, but dried or damaged leaves or leaf-stems may have been removed.

§ 51.388 *Diameter.* "Diameter" means the greatest dimension taken at right angles to a straight line from the center of the crown to the base of the root.

§ 51.389 *Serious damage.* "Serious damage" means any injury or defect which seriously affects the appearance, or the edible or shipping quality of the individual beet, bunch, or lot; or which cannot be removed without a loss of more than 20 percent of the total weight of the beet.

SUBPART—UNITED STATES CONSUMER STANDARDS FOR ITALIAN SPROUTING BROCCOLI

GRADES

§ 51.400 *U. S. Grade A.* U. S. Grade A consists of stalks, or parts of stalks of Italian sprouting broccoli which are well trimmed, and have good characteristic color, and fairly compact bud clusters; and which are fresh, tender, and clean, and are free from decay and from damage caused by discoloration, freezing, hollow stem or pithiness, scars, disease, insects, or mechanical or other means. Broccoli stalks on the shown face shall be reasonably representative in size and quality of the contents of the container.

(a) The length of the stalks or parts thereof shall be not more than 6 inches nor less than 3 inches, and the diameter of the stem shall be not less than ¼ inch.

(b) Incident to proper grading and handling, not more than 5 percent, by weight, of the broccoli stalks or parts thereof in any lot may fail to meet the size requirements and, in addition, not more than 5 percent, by weight, may fail to meet the remaining requirements of the grade, including not more than 1 percent for decay.

§ 51.401 *U. S. Grade B.* U. S. Grade B consists of stalks or parts of stalks of Italian sprouting broccoli which meet the requirements of U. S. Grade A except as to compactness of bud clusters and except for the increased tolerances specified below.

(a) Stalks or parts of stalks of broccoli of this grade shall have reasonably compact bud clusters.

(b) Incident to proper grading and handling, not more than 10 percent, by weight, of the broccoli stalks or parts thereof in any lot may fail to meet the size requirements and in addition, not more than 10 percent, by weight, may fail to meet the remaining requirements of the grade, including not more than 1 percent for decay.

OFF-GRADE

§ 51.402 *Off-Grade Italian sprouting broccoli.* Italian sprouting broccoli which fails to meet the requirements of either of the foregoing grades shall be Off-Grade Italian sprouting broccoli.

DEFINITIONS

§ 51.403 *Stalk.* "Stalk" means a portion of the broccoli plant including the stem, bud clusters and leaves.

§ 51.404 *Well trimmed.* "Well trimmed" means that all coarse, damaged, and discolored leaves and leaves extending more than 1½ inches above the top of the head have been removed, and that cross cuts on butts and lengthwise cuts on split stalks are smooth.

§ 51.405 *Good characteristic color.* "Good characteristic color" means that the stem and external portion of the head or part thereof has a light green or darker shade of green color except that purplish color shall be allowed on the external portion of the head or part thereof.

§ 51.406 *Fairly compact bud clusters.* "Fairly compact bud clusters" means that the individual florets of bud clusters are relatively small and fairly tightly crowded together and that the bud clusters on the stalk or part of a stalk are generally close together.

§ 51.407 *Fresh.* "Fresh" means that the broccoli is not flabby or more than slightly wilted.

§ 51.408 *Tender.* "Tender" means that the broccoli is succulent, and that the stems are not fibrous, tough or stringy.

§ 51.409 *Clean.* "Clean" means that the broccoli is practically free from sand, dirt, silt, muck, and other water-insoluble inorganic material.

§ 51.410 *Damage.* "Damage" means any defect which more than slightly affects the appearance, of the edible, shipping, or keeping quality of the individual stalks or parts thereof, or the lot as a whole. 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) Discoloration, when more than very slight.

(b) Freezing, when causing more than slight discoloration of the individual unit.

(c) Hollow stem or pithiness, when discolored, or when more than slightly affecting the appearance of the individual unit.

(d) Scars, when discolored, or when more than slight or superficial.

(e) Disease, when showing discoloration, or when more than slightly affecting the appearance of the individual unit.

(f) Insects, when worms or worm frass are present or when there is more than slight infestation by other insects.

§ 51.411 *Diameter.* "Diameter" means the greatest thickness of the stem measured at the base.

§ 51.412 *Reasonably compact bud clusters.* "Reasonably compact bud clusters" means that the individual florets of bud clusters are not on the verge of opening, but that pedicels on florets may be moderately elongated and bud clusters may be moderately open and spreading.

SUBPART—UNITED STATES STANDARDS FOR BROCCOLI FOR PROCESSING

GENERAL

§ 51.425 *General.* (a) The accompanying grades for broccoli are intended to facilitate transactions between growers and processors who may wish to use a purchasing system based upon the quality of broccoli delivered. These grades are an outgrowth of the widely accepted principle that price should be directly proportional to quality. The grower who delivers high quality deserves a premium price, because such broccoli enables the processor to pack a better quality finished product.

(b) In the application of these standards, it is assumed that sellers will not sort their broccoli into separate lots of U. S. No. 1 and U. S. No. 2 grades before delivery to the buyer, and that the buyer will pay a certain price for the percentage of each grade in the lot as determined by inspection. Upon delivery, the inspector will simply sort representative samples taken from each lot and determine the percentage of each grade. Final settlement would then be made by applying the percentage of each grade to the total weight of the lot, and then applying the contract prices established for each grade. Under such a procedure, there is no need for tolerances.

GRADES

§ 51.426 *U. S. No. 1.* U. S. No. 1 consists of stalks of broccoli which are fresh, tender, and have good characteristic color, and compact heads; which are free from decay and cull material, and are free from damage caused by discoloration, freezing, hollow stem or pithiness, scars, dirt or other foreign material, disease, insects, and mechanical or other means. (See § 51.430.)

(a) Unless otherwise specified, the length shall be not more than 6 inches nor less than 4 inches, and the diameter of the stem shall be not less than three-eighths inch. (See § 51.436.)

§ 51.427 *U. S. No. 2.* U. S. No. 2 consists of stalks of broccoli which are fresh, tender, and have good characteristic color, and fairly compact heads; which are free from decay and cull material, and are free from damage caused by scars, dirt or other foreign material, disease, insects; and are free from serious damage caused by discoloration, freezing, hollow stem or pithiness, and mechanical or other means. (See § 51.430.)

(a) Unless otherwise specified, the length shall be not more than 6 inches nor less than 3 inches, and the diameter of the stem shall be not less than one-fourth inch. (See § 51.436.)

CULLS AND TRIMMING

§ 51.428 *Culls.* Culls are stalks of broccoli which fail to meet the requirements of either of the foregoing grades.

§ 51.429 *Cull material.* (See § 51.436.)

§ 51.430 *Trimming requirements.* Unless otherwise specified, all coarse, damaged, and discolored leaves and leaves extending more than one and one-half inches above the top of the head shall be removed. In making grade determinations, all coarse, damaged and discolored leaves, and leaves extending more than one and one-half inches above the top of the head shall be removed and scored as cull material.

DEFINITIONS

§ 51.431 *Stalk.* "Stalk" means a portion of the broccoli plant including the stem, bud cluster and leaves.

§ 51.432 *Fresh.* "Fresh" means that the broccoli is not badly wilted or excessively flabby.

§ 51.433 *Tender.* "Tender" means that the broccoli is succulent, and reasonably free from fibrous material and is not tough, or stringy.

§ 51.434 *Good characteristic color.* "Good characteristic color" means that the stem and external portion of the head has a light green or darker shade of green color, except that purplish color shall also be allowed on the external portion of the head.

§ 51.435 *Compact head.* "Compact head" means that the individual head is closely formed, not open or spread to the extent that it has a loose appearance, and that the individual florets are fairly tightly formed and not more than moderately elongated.

§ 51.436 *Cull material.* "Cull material" means all foreign material, any portion of the stem in excess of the maximum length specified, all stalks under the minimum length specified for the U. S. No. 2 grade, and all coarse, damaged and discolored leaves, and leaves extending more than one and one-half inches above the top of the head.

§ 51.437 *Damage.* "Damage" means any defect which more than slightly affects the appearance, or the processing or edible quality of the head, or any portion of the stem within 5 inches from the top of the head. 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) Discoloration, when more than very slight, or which will not change to light green or darker shade of green color in the ordinary process of blanching.

(b) Freezing, when causing more than slight discoloration of the individual unit.

(c) Hollow stem or pithiness, when discolored, or when more than slightly affecting the appearance of the individual unit.

(d) Scars, when discolored, or when more than slight or superficial.

(e) Dirt or other foreign material, when more than slight, or which cannot be removed in the ordinary washing process.

(f) Disease, when showing discoloration, or when more than slightly affecting the appearance, or the processing or edible quality.

(g) Insects, when worms or worm frass are present, or when there is more than slight infestation by other insects.

§ 51.438 *Diameter.* "Diameter" means the greatest thickness of the stem measured at a point 6 inches from the top of the head, except that stems which are less than 6 inches in length shall be measured at the base of the stem.

§ 51.439 *Fairly compact head.* "Fairly compact head" means that the individual head is fairly closely formed and not excessively spread and that the florets are not on the verge of opening and will not open in the ordinary process of blanching.

§ 51.440 *Serious damage.* "Serious damage" means any defect which materially affects the appearance, or the processing or edible quality of the head, or any portion of the stem within 5 inches from the top of the head. Any one of the following defects, or any com-

bination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Discoloration, when the appearance of the individual unit is materially affected.

(b) Freezing, when causing discoloration which materially affects the appearance of the individual unit.

(c) Hollow stem or pithiness, when discolored, or when materially affecting the appearance of the individual unit. Units which show a ragged appearance or deep holes shall be considered as serious damage.

SUBPART—UNITED STATES STANDARDS FOR CABBAGE

GRADES

§ 51.450 *U. S. No. 1.* U. S. No. 1 shall consist of heads of cabbage of one variety or similar varietal characteristics, which are of reasonable solidity, and are not withered, puffy, or burst and which are free from soft rot, seedstems, and from damage caused by discoloration, freezing, disease, insects or mechanical or other means. Stems shall be cut so that they do not extend more than one-half inch beyond the point of attachment of the outermost leaves.

(a) Unless otherwise specified, each head shall be well trimmed. However, cabbage which has fairly good green color and is specified as "U. S. No. 1 Green," and red cabbage which is specified as "U. S. No. 1 New Red" need be only fairly well trimmed.

(b) In order to allow for variations, other than excess number of wrapper leaves, incident to proper grading and handling, not more than a total of 10 percent, by weight, of the heads in any lot may fail to meet the requirements of this grade, but not more than one-fifth of this amount, or 2 percent, shall be allowed for soft decay. In addition, not more than 10 percent, by weight, may not meet the requirements as to number of wrapper leaves. (See § 51.454.)

§ 51.451 *U. S. Commercial.* U. S. Commercial shall consist of heads of cabbage which meet the requirements for U. S. No. 1 grade except for the increased tolerance for defects specified below, and except that the heads shall be reasonably firm.

(a) Unless otherwise specified, each head shall be well trimmed. However, cabbage which has fairly good green color and is specified as "U. S. Commercial Green," and red cabbage which is specified as "U. S. Commercial New Red" need be only fairly well trimmed.

(b) In order to allow for variations, other than excess number of wrapper leaves, incident to proper grading and handling, not more than a total of 25 percent, by weight, of the heads in any lot may fail to meet the requirements of this grade, but not more than two-fifths of this amount, or a total of 10 percent, shall be allowed for defects causing serious damage, but not more than 2 percent shall be allowed for soft decay. In addition, not more than 10 percent, by weight, may not meet the requirements as to number of wrapper leaves. (See § 51.454.)

UNCLASSIFIED

§ 51.452 *Unclassified.* Unclassified shall consist of cabbage which has not been classified in accordance with 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.

SIZE

§ 51.453 *Size.* The minimum size or minimum and maximum sizes may be specified in connection with the grades as "U. S. No. 1, 1 pound min.," or "U. S. No. 1, 2 to 4 pounds," or any lot may be classified as Small, Medium, Large, Small to Medium, or Medium to Large in accordance with the facts.

Small	Medium	Large
Pointed, under 1½ lbs.	1½ to 3 lbs.	Over 3 lbs.
Danish and domestic, under 2 lbs.	2 to 5 lbs.	Over 5 lbs.

(a) In order to allow for variations incident to proper sizing, not more than a total of 15 percent, by weight, of the heads in any lot may vary from the size specifications, but not more than 10 percent may be either above or below the size specified. This tolerance is in addition to the tolerance for grade defects. (See § 51.454.)

APPLICATION OF TOLERANCES

§ 51.454 *Application of tolerances.* The contents of individual containers 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:

(a) When a tolerance is 10 percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified, except that at least one defective and one off-sized cabbage may be permitted in a container.

(b) When a tolerance is less than 10 percent individual containers in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-sized cabbage may be permitted in a container.

DEFINITIONS

§ 51.455 *Similar varietal characteristics.* "Similar varietal characteristics" means that the cabbage in each container shall have the same general characteristics.

§ 51.456 *Reasonable solidity.* "Reasonable solidity" means fairly firm for pointed type cabbage and southern Domestic type cabbage. Northern Domestic type cabbage and Danish or Hollander type cabbage shall be firm. "Reasonable solidity" as applied to Savoy cabbage means not soft or puffy; Savoy type cabbage is characteristically loosely formed and rather light in weight.

§ 51.457 *Puffy.* "Puffy" means that the heads are very light in weight in comparison to size, or have excessive air spaces in the central portion. They normally feel firm at time of harvesting but often soften quickly. They are known as "Balloon Heads" in certain sections.

§ 51.458 *Seedstems.* "Seedstems" means those heads which have seed stalks showing or in which the formation of seed stalks has plainly begun.

§ 51.459 *Damage.* "Damage" means any injury or defect which materially affects the appearance, or the edible or shipping quality. Worm injury on the outer head leaves or wrapper leaves which materially affects the appearance of the head or worm holes which extend deeply into the compact portion of the head shall be considered as damage.

§ 51.460 *Well trimmed.* "Well trimmed" means that the head shall not have more than four wrapper leaves.

§ 51.461 *Fairly well trimmed.* "Fairly well trimmed" means that the head shall not have more than seven wrapper leaves.

§ 51.462 *Wrapper leaves.* "Wrapper leaves" means leaves which do not enfold the head fairly tightly more than two-thirds the distance from the base to the top.

§ 51.463 *Reasonably firm.* "Reasonably firm" means that the head is not soft and is of reasonable weight for its size but may have considerable open spaces between the leaves in the lower portion of the head.

§ 51.464 *Serious damage.* "Serious damage" means any injury or defect which seriously affects the appearance, or the edible or shipping quality. Cabbage which is affected by soft rot or which is seriously puffy, badly burst, or seriously injured by seedstems, discoloration, freezing, disease, insects, mechanical or other means shall be considered as seriously damaged. Worm injury on the outer head leaves or wrapper leaves which seriously affects the appearance of the heads, or worm holes which seriously affect the compact portion of the head shall be regarded as serious damage.

SUBPART—UNITED STATES STANDARDS FOR CANTALOUPS

GRADES

§ 51.475 *U. S. No. 1.* U. S. No. 1 shall consist of cantaloups of one type which are well formed, well netted, mature but not overripe, soft, or wilted; and which are free from sunscald and decay, and free from damage caused by aphis honey dew, bruises, cracks, loose seeds, dirt, hail, insects, scars, sunburn, or mechanical or other means.

(a) In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, of the cantaloups in any lot may fail to meet the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, including not more than 1 percent for cantaloups affected by soft rot.

§ 51.476 *U. S. Commercial.* U. S. Commercial shall consist of cantaloups which meet the requirements of U. S. No. 1 grade except that the cantaloups need

be only fairly well netted and except for the increased tolerance for defects specified below:

(a) In order to allow for variations incident to proper grading and handling, not more than a total of 20 percent, by count, of the cantaloups, in any lot may fail to meet the requirements of this grade, but not more than one-fourth of this amount, or 5 percent, shall be allowed for defects causing serious damage, including not more than 1 percent for cantaloups affected by soft rot.

UNCLASSIFIED

§ 51.477 *Unclassified.* Unclassified shall consist of cantaloups which have not been classified in accordance with 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.

APPLICATION OF TOLERANCES

§ 51.478 *Application of tolerances to individual packages.* (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:

(b) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that when the package contains 15 specimens or less, individual packages may contain not more than double the tolerance specified.

(c) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, provided at least one specimen which does not meet the requirements shall be allowed in any one package.

DEFINITIONS

§ 51.479 *One type.* "One type" means that the cantaloups in any container are similar in shape and color of flesh.

§ 51.480 *Well formed.* "Well formed" means that the cantaloup has the shape characteristic of the variety.

§ 51.481 *Well netted.* "Well netted" means that the cantaloup has good netting characteristic of the variety.

§ 51.482 *Mature.* "Mature" means that the cantaloup has reached the stage of maturity which will insure the proper completion of the normal ripening process.

§ 51.483 *Damage.* "Damage" means any injury or defect which materially affects the appearance, or edible or shipping quality of the cantaloup. 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) Aphis honey dew, when more than slightly sticky, or when showing discoloration which more than slightly affects the appearance of the cantaloup.

(b) Cracks or wounds, when unhealed or deep, or when materially affecting the appearance of the cantaloup. Slight healed cracks around the ends or in the sutures of the cantaloup shall not be considered as damage.

(c) Hail injury, when unhealed or deep, or when materially affecting the appearance of the cantaloup.

(d) Scars which are healed, shallow, smooth and light colored and aggregate more than 1½ inches in diameter. Healed scars which are deep, rough or dark colored are considered as damage if their appearance is more objectionable than the amount of healed, shallow, smooth and light colored scars permitted.

(e) Sunburn, when the appearance of the cantaloup is materially affected by dark yellow or brownish discoloration, or when it causes the rind to be flattened, thin or hard.

§ 51.484 *Serious damage.* "Serious damage" means any injury or defect which seriously affects the appearance, or edible or shipping quality of the cantaloup. Cantaloups which are overripe, wilted, immature or have unhealed cracks shall be considered as being seriously damaged.

§ 51.485 *Fairly well netted.* "Fairly well netted" means that the cantaloup has fairly good netting characteristic of the variety.

SUBPART—UNITED STATES CONSUMER STANDARDS FOR FRESH CARROTS

STYLES

§ 51.495 *Bunched carrots.* "Bunched carrots" means untopped carrots which are tied in bunches.

§ 51.496 *Carrots with short-trimmed tops.* "Carrots with short-trimmed tops" means carrots which have attached leafstems ranging up to 4 inches in length.

§ 51.497 *Topped carrots.* "Topped carrots" means carrots which have practically all of the tops clipped off.

GRADES

§ 51.498 *U. S. Grade A.* U. S. Grade A shall consist of carrots of similar varietal characteristics, the roots of which are firm, clean, fairly well colored, fairly well formed and fairly smooth; which are free from soft rot, and from damage caused by freezing, growth cracks, sunburn, pithiness, woodiness, internal discoloration, oil spray, dry rot, other disease, insects or mechanical or other means. Carrots on the shown face shall be reasonably representative in size and quality of the contents of the container.

(a) Unless otherwise specified, the diameter of each carrot shall be not less than ¾ inch nor more than 1½ inches.

(b) Bunched carrots shall be free from damage caused by seedstems and shall have tops which are fresh and free from damage by any cause. Tops may be full or clipped back but shall be not less than 12 inches nor more than 20 inches in length. Each bunch shall weigh not less than one pound, including the tops, and contain at least 4 carrots.

(c) Carrots with short-trimmed tops shall be free from damage caused by seedstems and shall have leafstems which are free from damage by any cause and which are cut back to not more than 4 inches in length.

(d) Topped carrots shall be well trimmed.

(e) Incident to proper grading and handling, not more than 5 percent, by count, of the carrots in any lot may be smaller than the specified minimum diameter and not more than 10 percent may be larger than the specified maximum diameter. In addition, not more than 5 percent, by count, of the carrots in any lot may fail to meet the root requirements of the grade including not more than 1 percent for carrot roots affected by soft rot. In addition, for bunched carrots, not more than 10 percent, by count, of the bunches in any lot may have tops which vary from the specified length; and for carrots with short-trimmed tops not more than 5 percent by count, of the carrots in any lot may fail to meet the requirement for length of leafstem.

OFF-GRADE

§ 51.499 *Off-Grade carrots.* Carrots which fail to meet the requirements of the foregoing grade shall be Off-Grade carrots.

DEFINITIONS

§ 51.500 *Similar varietal characteristics.* "Similar varietal characteristics" means that the carrots in the lot are of the same general type. For example, carrots with a short, blunt growth like the Oxheart variety shall not be mixed with long or half-long carrots like the Imperator or Danvers varieties.

§ 51.501 *Firm.* "Firm" means that the carrot root is not soft, flabby or shriveled.

§ 51.502 *Clean.* "Clean" means that the individual carrots are practically free from stain, dirt, and other foreign matter.

§ 51.503 *Fairly well colored.* "Fairly well colored" means that the carrot root has an orange, orange red, or orange scarlet color, but not a pale orange or distinct yellow color.

§ 51.504 *Fairly well formed.* "Fairly well formed" means that the carrot root is not so forked or misshapen as to materially affect its appearance or cause a loss of more than 3 percent, by weight, in the ordinary preparation for use.

§ 51.505 *Fairly smooth.* "Fairly smooth" means that the carrot root is not rough, ridged, or covered with secondary rootlets to an extent which materially affects its appearance or causes a loss of more than 3 percent, by weight, in the ordinary preparation for use.

§ 51.506 *Damage.* "Damage" means any injury or defect which materially affects the appearance, or edible or shipping quality of the individual carrot or carrots in the lot, or causes a loss of more than 3 percent, by weight, in the ordinary preparation for use. 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) Growth cracks which are unhealed; healed growth cracks which are

not shallow and not smooth or which materially affect the appearance of the carrot root.

(b) Sunburn which causes a loss of more than 3 percent, by weight, in the ordinary preparation for use, except that superficial light green color at the stem end which does not materially affect the appearance of the root shall be permitted.

§ 51.507 *Diameter.* "Diameter means the grestest dimension of the root taken at right angles to the longitudinal axis.

§ 51.508 *Tops.* "Tops which are fresh and free from damage by any cause" means that the tops are not badly wilted and not more than 10 percent, by count, of the bunches in any lot may have any injury which materially affects the appearance of the tops. The appearance of individual bunches shall be considered materially affected when the tops are trimmed to the extent that only a relatively few leaves or leafstems remain. The appearance of bunches with tops having slight discoloration such as yellowing, browning or other abnormal color affecting a few leaflets shall not be considered materially affected if the tops as a whole show a predominantly normal green color.

§ 51.509 *Leafstems which are free from damage by any cause.* "Leafstems which are free from damage by any cause" means that not more than 10 percent, by count, of the carrots in any lot may have leafstems with any injury which materially affects their appearance.

§ 51.510 *Well trimmed.* "Well trimmed" means that the tops shall be cut back to not more than 1 inch in length.

SUBPART—UNITED STATES STANDARDS FOR COLLARD GREENS OR BROCCOLI GREENS

GENERAL

§ 51.520 *General.* These standards are applicable to collard greens or broccoli greens, or mixtures of the two which may consist of leaves, or parts of leaves, plants or mixtures of leaves and plants.

GRADES

§ 51.521 *U. S. No. 1.* U. S. No. 1 consists of collard greens or broccoli greens, of similar varietal characteristics which are fresh, fairly tender, fairly clean, well trimmed, and of characteristic color for the variety or type; which are free from decay and free from damage caused by course stalks and seedstems, discoloration, freezing, foreign material, disease, insects or mechanical or other means.

(a) In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by weight, of the units in any lot, may fail to meet the requirements of the grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for serious damage by any cause, and including therein not more than 2 percent for decay. (See § 51.524.)

UNCLASSIFIED

§ 51.522 *Unclassified.* Unclassified consists of collard greens or broccoli greens which have not been classified in accordance with the foregoing grade. 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.

APPLICATION OF TOLERANCES

§ 51.523 *Application of tolerances.* The contents of individual containers 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:

(a) When a tolerance is 10 percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified.

(b) When a tolerance is less than 10 percent, individual containers in any lot shall have not more than double the tolerance specified: *Provided,* That at least one specimen which does not meet the requirements may be permitted in any container.

§ 51.524 *Basis for calculating percentages.* Percentages shall be calculated on the basis of weight or an equivalent basis. In sorting or grading the sample, the unit shall be the plant, the leaf, or a portion of the leaf or plant exactly as it occurs in the sample. A plant or portion of plant shall not be broken to remove the defective portion, but shall be considered as a unit.

DEFINITIONS

§ 51.525 *Similar varietal characteristics.* "Similar varietal characteristics" means that the collard greens or broccoli greens shall be of the same general color and character of growth. No mixture of varieties or types shall be permitted which materially affects the appearance of the lot.

§ 51.526 *Fresh.* "Fresh" means that the greens are not more than slightly wilted.

§ 51.527 *Fairly tender.* "Fairly tender" means that the greens are not tough, or excessively fibrous.

§ 51.528 *Fairly clean.* "Fairly clean" means that the appearance of the greens is not materially affected by the presence of dirt, dust, or other foreign material.

§ 51.529 *Well trimmed.* "Well trimmed", as applied to plants, means that the main stem shall not extend more than one inch below the point of attachment of the first leaf.

§ 51.530 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the individual unit, or 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) Coarse stalks or seedstems when they are woody and tough and more than 3½ inches in length, or when they are fairly tender or tender and are more than one-third the length of the entire plant. The length of the plant shall be measured from the base of the main stem to the tip of the leaf extending the greatest distance from the base of the main stem;

(b) Discoloration when the appearance of the unit is materially affected by yellowing or any other type of discoloration; and,

(c) Mechanical damage when the unit is badly crushed, torn, or broken.

§ 51.531 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the individual unit, or 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) Insects when the unit is noticeably infested, or when it is seriously damaged by them;

(b) Discoloration when the unit is badly discolored; and,

(c) Decay.

SUBPART—UNITED STATES STANDARDS FOR CAULIFLOWER

GRADES

§ 51.540 *U. S. No. 1.* U. S. No. 1 consists of compact heads of cauliflower which are not discolored, or over-mature, and which are free from soft or wet decay and are free from damage caused by wilting, fuzziness, riciness, enlarged bracts, bruises, hollow stems, dirt or other foreign matter, disease, insects, or mechanical or other means. Unless otherwise specified, the heads shall be not less then 4 inches in diameter. Jacket leaves shall be fresh, green, and free from damage caused by disease and free from serious damage by any other cause. Unless otherwise specified, jacket leaves shall be well trimmed.

(a) In order to allow for variations, other then for size, incident to proper grading and handling, not more then a total of 10 percent, by count, of the cauliflower in any lot may fail to meet the requirements of this grade but not more than one-tenth of this amount, or 1 percent, may be affected by soft rot or wet decay affecting the curd. In addition, not more than 5 percent, by count, of the heads in any lot may be smaller than the specified minimum size.

UNCLASSIFIED

§ 51.541 *Unclassified.* Unclassified consists of cauliflower which has not been classified in accordance with the foregoing grade. 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.

APPLICATION OF TOLERANCES

§ 51.542 *Application of tolerances.* 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.

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

cept that when the package contains 15 specimens or less, individual packages may contain not more than double the tolerance specified.

(b) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, except that at least one defective and two off-sized specimens may be permitted in any package.

DEFINITIONS

§ 51.543 *Compact.* "Compact" means that the flower clusters are closely united and the head feels solid.

§ 51.544 *Discolored.* "Discolored" means that the head is of some abnormal color.

§ 51.545 *Over-mature.* "Over-mature" means a stage of growth which is beyond that of a compact, properly developed head. An over-mature head usually is loose or open and ordinarily is turning yellow.

§ 51.546 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the curd, or any disease which materially affects the appearance, or the shipping quality of the jacket leaves. 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) Fuzziness which gives the head a distinctly fuzzy appearance on more than one-half of the head;

(b) Riciness, when the appearance of the head is materially injured by a very abnormal rough or granular surface on the curd;

(c) Enlarged bracts, when the appearance of the head is materially injured by leaves (bracts) growing up through and extending above the curd; and,

(d) Mold which causes the flesh of the curd to disintegrate or which exceeds ⅜ inch in diameter in the aggregate, or any single spot of mold which exceeds ⅛ inch in diameter.

§ 51.547 *Diameter.* "Diameter" means the average diameter of the head exclusive of the jacket leaves.

§ 51.548 *Serious damage.* "Serious damage" means any injury to the jacket leaves which seriously affects their appearance.

§ 51.549 *Well trimmed.* "Well trimmed" means that the jacket leaves shall be limited to the number and length necessary to protect the head. No jacket leaves are required on heads which are individually wrapped, or packed with cushions, partitions or other means which protect the head from bruising.

SUBPART—UNITED STATES STANDARDS FOR CELERY

GRADES

§ 51.560 *U. S. Extra No. 1.* U. S. Extra No. 1 shall consist of stalks of celery of similar varietal characteristics which are well developed and have good heart formation, which are clean, well trimmed, fairly compact, and are free from blackheart, brown stem, decay (except dry type crater rot), doubles, and from damage caused by crater rot, wilting, cutworms, freezing, suckers, growth cracks, hollow crown, pithy branches, seedstems, disease, insects or mechanical or other means. Unless otherwise specified, stalks shall be fairly well blanched. However, any lot of celery which meets all the requirements of this grade, except as to blanching, may be designated as "U. S. Extra No. 1 Well Blanched" or "U. S. Extra No. 1 Mixed Blanch": *Provided,* That any lot of celery which has a medium to dark green appearance shall be designated as "U. S. Extra No. 1 Green."

(a) The average midrib length of the outer whorl of branches on stalks in this grade shall be not less than 7 inches.

(b) Unless otherwise specified in connection with the grade, stalks shall be of such length as to extend from one side of the container to within 1½ inches of the opposite side when packed in accordance with the usual commercial practice. Such measurements shall not include the bulge. When stalks fail to meet such requirements, the length shall be specified in terms of even inches only, as "U. S. Extra No. 1—14 inches," or "U. S. Extra No. 1—18 inches," etc., in accordance with the facts.

(c) In order to allow for variations, other than lengths, incident to proper grading and handling, not more than 10 percent, by count, of the stalks in any lot may be below the requirements of this grade, but not more than two-fifths of this amount, or 4 percent, shall be allowed for decay: *Provided,* That not more than one-half of this decay, or 2 percent, may be in the branches or in an advanced stage in the roots. In addition, not more than 5 percent, by count, of the stalks in any lot may not meet the requirements relating to stalk length, and not more than 5 percent shall be allowed for stalks having an average midrib length shorter than that specified.

§ 51.561 *U. S. No. 1.* U. S. No. 1 shall consist of stalks of celery of similar varietal characteristics which are fairly well developed and have fairly good heart formation; which are well trimmed, which are not badly spread and are free from blackheart, decay (except dry type crater rot), and from damage caused by crater rot, brown stem, wilting, cutworms, freezing, suckers, growth cracks, hollow crown, pithy branches, seedstems, dirt, doubles, disease, insects or mechanical or other means. Unless otherwise specified, stalks shall be fairly well blanched. However, any lot of celery which meets all the requirements of this grade, except as to blanching, may be designated as "U. S. No. 1 Well Blanched," or "U. S. No. 1 Mixed Blanch:" *Provided,* That any lot of celery which has a medium to dark green appearance shall be designated as "U. S. No. 1 Green."

(a) Unless otherwise sepcified, the average midrib length of the outer whorl of branches on stalks in this grade shall be not less than 5 inches.

(b) Unless otherwise specified in connection with the grade, stalks shall be of such length as to extend from one side of the container to within 1½ inches of the opposite side when packed in accordance with the usual commercial practice. Such measurements shall not include the bulge. When stalks fail to meet such requirements, the length shall be specified in terms of even inches only, as "U. S. No. 1—14 inches" or "U. S. No. 1—18 inches," etc., in accordance with the facts.

(c) In order to allow for variations, other than lengths, incident to proper grading and handling, not more than a total of 15 percent, by count, of the stalks in any lot may be below the requirements of this grade: *Provided,* That not more than two-thirds of this amount, or 10 percent, shall be allowed for defects other than pith but not more than 4 percent shall be allowed for decay: *Provided,* That not more than one-half of this decay, or 2 percent, may be in the branches, or in an advanced stage in the roots. In addition, not more than 5 percent, by count, of the stalks in any lot may not meet the requirements relating to stalk length, and not more than 5 percent, shall be allowed for stalks having an average midrib length shorter than that specified.

§ 51.562 *U. S. Combination grade.* Any lot of celery may be designated "U. S. Combination" when not less than 60 percent, by count, of the stalks in each lot meet the requirements of U. S. No. 1 grade and the remainder U. S. No. 2 grade. Any lot of celery which meets all the requirements of this grade except as to blanching may be designated as "U. S. Combination Well Blanched" or "U. S. Combination Mixed Blanch:" *Provided,* That any lot of celery which has a medium to dark green appearance shall be designated as "U. S. Combination Green."

(a) In order to allow for variations other than lengths, incident to proper grading and handling, not more than 10 percent, by count, of the stalks in any lot may be below the requirements of U. S. No. 2 grade, but not more than two-fifths of this amount, or 4 percent, shall be allowed for decay: *Provided,* That not more than one-half of this decay, or 2 percent, may be in the branches, or in an advanced stage in the roots. In addition, not more than 5 percent, by count, of the stalks in any lot may not meet the requirements relating to stalk length and not more than 5 percent shall be allowed for stalks having an average midrib length shorter than that specified. No part of any tolerance shall be allowed to reduce, for the lot as a whole, the percentage of U. S. No. 1 required in the combination, but individual containers may have not more than 10 percent less than the percentage of U. S. No. 1 stalks required.

§ 51.563 *U. S. No. 2 grade.* U. S. No. 2 grade shall consist of stalks of celery of similar varietal characteristics which are fairly well developed, which are well trimmed and free from blackheart, decay (except dry type crater rot), and from serious damage caused by crater rot, brown stem, wilting, cutworms, freezing, suckers, growth cracks, hollow

crown, pithy branches, seedstems, dirt, doubles, disease, insects or mechanical or other means. Unless otherwise specified, stalks shall be fairly well blanched. However, any lot of celery which meets all the requirements of this grade except as to blanching may be designated as "U. S. No. 2 Well Blanched," or "U. S. No. 2 Mixed Blanch": *Provided*, That any lot of celery which has a medium to dark green appearance shall be designated as "U. S. No. 2 Green."

(a) Unless otherwise specified, the average midrib length of the outer whorl of branches on stalks in this grade shall be not less than 4 inches.

(b) Unless otherwise specified in connection with the grade, stalks shall be of such length as to extend from one side of the container to within 1½ inches of the opposite side when packed in accordance with the usual commercial practice. Such measurements shall not include the bulge. When stalks fail to meet such requirements, the length shall be specified in terms of even inches only, as "U. S. No. 2—14 inches" or "U. S. No. 2—18 inches," etc., in accordance with the facts.

(c) In order to allow for variations other than lengths, incident to proper grading and handling, not more than 10 percent, by count, of the stalks in any lot may be below the requirements of this grade, but not more than two-fifths of this amount, or 4 percent, shall be allowed for decay: *Provided*, That not more than one-half of this decay, or 2 percent, may be in the branches or in an advanced stage in the roots. In addition, not more than 5 percent, by count, of the stalks in any lot may not meet the requirements relating to stalk length and not more than 5 percent shall be allowed for stalks having an average midrib length shorter than that specified.

UNCLASSIFIED

§ 51.564 *Unclassified.* Unclassified shall consist of stalks of celery 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 definite grade has been applied to the lot.

COUNT

§ 51.565 *Requirements as to count.* The number of stalks in the container shall be specified by numerical count or in terms of dozens or half dozens. Variations from the number specified shall be allowed as follows: *Provided*, That the lot averages not more than 1 stalk less than the number specified.

Less than 50 stalks	3 stalk variation.
50 to 70 stalks, incl	4 stalk variation.
More than 70 stalks	5 stalk variation.

APPLICATION OF TOLERANCES

§ 51.566 *Application of tolerances.* (a) The contents of individual containers 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:

(1) When a tolerance is 10 percent of more, individual containers in any lot shall have not 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 any container.

(2) When a tolerance is less than 10 percent, individual containers in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-sized specimen may be permitted in any container.

DEFINITIONS

§ 51.567 *Stalk.* "Stalk" means an individual plant.

§ 51.568 *Similar varietal characteristics.* "Similar varietal characteristics" means that the stalks in any container have the same color and character of growth. For example, celery of Giant Pascal and Golden Self Blanching types must not be mixed.

§ 51.569 *Well developed.* "Well developed" means that the outer branches are of good width in relation to the length of midribs and type of celery.

§ 51.570 *Good heart formation.* "Good heart formation" means that the stalk has a reasonable number of stocky inner heart branches that are not longer than one-half the overall length of the stalk.

§ 51.571 *Clean.* "Clean" means that the stalk is practically free from dirt or other foreign materials. Stalks shall be permitted to have a small amount of dirt on the inside of the branches or in the heart branches which cannot be removed by good commercial methods of washing. All celery which is washed may not be sufficiently free from dirt or other foreign materials to be considered clean, while other lots which have not been washed may meet this requirement.

§ 51.572 *Well trimmed.* "Well trimmed" means that the outside coarse and damaged branches have been removed and the root or roots have been so trimmed that the remaining portion of the root or roots does not extend a distance of more than 3 inches below the point of attachment of the outer branches. The actual length of the root or roots shall not be measured but the distance through which they extend below the base of the branches shall be measured when the stalk is resting in an upright position on a solid surface.

§ 51.573 *Fairly compact.* "Fairly compact" means that the branches are fairly close together on the stalk.

§ 51.574 *Damage.* "Damage" means any injury or defect which materially affects the appearance, or the edible or shipping quality. 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) Crater rot, when moist or occurring on more than 2 branches, or when aggregating more than two-thirds of a square inch on the branch or branches.

(b) Cutworms, when the worms are present, or when worm injury occurs on the heart branches, or when occurring on the midrib portion of more than two branches, or when aggregating more than two-thirds of a square inch on the midrib portion of the branch or branches.

(c) Growth cracks, when the stalk has more than two branches affected by growth cracks each of which is more than one-half inch long. Growth cracks of any length affecting not more than two branches shall be permitted.

(d) Pithy branches, when the midribs of more than two branches are pithy. Pithy branches means those which have a distinctly open texture with air spaces in the central portion.

(e) Seedstems, when the stalk has a seedstem the length of which is more than one and one-half times the greatest diameter of the stalk. The greatest diameter of the stalk shall be measured at a point 2 inches above the point of attachment of the outer branches to the root. The length of the seedstems shall be measured from the point of attachment of the outer branches at the base of the seedstem to the top of the actual seedstem, exclusive of any leaves or leaf stems attached to the top of the seedstem.

(f) Dirt, when the stalk is caked with dirt.

(g) Doubles, when not separated and the appearance is serious affected, or if separated and either of the stalks is badly curved, or when the heart branches are not fairly well protected.

§ 51.575 *Fairly well blanched.* "Fairly well blanched" means that the midrib portions of the branches on the stalks are generally of a light greenish to creamy white color.

§ 51.576 *Well blanched.* "Well blanched" means that the midrib portions of the branches on the stalks are generally of a creamy white color.

§ 51.577 *Midrib length.* "Midrib length" of a branch means the distance between the point of attachment to the root and the first node.

§ 51.578 *Length of stalk.* "Length of stalk" means the distance from where the main root is cut off to a point which represents the average length of the longest branches and leaves.

§ 51.579 *Fairly well developed.* "Fairly well developed" means that the outer branches are not spindly or abnormally short and thin.

§ 51.580 *Fairly good heart formation.* "Fairly good heart formation" means that the inner heart branches are of reasonable number, length, and stockiness.

§ 51.581 *Serious damage.* "Serious damage" means any injury or defect which severely affects the appearance, or the edible or shipping quality. 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) Crater rot, when moist or occurring on more than 3 branches, or when aggregating more than one square inch on the branch or branches.

(b) Cutworms, when the worms are present, or when worm injury occurs on the heart branches, or when occurring

on the midrib portion of more than three branches, or when aggregating more than one square inch on the midrib portion of the branch or branches.

(c) Growth cracks, when the stalk has more than four branches affected by growth cracks each of which is more than ½ inch long.

(d) Pithy branches, when the midribs of more than four branches are pithy, or when the midribs of more than one-half of the outer branches (other than heart branches) are pithy. Pithy branches means those which have a distinctly open texture with air spaces in the central portion.

(e) Seedstems, when the stalk has a seedstem the length of which is more than 3 times the greatest diameter of the stalk. The greatest diameter of the stalk shall be measured at a point 2 inches above the point of attachment of the outer branches to the root. The length of the seedstem shall be measured from the point of attachment of the outer branches at the base of the seedstem to the top of the actual seedstem, exclusive of any leaves or leafstems attached to the top of the seedstem.

(f) Dirt, when the stalk is badly caked with dirt.

(g) Doubles, when the heart branches are not fairly well protected.

SUBPART—UNITED STATES CONSUMER STANDARDS FOR CELERY STALKS

GENERAL

§ 51.595 *General.* These standards do not apply to celery hearts.

GRADES

§ 51.596 *U. S. Grade AA.* U. S. Grade AA shall consist of stalks of celery of similar varietal characteristics, which are well developed, and have good heart formation; which are clean, well trimmed, fairly compact, and are free from blackheart, brown stem, decay (except dry type crater rot), doubles, and from damage caused by crater rot, wilting, cutworms, freezing, suckers, growth cracks, hollow crown, pithy branches, seedstems, rust, cracked stem, other diseases, insects or mechanical or other means.

(a) The average midrib length of the outer whorl of branches on stalks in this grade shall be not less than 7 inches. (See §§ 51.599 and 51.600.)

(b) Incident to proper grading and handling other than for average midrib length of branches not more than 5 percent, by count, of the stalks in any lot may fail to meet the requirements of the grade including not more than 1 percent for stalks affected by moist type decay. In addition, not more than 3 percent, by count, of the stalks in any lot may fail to meet the requirements as to average midrib length of the stalks.

§ 51.597 *U. S. Grade A.* U. S. Grade A shall consist of stalks of celery of similar varietal characteristics which are fairly well developed and have fairly good heart formation; which are clean, well trimmed, and not badly spread, and which are free from blackheart, decay (except dry type crater rot), doubles, and from damage caused by crater rot, brown stem, wilting, cutworms, freezing, suckers, growth cracks, hollow crown, pithy branches, seedstems, rust, cracked stem, other diseases, insects, or mechanical or other means.

(a) The average midrib length of the outer whorl of branches on stalks in this grade shall be not less than 5 inches. (See §§ 51.599 and 51.600.)

(b) Incident to proper grading and handling other than for average midrib length of branches, not more than 5 percent, by count, of the stalks in any lot may fail to meet the requirements of the grade including not more than 1 percent for stalks affected by moist type decay. In addition, not more than 3 percent, by count, of the stalks in any lot may fail to meet the requirements as to average midrib length of the stalks.

§ 51.598 *U. S. Grade B.* U. S. Grade B shall consist of stalks of celery of similar varietal characteristics which are fairly well developed, which are clean, well trimmed and free from blackheart, decay (except dry type crater rot), doubles, and from serious damage caused by crater rot, brown stem, wilting, cutworms, freezing, suckers, growth cracks, hollow crown, pithy branches, seedstems, rust, cracked stem, other diseases, insects, or mechanical or other means.

(a) The average midrib length of the outer whorl of branches on stalks in this grade shall be not less than 4 inches. (See §§ 51.599 and 51.600.)

(b) Incident to proper grading and handling other than for average midrib length of branches, not more than 5 percent, by count, of the stalks in any lot may fail to meet the requirements of this grade including not more than 1 percent for stalks affected by moist type decay. In addition not more than 3 percent, by count, of the stalks in any lot may fail to meet the requirements as to average midrib length of the stalks.

BLANCHING; LENGTH OF STALKS

§ 51.599 *Blanching.* There are no requirements in the grades as to blanching. However, celery stalks may be classed as "green" when they have a medium to dark green appearance, fairly "well blanched" when the midrib portions of the branches on the stalks are generally of a light greenish to creamy white color, or "well blanched" when the midrib portions of the branches on the stalks are generally of a creamy white color. Not more than 5 percent of the stalks in any lot may fail to meet the requirements of any of the above classes.

§ 51.600 *Length of stalks.* There are no requirements in the grades as to stalk length. However, when the stalk length is specified it shall be determined by measuring the distance from where the main root is cut off, to a point which represents the average length of the longest branches and leaves expressed in terms of the nearest whole inch. Incident to proper sizing, not more than 5 percent, by count, of the stalks in any lot may fail to meet any specified stalk length.

OFF-GRADE

§ 51.601 *Off-Grade celery.* Celery stalks which fail to meet the requirements of any of the foregoing grades shall be Off-Grade celery stalks.

DEFINITIONS

§ 51.602 *Stalk.* "Stalk" means an individual plant.

§ 51.603 *Similar varietal characteristics.* "Similar varietal characteristics" means that the stalks in any container have the same character of growth. For example, celery of Giant Pascal and Golden Self Blanching types must not be mixed.

§ 51.604 *Well developed.* "Well developed" means that the outer branches are of good width in relation to the length of midribs and type of celery.

§ 51.605 *Good heart formation.* "Good heart formation" means that the stalk has a reasonable number of stocky inner heart branches for its size.

§ 51.606 *Clean.* "Clean" means that the stalk is practically free from dirt or other foreign materials. Stalks shall be permitted to have a small amount of dirt on the inside of the branches or in the heart branches which cannot be removed by good commercial methods of washing.

§ 51.607 *Well trimmed.* "Well trimmed" means that the outside coarse and damaged branches have been removed and that the root or roots have been neatly trimmed to a reasonable length for the size of the stalk.

§ 51.608 *Fairly compact.* "Fairly compact" means that the branches are fairly close together on the stalk.

§ 51.609 *Damage.* "Damage" means any injury or defect which materially affects the appearance, or edible or shipping quality. 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) Crater rot, when moist, or when occurring on more than 2 branches, or when aggregating more than two-thirds of a square inch on the branch or branches.

(b) Cutworms, when the worms are present, or when worm injury occurs on the heart branches, or when occurring on the midrib portion of more than two branches, or when aggregating more than one-half of a square inch on the midrib portion of the branch or branches.

(c) Growth cracks, when the stalk has more than one branch affected by growth cracks any of which are more than one-half inch long.

(d) Pithy branches, when the midribs of more than one branch are pithy. Pithy branches means those which have a distinctly open texture with air spaces in the central portion.

(e) Seedstems, when the stalk has a seedstem the length of which is more than one and one-half times the greatest diameter of the stalk. The greatest diameter of the stalk shall be measured at a point two inches above the point of attachment of the outer branches to the root. The length of the seedstem shall be measured from the point of attachment of the outer branches at the base of the seedstem to the top of the actual seedstem, exclusive of any leaves or leaf stems attached to the top of the seedstem.

(f) Rust, when there are more than five hair-like lines of any length on one or more heart branches, or when there is more than one square inch in the aggregate on branches other than heart branches.

(g) Cracked stem, when there is more than one-half of a square inch in the aggregate on any or all branches.

§ 51.610 *Midrib length.* "Midrib length" of a branch means the distance between the point of attachment to the root and the first node.

§ 51.611 *Fairly well developed.* "Fairly well developed" means that the outer branches are not spindly or abnormally short and thin.

§ 51.612 *Fairly good heart formation.* "Fairly good heart formation" means that the stalk has a moderate number of fairly stocky inner heart branches for its size.

§ 51.613 *Serious damage.* "Serious damage" means any injury or defect which seriously affects the appearance, or edible or shipping quality. 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) Crater rot, when moist, or when occurring on more than three branches, or when aggregating more than one square inch on the branch or branches.

(b) Cutworms, when the worms are present, or when worm injury occurs on the heart branches, or when occurring on the midrib portion of more than three branches, or when aggregating more than one square inch on the midrib portion of the branch or branches.

(c) Growth cracks, when the stalk has more than two branches affected by growth cracks any of which are more than one-half inch long.

(d) Pithy branches, when the midribs of more than two branches are pithy. Pithy branches means those which have a distinctly open texture with air spaces in the central portion.

(e) Seedstems, when the stalk has a seedstem the length of which is more than three times the greatest diameter of the stalk. The greatest diameter of the stalk shall be measured at a point two inches above the point of attachment of the outer branches to the root. The length of the seedstem shall be measured from the point of attachment of the outer branches at the base of the seedstem to the top of the actual seedstem, exclusive of any leaves or leafstems attached to the top of the seedstem.

(f) Rust, when there are more than fifteen hair-like lines of any length on one or more heart branches, or when there are more than one and one-half square inches in the aggregate on branches other than heart branches.

(g) Cracked stem, when there is more than one square inch in the aggregate on any or all branches.

SUBPART—UNITED STATES STANDARDS FOR GRAPEFRUIT

GENERAL

§ 51.620 *General.* These standards do not apply to Florida, or to California and Arizona grapefruit for which separate United States Standards are issued.

GRADES

§ 51.621 *U. S. Fancy.* U. S. Fancy shall consist of grapefruit of similar varietal characteristics which are well colored, firm, well formed, mature, and of smooth texture; free from ammoniation, bird pecks, bruises, buckskin, cuts which are not healed, decay, growth cracks, scab, sprayburn, and from injury by green spots or oil spots, pitting, scale, scars, thorn scratches, and from damage caused by dirt or other foreign materials, dryness or mushy condition, sprouting, sunburn, disease, insects, or mechanical or other means.

In this grade not more than one-tenth of the surface in the aggregate may be affected with discoloration. (See § 51.634.)

§ 51.622 *U. S. No. 1.* U. S. No. 1 shall consist of grapefruit of similar varietal characteristics which are fairly well colored, firm, fairly well formed, mature, and of fairly smooth texture; free from bruises, cuts which are not healed, decay, growth cracks, sprayburn, and from damage caused by ammoniation, bird pecks, buckskin, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, sprouting, sunburn, thorn scratches, disease, insects or mechanical or other means.

In this grade not more than one-half of the surface in the aggregate, may be affected with discoloration. (See § 51.635.)

§ 51.623 *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 with discoloration. (See § 51.635.)

§ 51.624 *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 fruits shall have in excess of one-third of the surface in the aggregate affected with discoloration. (See § 51.636.)

§ 51.625 *U. S. No. 1 Bronze.* The requirements for this grade are the same as for U. S. No. 1 except that more than 30 percent but not more than 75 percent, by count, of the fruits shall have in excess of one-third of the surface in the aggregate affected with discoloration: *Provided,* That when the predominating discoloration on each of 75 percent or more, by count, of the fruits is caused by rust mite, all fruits may have in excess of one-third of the surface affected with discoloration. (See § 51.636.)

§ 51.626 *U. S. No. 1 Russet.* The requirements for this grade are the same as for U. S. No. 1 except that more than 75 percent, by count, of the fruits shall have in excess of one-third of the surface in the aggregate affected with discoloration. (See § 51.637.)

§ 51.627 *U. S. No. 2.* U. S. No. 2 shall consist of grapefruit of similar varietal characteristics, which are mature, fairly firm, not more than slightly misshapen or slightly rough, and which are free from bruises, cuts which are not healed, decay, growth cracks, and are free from serious damage caused by ammoniation, bird pecks, buckskin, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, sprayburn, sprouting, sunburn, thorn scratches, disease, insects, mechanical or other means.

(a) Each grapefruit may be only slightly colored.

(b) Not more than two-thirds of the surface in the aggregate, may be affected with discoloration. (See § 51.638.)

§ 51.628 *U. S. No. 2 Bright.* The requirements for this grade are the same as for U. S. No. 2 except that no fruit may have more than one-tenth of its surface in the aggregate affected with discoloration. (See § 51.635.)

§ 51.629 *U. S. No. 2 Russet.* The requirements for this grade are the same as for U. S. No. 2 except that more than 10 percent, by count, of the fruits shall have in excess of two-thirds of the surface in the aggregate affected with discoloration. (See § 51.639.)

§ 51.630 *U. S. Combination grade.* Any lot of grapefruit may be designated "U. S. Combination" when not less than 40 percent, by count, of the fruits in each container meet the requirements of U. S. No. 1 grade and the remainder U. S. No. 2 grade. (See § 51.640.)

§ 51.631 *U. S. Combination Russet grade.* Any lot of grapefruit may be designated "U. S. Combination Russet" when not less than 40 percent, by count, of the fruits in each container meet the requirements of U. S. No. 1 grade and the remainder U. S. No. 2 grade except that in this combination grade each fruit shall have in excess of one-third of the surface in the aggregate affected with discoloration. (See § 51.641.)

UNCLASSIFIED

§ 51.632 *Unclassified.* "Unclassified" shall consist of grapefruit which has 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 definite grade has been applied to the lot.

TOLERANCES

§ 51.633 *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the tolerances set forth in §§ 51.634 to 51.641 are provided as specified.

§ 51.634 *U. S. Fancy.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.635 *U. S. No. 1, U. S. No. 1 Bright, U. S. No. 2 Bright grades.* Not more

than 10 percent, by count, of the fruits in any lot may be below the requirements of the grade other than for discoloration but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may not meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.636 *U. S. No. 1 Golden and U. S. No. 1 Bronze grades.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of the grade, but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce or to increase the percentage of fruits having in excess of one-third of the surface in the aggregate affected with discoloration which is required in the grade, but individual containers may vary not more than 10 percent from the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.637 *U. S. No. 1 Russet.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of the grade but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-third of the surface in the aggregate affected with discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.638 *U. S. No. 2.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade other than for discoloration but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage other than by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may not meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.639 *U. S. No. 2 Russet.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage other than by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of two-thirds of the surface in the aggregate affected with discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.640 *U. S. Combination grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade other than for discoloration but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage other than by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may have more than the amount of discoloration specified. No part of any tolerance shall be allowed to reduce for the lot as a whole the percentage of U. S. No. 1 required in the combination, but individual containers may have not more than a total of 10 percent less than the percentage of U. S. No. 1 required or specified: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.641 *U. S. Combination Russet grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade other than for discoloration but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage other than by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. In addition, not more than 20 percent, by count, of the fruits in any lot may have less than one-third discoloration. No part of any tolerance shall be allowed to reduce, for the lot as a whole, the percentage of U. S. No. 1 except for discoloration required in the combination, but individual containers may have not more than a total of 10 percent less than the percentage of U. S. No. 1 except for discoloration required or specified: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

APPLICATION OF TOLERANCES

§ 51.642 *Application of tolerances to individual packages.* (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.

(b) For packages which contain more than 25 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 25 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 decayed or very seriously damaged fruit may be permitted in any package.

(c) For packages which contain 25 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided*, That not more than one grapefruit which is seriously damaged by dryness or mushy condition or very seriously damaged by other means may be permitted in any package and in addition, en route or at destination not more than 10 percent of the packages may have more than one decayed fruit.

STANDARD PACK

§ 51.643 *Standard pack for grapefruit.* (a) Fruits shall be fairly uniform in size, unless specified as uniform in size, and when packed in boxes, shall be arranged according to the approved and recognized methods. Each wrapped fruit shall be fairly well wrapped.

(b) All packages shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(c) When packed in standard nailed boxes, each container shall show a minimum bulge of 2 inches, except that boxes packed with grapefruit of a size 80 or smaller need only show a bulge of 1½ inches.

(d) "Fairly uniform in size" means that not more than a total of 10 percent, by count, of the fruits in any container is outside the range given below for various packs:

[Diameter in inches]

Pack	Minimum	Maximum
36's	5	5 9/16
46's	4 11/16	5 1/16
54's	4 5/16	4 13/16
64's	4 3/16	4 13/16
70's	3 15/16	4 3/16
80's	3 13/16	4 3/16
96's	3 9/16	4 3/16
112's	3 7/16	4
126's	3 5/16	3 15/16

(e) "Uniform in size" means that not more than 10 percent, by count, of the fruits in any container vary more than the following amounts:

64 size and smaller—not more than 6/16 inch in diameter.

54 size and larger—not more than 9/16 inch in diameter.

(f) 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 not meet the requirements of standard pack.

DEFINITIONS

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

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

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

§ 51.647 *Well formed.* "Well formed" means that the fruit has the shape characteristic of the variety.

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

§ 51.649 *Injury.* "Injury" means any defect or blemish which more than slightly affects the appearance, or edible or shipping quality of the fruit. 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 injury.

(a) Green spots or oil spots, when appreciably affecting the appearance of the individual fruit.

(b) Scale, when more than a few adjacent to the "button" at stem end, or when more than 6 scattered on the other portions of the fruit.

(c) Scars which are depressed, not smooth, or which detract from the appearance of the fruit to a greater extent than the maximum amount of discoloration allowed in the grade.

(d) Thorn scratches, when the injury is not slight, not well healed, or more unsightly than discoloration allowed in the grade.

§ 51.650 *Discoloration.* "Discoloration" means russeting of a light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by 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.

§ 51.651 *Fairly well colored.* "Fairly well colored" means that except for one inch in the aggregate of green color, the yellow color predominates over the green color on that part of the fruit which is not discolored.

§ 51.652 *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.

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

§ 51.654 *Damage.* "Damage" means any defect or injury which materially affects the appearance, or edible or shipping quality of the fruit. 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) Ammoniation, when not occurring as light speck type similar to melanose.

(b) Dryness or mushy condition when affecting all segments more than one-fourth inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit.

(c) Green spots or oil spots, when materially affecting the appearance of the individual fruit.

(d) Scab, when it cannot be classed as discoloration, or appreciably affects shape or texture.

(e) Scale, when it materially affects the appearance of the fruit.

(f) Scars which are deep.

(g) Scars which are shallow or fairly shallow and detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade.

(h) Scars which are not smooth.

(i) Sunburn, when the area affected exceeds 25 percent of the fruit surface, or when the skin is appreciably flattened, dry, darkened, or hard.

(j) Thorn scratches, when the injury is not well healed, or concentrated light colored thorn injury which has caused an area of more than an average of one-fourth inch in diameter of the skin to become hard, or slight scratches when light colored and concentrated and averaging more than 1 inch in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above.

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

§ 51.656 *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.

§ 51.657 *Slightly rough texture.* "Slightly rough texture" means that the skin is not of smooth texture but is not excessively thick or materially ridged, grooved, or wrinkled.

§ 51.658 *Serious damage.* "Serious damage" means any defect or injury which seriously affects the appearance, or edible or shipping quality of the fruit. 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) Ammoniation, when scars are cracked, or when dark and aggregating more than three-fourths inch in diameter, or when light colored and aggregating more than 1¼ inches in diameter.

(b) Buckskin, when aggregating more than 25 percent of the fruit surface or the fruit texture is seriously affected.

(c) Dryness or mushy condition, when affecting all segments more than one-half inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit.

(d) Green spots or oil spots, when seriously affecting the appearance of the individual fruit.

(e) Scab, when it cannot be classed as discoloration, or when materially affecting shape or texture.

(f) Scale, when it seriously affects the appearance of the individual fruit.

(g) Scars which are very deep.

(h) Scars which are not very deep but which detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade.

(i) Scars which are not fairly smooth.

(j) Sprayburn which seriously affects the appearance of the fruit or is hard, or when more than 1¼ inches in diameter in the aggregate has a light brown discoloration.

(k) Sunburn which affects more than one-third of the fruit surface, or is hard, or the fruit is decidedly one-sided, or when more than 1¼ inches in diameter in the aggregate has a light brown discoloration.

(l) Thorn scratches, when the injury is not well healed, or concentrated light colored thorn injury which has caused an area of more than an average of one-half inch in diameter of the skin to become hard, or slight scratches when light colored and concentrated, averaging more than 1½ inches in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above.

§ 51.659 *Slightly colored.* "Slightly colored" means that except for two inches in the aggregate of green color, the portion of the fruit surface which it not discolored shows some yellow color.

§ 51.660 *Very serious damage.* "Very serious damage" means any defect or injury which very seriously affects the appearance, or edible or shipping quality of the fruit. 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) Growth cracks that are seriously weakened, gummy or not healed.

(b) Ammoniation, when aggregating more than 2 inches in diameter, or which has caused serious cracks.

(c) Bird pecks, when not healed.

(d) Caked melanose, when more than 25 percent in the aggregate of the surface of the fruit is caked.

(e) Buckskin, when rough and aggregating more than 50 percent of the surface of the fruit.

(f) Dryness or mushy condition, when affecting all segments more than one-half inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit.

(g) Scab, when aggregating more than 25 percent of the surface of the fruit.

(h) Scale, when covering more than 20 percent of the surface of the fruit.

(i) Sprayburn, when seriously affecting more than one-third of the fruit surface.

(j) Sunburn, when seriously affecting more than one-third of the fruit surface.

(k) Thorn punctures, when not healed or the fruit is seriously weakened.

SUBPART—UNITED STATES STANDARDS FOR ORANGES

GENERAL

§ 51.680 *General.* These standards apply only to the common or sweet orange group and varieties belonging to the Mandarin Group, except tangerines. These standards do not apply to tangerines or to Florida, or to California and Arizona oranges for which separate U. S. Standards are issued.

GRADES

§ 51.681 *U. S. Fancy.* U. S. Fancy shall consist of oranges or similar varietal characteristics which are well colored, firm, well formed, mature, and of smooth texture; free from ammoniation, bird pecks, bruises, buckskin, creasing, cuts which are not healed, decay, growth cracks, scabs, split navels, sprayburn, and undeveloped or sunken segments, from injury by green spots or oil spots, pitting, rough and excessively wide or protruding navels, scale, scars, thorn scratches, and from damage caused by dirt or other foreign materials, dryness or mushy condition, sprouting, sunburn, riciness or woodiness of the flesh, disease, insects, or mechanical or other means.

(a) In this grade not more than one-tenth of the surface, in the aggregate, may be affected with discoloration.

(b) See § 51.695.

(c) If any lot of U. S. Fancy fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.725–51.728.)

§ 51.682 *U. S. No. 1.* U. S. No. 1 shall consist of oranges of similar varietal characteristics which are firm, well formed, mature, and of fairly smooth texture; free from bruises, cuts which are not healed, decay, growth cracks, sprayburn, undeveloped or sunken segments, and from damage caused by ammoniation, bird pecks, buckskin, creasing, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, split or rough or protruding navels, sprouting, sunburn, thorn scratches, riciness or woodiness of the flesh, disease, insects or mechanical or other means.

(a) Oranges of the early and midseason varieties shall be fairly well colored.

(b) With respect to Valencia and other late varieties, not less than 50 percent, by count, of the oranges shall be fairly well colored and the remainder reasonably well colored.

(c) In this grade not more than one-third of the surface, in the aggregate, may be affected with discoloration.

(d) See tolerances for defects (§ 51.696).

(e) If any lot of U. S. No. 1 fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.725–51.728.)

§ 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 with discoloration.

(a) See tolerances for defects (§ 51.697).

(b) If any lot of U. S. No. 1 Bright fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.725–51.728.)

§ 51.684 *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 in excess of one-third of the surface, in the aggregate, affected with discoloration.

(a) See tolerances for defects (§ 51.698).

(b) If any lot of U. S. No. 1 Golden fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.725–51.728.)

§ 51.685 *U. S. No. 1 Bronze.* The requirements for this grade are the same as for U. S. No. 1 except that more than 30 percent but not more than 75 percent, by count, of the fruit shall have in excess of one-third of the surface, in the aggregate, affected with discoloration: *Provided,* That when the predominating discoloration on each of 75 percent or more, by count, of the fruit is caused by rust mite, all fruit may have in excess of one-third of the surface affected with discoloration.

(a) See tolerances for defects (§ 51.698).

(b) If any lot of U. S. No. 1 Bronze fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.725–51.728.)

§ 51.686 *U. S. No. 1 Russet.* The requirements for this grade are the same as for U. S. No. 1 except that more than 75 percent, by count, of the fruit shall have in excess of one-third of the surface, in the aggregate, affected with discoloration.

(a) See tolerances for defects (§ 51.699).

(b) If any lot of U. S. No. 1 Russet Fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.725–51.728.)

§ 51.687 *U. S. No. 2.* U. S. No. 2 shall consist of oranges of similar varietal characteristics which are mature, fairly firm, not more than slightly misshapen, not more than slightly rough, and which are free from bruises, cuts which are not healed, decay, growth cracks, and are free from serious damage caused by ammoniation, bird pecks, buckskin, creasing, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, split or rough or protruding navels, sprayburn, sprouting, sunburn, thorn scratches, undeveloped or sunken segments, riciness or woodiness of the flesh, disease, insects, mechanical or other means.

(a) Each orange of this grade shall be reasonably well colored.

(b) In this grade not more than one-half of the surface, in the aggregate, may be affected with discoloration.

(c) See tolerances for defects (§ 51.700).

(d) If any lot of U. S. No. 2 fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.725–51.728.)

§ 51.688 *U. S. No. 2 Bright.* The requirements for this grade are the same as for U. S. No. 2 except that no fruit may have more than one-tenth of its surface, in the aggregate, affected with discoloration.

(a) See tolerances for defects (§ 51.697).

(b) If any lot of U. S. No. 2 Bright fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.725–51.728.)

§ 51.689 *U. S. No. 2 Russet.* The requirements for this grade are the same as for U. S. No. 2 except that more than 10 percent, by count, of the fruit shall have in excess of one-half of the surface, in the aggregate, affected with discoloration.

(a) See tolerances for defects (§ 51.701).

(b) If any lot of U. S. No. 2 Russet fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.725–51.728.)

§ 51.690 *U. S. No. 3.* U. S. No. 3 shall consist of oranges of similar varietal characteristics which are mature; which may be misshapen, slightly spongy, rough but not seriously lumpy for the variety or seriously cracked; which are free from cuts which are not healed and from decay; and from very serious damage caused by bruises, growth cracks, ammoniation, bird pecks, caked melanose, buckskin, creasing, dryness or mushy condition, pitting, scab, scale, split navels, sprayburn, sprouting, sunburn, thorn punctures, riciness or woodiness of the flesh, disease, insects, mechanical or other means.

(a) Each fruit may be poorly colored but not more than 25 percent of the sur-

face of each fruit may be of a solid dark green color.

(b) See tolerances for defects (§ 51.702).

(c) If any lot of U. S. No. 3 fruit also meets the internal specification of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.725–51.728.)

§ 51.691 *U. S. Combination.* Any lot of oranges may be designated "U. S. Combination" when not less than 50 percent, by count, of the fruit in each container meets the requirements of U. S. No. 1 grade, and each of the remainder of the oranges meets the requirements of U. S. No. 2 grade, except that the fruit shall meet the following requirements for color: In this grade, the U. S. No. 1 oranges shall be fairly well colored and the U. S. No. 2 oranges shall be reasonably well colored.

(a) See tolerances for defects (§ 51.703).

(b) If any lot of U. S. Combination fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.725–51.728.)

§ 51.692 *U. S. Combination Russet.* Any lot of oranges may be designated "U. S. Combination Russet" when not less than 50 percent, by count, of the fruit in each container meets the requirements of U. S. No. 1 grade and each of the remainder of the oranges meets the requirements of the U. S. No. 2 grade: *Provided,* That all oranges in the lot shall have in excess of one-third of the surface, in the aggregate, affected with discoloration, and meet the following requirements for color: In this grade, the U. S. No. 1 oranges shall be fairly well colored and the U. S. No. 2 oranges shall be reasonably well colored.

(a) See tolerances for defects (§ 51.704).

(b) If any lot of U. S. Combination Russet fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.725–51.728.)

UNCLASSIFIED

§ 51.693 *Unclassified.* "Unclassified" shall consist of oranges 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 definite grade has been applied to the lot.

TOLERANCES

§ 51.694 *Tolerances for defects.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the tolerances set forth in §§ 51.695 to 51.704 are provided as specified.

§ 51.695 *U. S. Fancy grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of 1 percent, shall be allowed for decay at shipping point: *Provided,* That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.696 *U. S. No. 1 grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade other than for discoloration but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of 1 percent, shall be allowed for decay at shipping point: *Provided,* That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. In addition, not more than 20 percent, by count, of the fruits in any lot may have discoloration in excess of one-third of the fruit surface, but not more than one-fourth of this tolerance, or 5 percent, shall be allowed for discoloration in excess of one-half of the fruit surface. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.697 *U. S. No. 1 Bright and U. S. No. 2 Bright grades.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of the grade other than for discoloration but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may not meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.698 *U. S. No. 1 Golden and U. S. No. 1 Bronze grades.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of the grade, but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That a total tolerance of not more than 3 percent shall be allowed for decay, enroute or at destination. No part of any tolerance shall be allowed to reduce or to increase the percentage of fruits having in excess of one-third of the surface, in the aggregate, affected with discoloration which is required in the grade, but individual containers may vary not more than 10 percent from the percentage required: *Provided,* That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.699 *U. S. No. 1 Russet grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-third of the surface, in the aggregate, affected with discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided,* That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.700 *U. S. No. 2 grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade other than for discoloration but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage other than by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may not meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.701 *U. S. No. 2 Russet grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage other than by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-half of the surface, in the aggregate, affected with discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided,* That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.702 *U. S. No. 3 grade.* Not more than 15 percent, by count, of the fruits in any lot may be below the requirements of this grade but not more than one-third of this tolerance, or 5 percent, shall be allowed for defects other than dryness or mushy condition, and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point: *Provided,* That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.703 *U. S. Combination grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade other than for discoloration but not more than one-half of this tolerance, or 5 percent, shall be

allowed for very serious damage other than by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may have more than the amount of discoloration specified. No part of any tolerance shall be allowed to reduce for the lot as a whole the percentage of U. S. No. 1 required in the combination, but the individual containers may have not more than a total of 10 percent less than the percentage of U. S. No. 1 required or specified: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.704 *U. S. Combination Russet grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade other than for discoloration but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage other than by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. In addition, not more than 20 percent, by count, of the fruits in any lot may have less than one-third discoloration. No part of any tolerance shall be allowed to reduce for the lot as a whole, the percentage of U. S. No. 1 except for discoloration required in the combination, but individual containers may have not more than a total of 10 percent less than the percentage of U. S. No. 1 except for discoloration required or specified: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

APPLICATION OF TOLERANCES

§ 51.705 *Application of tolerances to individual packages.* (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 25 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 25 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 decayed or very seriously damaged fruit may be permitted in any package.

(2) For packages which contain 25 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided*, That not more than one orange which is seriously damaged by dryness or mushy condition or very seriously damaged by other means may be permitted in any package and in addition, en route or at destination not more than 10 percent of the packages may have more than one decayed fruit.

STANDARD PACK

§ 51.706 *Standard pack for oranges except Temple variety.* (a) Fruit shall be fairly uniform in size, unless specified as uniform in size, and when packed in boxes, shall be arranged according to the approved and recognized methods. Each wrapped fruit shall be fairly well wrapped.

(b) All packages shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(c) When packed in standard nailed boxes, each container shall show a minimum bulge of 1¼ inches.

(d) "Fairly uniform in size" means that not more than a total of 10 percent, by count, of the fruit in any container is outside the range given below for various packs:

[Diameter in inches]

Pack	Minimum	Maximum
96's	3 5/16	3 13/16
125's or 126's	3 3/16	3 10/16
150's	3	3 5/16
175's or 176's	2 14/16	3 1/16
200's	2 12/16	3 2/16
216's	2 10/16	3
252's	2 8/16	2 14/16
288's or 294's	2 6/16	2 12/16
324's	2 4/16	2 10/16

(e) "Uniform in size" means that not more than 10 percent, by count, of the fruits in any container vary more than the following amounts:

150 size and smaller—not more than 1/16 inch in diameter.

126 size and larger—not more than 5/16 inch in diameter.

(f) 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 not meet the requirements of standard pack.

DEFINITIONS

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

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

§ 51.709 *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 (Satsumas, King, Mandarin), means that the fruit is not extremely puffy, although the skin may be slightly loose.

§ 51.710 *Well formed.* "Well formed" means that the fruit has the shape characteristic of the variety.

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

§ 51.712 *Injury.* "Injury" means any defect or blemish which more than slightly affects the appearance, or edible or shipping quality of the fruit. 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 injury:

(a) Green spots or oil spots, when appreciably affecting the appearance of the individual fruit.

(b) Rough and excessively wide or protruding navels, when protruding beyond the general contour of the orange; or when flush with the general contour but with the opening so wide, considering the size of the fruit, and the navel growth so folded and ridged that it detracts noticeably from the appearance of the orange.

(c) Scale, when more than a few adjacent to the "button" at the stem end, or when more than 6 scattered on other portions of the fruit.

(d) Scars which are depressed, not smooth, or which detract from the appearance of the fruit to a greater extent than the maximum amount of discoloration allowed in the grade.

(e) Thorn scratches, when the injury is not slight, not well healed, or more unsightly than discoloration allowed in the grade.

§ 51.713 *Discoloration.* "Discoloration" means russeting of a light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by 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.

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

§ 51.715 *Damage.* "Damage" means any defect or injury which materially affects the appearance, or edible or shipping quality of the fruit. 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) Ammoniation, when not occurring as light speck type similar to melanose.

(b) Creasing, when causing the skin to be materially weakened.

(c) Dryness or mushy condition, when affecting all segments of common oranges more than one-fourth inch at the stem end, or all segments of varieties of the Mandarin Group more than one-eighth inch at the stem end, or more than the equivalent of these respective amounts, by volume, when occurring in other portions of the fruit.

(d) Green spots or oil spots, when materially affecting the appearance of the individual fruit.

(e) Scab, when it cannot be classed as discoloration, or appreciably affects shape or texture.

(f) Scale, when it materially affects the appearance of the fruit.

(g) Scars which are deep.

(h) Scars which are shallow or fairly shallow and detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade.

(i) Scars which are not smooth.

(j) Split or rough or protruding navels, when any split is unhealed, or more than three well-healed splits at the navel, or any split which is more than one-fourth inch in length, or three-cornered, star-shaped, or other irregular navels when the opening is so wide considering the size of the orange, and the navel growth so folded and ridged that it detracts materially from the appearance of the orange; or navels which flare, bulge, or protrude beyond the general contour of the orange to the extent that they are subject to mechanical injury in the process of proper grading, or handling, or packing.

(k) Sunburn, when the area affected exceeds 25 percent of the fruit surface, or when the skin is appreciably flattened, dry, darkened, or hard.

(l) Thorn scratches, when the injury is not well healed, or concentrated light colored thorn injury which has caused an area of more than an average of one-fourth inch in diameter of the skin to become hard, or slight scratches when light colored and concentrated and averaging more than 1 inch in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above.

(m) Riciness or woodiness, when the flesh of the fruit is so ricey or woody that excessive pressure by hand is required to extract the juice.

§ 51.716 *Fairly well colored.* "Fairly well colored" means that except for one inch 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.

§ 51.717 *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.

§ 51.718 *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 (Satsumas, King, Mandarin), means that the skin of the fruit is not extremely puffy or extremely loose.

§ 51.719 *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.

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

§ 51.721 *Serious damage.* "Serious damage" means any defect or injury which seriously affects the appearance, or edible or shipping quality of the fruit. 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) Ammoniation, when scars are cracked, or when dark and aggregating more than three-fourths inch in diameter, or when light colored and aggregating more than 1¼ inches in diameter.

(b) Buckskin, when aggregating more than 25 percent of the fruit surface, or the fruit texture is seriously affected.

(c) Creasing, when so deep or extensive that the skin is seriously weakened.

(d) Dryness or mushy condition, when affecting all segments of common oranges more than one-half inch at the stem end, or all segments of varieties of the Mandarin Group more than one-fourth inch at the stem end, or more than the equivalent of these respective amounts, by volume, when occurring in other portions of the fruit.

(e) Green spots or oil spots, when seriously affecting the appearance of the individual fruit.

(f) Scab, when it cannot be classed as discoloration, or when materially affecting shape or texture.

(g) Scale, when it seriously affects the appearance of the individual fruit.

(h) Scars which are very deep.

(i) Scars which are not very deep but which detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade.

(j) Scars which are not fairly smooth.

(k) Split or rough or protruding navels, when any split is unhealed, or one well healed split at each corner of irregular navels when any one is more than one-half inch in length, or when aggregating more than 1 inch in length, or when more than four in number; or navels which protrude beyond the general contour of the orange to the extent that they are subject to mechanical injury during the process of proper grading, or handling, or packing; or irregular navels when the opening is so wide, considering the size of the orange, and the navel growth is so badly folded and ridged that it detracts seriously from the appearance of the orange.

(l) Sprayburn which seriously affects the appearance of the fruit or is hard, or when more than 1¼ inches in diameter in the aggregate has a light brown discoloration.

(m) Sunburn, which affects more than one-third of the fruit surface, or is hard, or the fruit is decidedly one-sided, or when more than 1¼ inches in diameter in the aggregate has a light brown discoloration.

(n) Thorn scratches, when the injury is not well healed, or concentrated light colored thorn injury which has caused an area of more than an average of one-half inch in diameter of the skin to become hard, or slight scratches when light colored and concentrated, averaging more than 1½ inches in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above.

(o) Undeveloped or sunken segments, in navel oranges, when such segments are so sunken or undeveloped that they are readily noticeable.

(p) Riciness or woodiness, when the flesh of the fruit is so ricey or woody that excessive presuure by hand is required to extract the juice.

§ 51.722 *Misshapen.* "Misshapen" means that the fruit is decidedly elongated, pointed or flat-sided.

§ 51.723 *Slightly spongy.* "Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

§ 51.724 *Very serious damage.* "Very serious damage" means any defect or injury which very seriously affects the appearance, or edible or shipping quality of the fruit. 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) Growth cracks that are seriously weakened, gummy, or not healed.

(b) Ammoniation, when aggregating more than 2 inches in diameter, or which has caused serious cracks.

(c) Bird pecks, when not healed.

(d) Caked melanose, when more than 25 percent in the aggregate of the surface of the fruit is caked.

(e) Buckskin, when rough and aggregating more than 50 percent of the surface of the fruit.

(f) Creasing, when so deep or extensive that the skin is very seriously weakened.

(g) Dryness or mushy condition, when affecting all segments of common oranges more than one-half inch at the stem end, or all segments of varieties of the Mandarin Group more than one-fourth inch at the stem end, or more than the equivalent of these respective amounts, by volume, when occurring in other portions of the fruit.

(h) Scab, when aggregating more than 25 percent of the surface of the fruit.

(i) Scale, when covering more than 20 percent of the surface of the fruit.

(j) Split navels, when not healed or the fruit is seriously weakened.

(k) Sprayburn, when seriously affecting more than one-third of the fruit surface.

(l) Sunburn, when seriously affecting more than one-third of the fruit surface.

(m) Thorn punctures, when not healed or the fruit is seriously weakened.

(n) Riciness or woodiness, when the flesh of the fruit is so ricey or woody that excessive pressure by hand is required to extract the juice.

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

§ 51.725 *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 of juice per standard packed box of one and three-fifths 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 maximum acid specified in Table I of § 51.727.

§ 51.726 *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 four and one-half gallons of juice per standard packed box of one and three-fifths 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 maximum acid specified in Table I of § 51.727.

§ 51.727 *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 together with the minimum ratio of total soluble solids to anhydrous citric acid:

TABLE I

Total soluble solids average percent	Maximum anhydrous citric acid average percent	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

§ 51.728 *Method of juice extraction.* The juice used in the determination of solids, acid, and juice content shall be extracted from representative samples as thoroughly as possible with a reamer or by hand, and shall be strained through a double thickness of gauze having 44 x 40 threads per square inch, and shall not be extracted or strained in any other manner.

SUBPART—UNITED STATES STANDARDS FOR FLORIDA GRAPEFRUIT

GRADES

§ 51.750 *U. S. Fancy.* U. S. Fancy consists of grapefruit of similar varietal characteristics which are well colored, firm, well formed, mature, and of smooth texture, and which are free from ammoniation, bird pecks, bruises, buckskin, cuts which are not healed, decay, growth cracks, scab, sprayburn, and free from injury caused by green spots or oil spots, pitting, scale, scars, thorn scratches, and from damage caused by dirt or other foreign materials, dryness or mushy condition, sprouting, sunburn, disease, insects, or mechanical or other means.

(a) In this grade not more than one-tenth of the surface in the aggregate may be affected with discoloration. (See § 51.762.)

§ 51.751 *U. S. No. 1.* U. S. No. 1 consists of grapefruit of similar varietal characteristics which are fairly well colored, firm, well formed, mature, and of fairly smooth texture, and which are free from bruises, cuts which are not healed, buckskin or similar type of discoloration, decay, growth cracks, sprayburn, and free from damage caused by ammoniation, bird pecks, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, sprouting, sunburn, thorn scratches, disease, insects, or mechanical or other means.

(a) In this grade not more than one-third of the surface in the aggregate may be affected with discoloration. (See § 51.763.)

§ 51.752 *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 with discoloration. (See § 51.763.)

§ 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 fruits shall have in excess of one-third of their surface in the aggregate affected with discoloration. (See § 51.764.)

§ 51.754 *U. S. No. 1 Bronze.* The requirements for this grade are the same as for U. S. No. 1 except that more than 30 percent but not more than 75 percent, by count, of the fruits shall have in excess of one-third of their surface in the aggregate affected with discoloration: *Provided,* That when the predominating discoloration on each of 75 percent or more, by count, of the fruits is caused by rust mite, all fruits may have in excess of one-third of their surface affected with discoloration. (See § 51.764.)

§ 51.755 *U. S. No. 1 Russet.* The requirements for this grade are the same as for U. S. No. 1 except that more than 75 percent, by count, of the fruits shall have in excess of one-third of their surface in the aggregate affected with discoloration. (See § 51.765.)

§ 51.756 *U. S. No. 2.* U. S. No. 2 consists of grapefruit of similar varietal characteristics which are mature, fairly firm, not more than slightly misshapen or of slightly rough texture, and which are free from bruises, cuts which are not healed, decay, growth cracks, and free from serious damage, caused by ammoniation, bird pecks, buckskin, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, sprayburn, sprouting, sunburn, thorn scratches, disease, insects, mechanical or other means.

(a) Each grapefruit may be only slightly colored.

(b) Not more than one-half of the surface in the aggregate, may be affected with discoloration. (See § 51.766.)

§ 51.757 *U. S. No. 2 Bright.* The requirements for this grade are the same as for U. S. No. 2 except that no fruit may have more than one-tenth of its surface in the aggregate affected with discoloration. (See § 51.763.)

§ 51.758 *U. S. No. 2 Russet.* The requirements for this grade are the same as for U. S. No. 2 except that more than 10 percent, by count, of the fruits shall have in excess of one-half of their surface in the aggregate affected with discoloration. (See § 51.767.)

§ 51.759 *U. S. No. 3.* U. S. No. 3 consists of grapefruit of similar varietal characteristics which are mature, which may be misshapen, slightly spongy, rough but not seriously lumpy for the variety or seriously cracked, which are free from cuts which are not healed, and from decay, and from vary serious damage caused by bruises, growth cracks, ammoniation, bird pecks, caked melanose, buckskin, dryness or mushy condition, pitting, scab, scale, sprayburn, sprouting, sunburn, thorn punctures, disease, insects, mechanical or other means. The fruit may be poorly colored but not more than 25 percent of the surface of each fruit may be of a solid dark green color. (See § 51.768.)

UNCLASSIFIED

§ 51.760 *Unclassified.* Unclassified consists of grapefruit which has 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 definite grade has been applied to the lot.

TOLERANCES

§ 51.761 *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the tolerances set forth in §§ 51.762 to 51.768 are provided as specified.

§ 51.762 *U. S. Fancy.* Not more than 10 percent, by count, of the fruits in

any lot may be below the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.763 *U. S. No. 1, U. S. No. 1 Bright, and U. S. No. 2 Bright grades.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of the grade other than for discoloration but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may not meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.764 *U. S. No. 1 Golden and U. S. No. 1 Bronze grades.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce or to increase the percentage of fruits having in excess of one-third of their surface in the aggregate affected with discoloration which is required in the grade, but individual containers may vary not more than 10 percent from the percentage required: *Provided,* That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.765 *U. S. No. 1 Russet.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of the grade but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-third of their surface in the aggregate affected with discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided,* That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.766 *U. S. No. 2.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade other than for discoloration but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may not meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.767 *U. S. No. 2 Russet.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-half of their surface in the aggregate affected with discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided,* That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.768 *U. S. No. 3 grade.* Not more than 15 percent, by count, of the fruit in any container may be below the requirements of this grade but not more than one-third of this amount, or 5 percent, shall be allowed for defects other than dryness or mushy condition, and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent or a total of not more than 3 percent shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

APPLICATION OF TOLERANCES

§ 51.769 *Application of tolerances to individual packages.* (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 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 decayed or very seriously damaged fruit 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: *Provided,* That not more than one grapefruit which is seriously damaged by dryness or mushy condition or very seriously damaged by other means may be permitted in any package and in addition en route or at destination not more than 10 percent of the packages may have more than one decayed fruit.

STANDARD PACK

§ 51.770 *Standard pack for grapefruit.* (a) Fruits shall be fairly uniform in size, unless specified as uniform in size, and when packed in boxes, shall be arranged according to the approved and recognized methods. Each wrapped fruit shall be fairly well wrapped.

(b) All packages shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(c) When packed in standard nailed boxes, each container shall show a minimum bulge of 2 inches, except that boxes packed with grapefruit of a size 80 or smaller need only show a bulge of 1½ inches.

(d) "Fairly uniform in size" means that not more than a total of 10 percent, by count, of the fruits in any container is outside the range of diameters given in the following table for various packs:

TABLE I

[Diameter in inches]

Pack	Minimum	Maximum
36's	5	5 9/16
45's or 46's	4 11/16	5 1/16
54's or 56's	4 9/16	4 15/16
64's	4 3/16	4 12/16
70's or 72's	3 15/16	4 8/16
80's	3 12/16	4 5/16
96's	3 9/16	4 2/16
112's	3 5/16	4
125's or 126's	3 1/16	3 15/16

(e) "Uniform in size" means that not more than 10 percent, by count, of the fruits in any container vary more than the following amounts:

64 size and smaller—not more than 9/16 inch in diameter.

54 size and larger—not more than 9/16 inch in diameter.

(f) 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 not meet the requirements of standard pack.

DEFINITIONS

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

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

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

§ 51.774 *Well formed.* "Well formed" means that the fruit has the shape characteristic of the variety.

§ 51.775 *Mature.* "Mature" means the same as that term is set forth in section 601.16 Florida Statutes, Chapter 26492, known as the Florida Citrus Code of 1949, as amended.

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

§ 51.777 *Injury.* "Injury" means any defect which more than slightly affects the appearance, or the edible or shipping quality of the fruit. 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 injury:

(a) Green spots or oil spots, when appreciably affecting appearance of the individual fruit;

(b) Scale, when more than a few adjacent to the "button" at the stem end, or when more than 6 scattered on the other portions of the fruit;

(c) Scars which are depressed, not smooth, or which detract from the appearance of the fruit to a greater extent than the maximum amount of discoloration allowed in the grade; and,

(d) Thorn scratches, when the injury is not slight, not well healed, or more unsightly than discoloration allowed in the grade.

§ 51.778 *Discoloration.* "Discoloration" means russeting of a light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by 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.

§ 51.779 *Fairly well colored.* "Fairly well colored" means that except for one inch in the aggregate of green color, the yellow color predominates over the green color on that part of the fruit which is not discolored.

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

§ 51.781 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the fruit. 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) Ammoniation, when not occurring as light speck type similar to melanose;

(b) Dryness or mushy condition when affecting all segments more than one-fourth inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(c) Green spots or oil spots, when materially affecting the appearance of the individual fruit;

(d) Scab, when it cannot be classed as discoloration or appreciably affects shape or texture;

(e) Scale, when occurring as a blotch and its size exceeds the area of a circle ¾ inch in diameter, or when occurring as a ring and its size exceeds the area of a circle 1¼ inches in diameter on a grapefruit of 70-size. Smaller sizes shall have lesser areas of scale and larger sizes may have greater areas: *Provided,* That no scale shall be permitted which affects the appearance to a greater extent than a blotch ¾ inch in diameter or a ring 1¼ inches in diameter on a 70-size grapefruit;

(f) Scars which are not smooth, or scars which are deep, or scars which are shallow or fairly shallow and detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade;

(g) Sunburn, when the area affected exceeds 25 percent of the fruit surface, or when the skin is appreciably flattened, dry, darkened, or hard; and,

(h) Thorn scratches, when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-fourth inch in diameter, or slight scratches when light colored and concentrated and the aggregate area exceeds the area of a circle 1 inch in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above.

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

§ 51.783 *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.

§ 51.784 *Slightly rough texture.* "Slightly rough texture" means that the skin is not of smooth texture but is not excessively thick or materially ridged, grooved, or wrinkled.

§ 51.785 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit. 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) Ammoniation, when scars are cracked, or when dark and aggregating more than one-half inch in diameter, or when light colored and aggregating more than one inch in diameter;

(b) Buckskin, when affecting the appearance of the fruit to a greater extent than the amount of discoloration allowed;

(c) Dryness or mushy condition, when affecting all segments more than one-half inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(d) Green spots or oil spots, when the aggregate area exceeds the area of a circle one inch in diameter on a grapefruit of 70-size. Smaller sizes shall have lesser areas of green spots or oil spots and larger sizes may have greater areas: *Provided,* That the appearance of the grapefruit is not affected to a greater extent than the area permitted on a 70-size grapefruit;

(e) Scab, when it cannot be classed as discoloration, or when materially affecting shape or texture;

(f) Scale, when occurring as a blotch and its size exceeds the area of a circle one inch in diameter, or when occurring as a ring and its size exceeds the area of a circle 1½ inches in diameter on a grapefruit of 70-size. Smaller sizes shall have lesser areas of scale and larger sizes may have greater areas: *Provided,* That no scale shall be permitted which affects the appearance to a greater extent than a blotch one inch in diameter or a ring 1½ inches in diameter on a 70-size grapefruit;

(g) Scars which are not fairly smooth, or scars which are very deep, or scars which are not very deep but which detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade;

(h) Sprayburn which seriously affects the appearance of the fruit or is hard, or when more than 1¼ inches in diameter in the aggregate has a light brown discoloration;

(i) Sunburn which affects more than one-third of the fruit surface, or is hard, or the fruit is decidedly one-sided, or when more than 1¼ inches in diameter in the aggregate has a light brown discoloration; and,

(j) Thorn scratches, when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-half inch in diameter, or slight scratches when light colored and concentrated and the aggregate area exceeds the area of a circle 1½ inches in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above.

§ 51.786 *Slightly colored.* "Slightly colored" means that except for two inches in the aggregate of green color, the portion of the fruit surface which is not discolored shows some yellow color.

§ 51.787 *Misshapen.* "Misshapen" means that the fruit is decidedly elongated, pointed or flat sided.

§ 51.788 *Slightly spongy.* "Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

§ 51.789 *Very serious damage.* "Very serious damage" means any defect which very seriously affects the appearance, or the edible or shipping quality of the fruit. 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) Growth cracks that are seriously weakened, gummy or not healed;
(b) Ammoniation, when aggregating more than 2 inches in diameter, or which has caused serious cracks;
(c) Bird pecks, when not healed;
(d) Caked melanose, when more than 25 percent in the aggregate of the surface of the fruit is caked;
(e) Buckskin, when rough and aggregating more than 50 percent of the surface of the fruit;
(f) Dryness or mushy condition, when affecting all segments more than one-half inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;
(g) Scab, when aggregating more than 25 percent of the surface of the fruit;
(h) Scale, when covering more than 20 percent of the surface of the fruit;
(i) Sprayburn, when seriously affecting more than one-third of the fruit surface;
(j) Sunburn, when seriously affecting more than one-third of the fruit surface; and,
(k) Thorn punctures, when not healed or the fruit is seriously weakened.

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

SUBPART—UNITED STATES CONSUMER STANDARDS FOR HUSKED CORN ON THE COB

GRADES

§ 51.810 *U. S. Grade A.* U. S. Grade A shall consist of husked ears or portions of ears of corn on the cob of similar varietal characteristics which are well trimmed, well formed, clean, free from decay and insect injury, and free from damage caused by bruising, mechanical or other means. Cobs shall be well filled with tender, plump and milky kernels. Each ear may be clipped at one or both ends but the length of each unit, clipped or unclipped, shall be not less than 3 inches. Each clipped ear shall be properly clipped. Units on the shown face shall be reasonably representative of the size and quality of the contents of the package.

(a) Incident to proper grading and handling, not more than 10 percent, by count, of the units of corn in any lot may fail to meet the requirements of this grade, including not more than 5 percent for defects other than damage caused by bruising: *Provided,* That not more than one-fifth of this amount, or 1 percent, shall be allowed for units affected by decay.

§ 51.811 *U. S. Grade B.* U. S. Grade B shall consist of husked ears or portions of ears of corn on the cob which meet the requirements of U. S. Grade A except for the increased tolerance specified below.

(a) Incident to proper grading and handling, not more than 20 percent, by count, of the units of corn in any lot may fail to meet the requirements of this grade, including not more than 5 percent for units having insect injury and not more than 1 percent for units affected by decay.

OFF-GRADE

§ 51.812 *Off-Grade husked corn on the cob.* Husked ears or portions of ears of corn on the cob which fail to meet the requirements of the foregoing grades shall be Off-Grade husked corn on the cob.

DEFINITIONS

§ 51.813 *Similar varietal characteristics.* "Similar varietal characteristics" means that the units in any package are of similar color and character of growth. Units of white and yellow corn shall not be mixed in the same package.

§ 51.814 *Well trimmed.* "Well trimmed" means that the unit is practically free from husks and silk and that the shank does not extend more than ½ inch from the base of the cob.

§ 51.815 *Well formed.* "Well formed" means that the unit is not stunted. Nubbins shall not be considered well formed units.

§ 51.816 *Clean.* "Clean" means that the unit is practically free from dirt or other foreign material.

§ 51.817 *Damage.* "Damage" means any injury or defect which materially affects the appearance, or the edible, shipping or keeping quality of the unit.

§ 51.818 *Well filled.* "Well filled" means that the rows of kernels show fairly uniform development, and that the appearance of the unit is not materially affected by poorly developed rows.

§ 51.819 *Tender.* "Tender" means that the kernels break with only moderate pressure from the thumbnail.

§ 51.820 *Plump and milky.* "Plump and milky" means that the kernels are well developed but are not over-mature or shriveled.

§ 51.821 *Units.* "Units", as used in these standards, means whole ears or portions of ears of husked corn on the cob.

§ 51.822 *Properly clipped.* "Properly clipped" means that the end or ends of the ear have been neatly cut off at approximately a right angle to the longitudinal axis.

SUBPART—UNITED STATES STANDARDS FOR GREEN CORN

GRADES

§ 51.835 *U. S. No. 1.* U. S. No. 1 shall consist of ears of green corn of similar varietal characteristics which are well trimmed, well formed, and free from smut, decay and from damage caused by other disease, insects, birds, mechanical or other means. Cobs shall be well filled, with plump and milky kernels and well covered with fresh, green husks.

(a) Each ear may be clipped but unless otherwise specified, the length of each cob, clipped or unclipped, shall be not less than 5 inches. Each clipped ear shall be properly clipped.

(b) In order to allow for variations other than length of cob incident to proper grading and handling, not more than 10 percent, by count, of the ears of corn in any lot may fail to meet the requirements of this grade, including not more than 2 percent for ears affected by decay. In addition, not more than 5 percent, by count, of the ears in any lot may fail to meet the requirements as to length of cob.

§ 51.836 *U. S. Fancy.* U. S. Fancy shall consist of ears of green corn which meet the requirements of U. S. No. 1 grade, except that the ears shall be free from worms and insect injury, and the length of the cob shall be not less than 6 inches and the ears shall not be clipped.

(a) In order to allow for variations, other than length of cob, incident to proper grading and handling, not more than 10 percent, by count, of the ears of corn in any lot may fail to meet the requirements of this grade, including not more than 2 percent for ears affected by decay. In addition, not more than 5 percent, by count, of the ears in any lot may fail to meet the requirements as to length of cob.

UNCLASSIFIED

§ 51.837 *Unclassified.* Unclassified shall consist of corn which fails 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.

COUNT

§ 51.838 *Count.* The number of ears in the container may be specified by numerical count or in terms of dozens or half dozens. Variation from the number specified shall be as follows: *Provided,* That the lot averages not more than one ear less than the number specified:

60 ears or less, 3 ear variation.
More than 60 ears, 4 ear variation.

APPLICATION OF TOLERANCES

§ 51.839 *Application of tolerances.* (a) The contents of individual containers 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:

(1) When a tolerance is 10 percent or more, individual containers in any lot shall have not 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 any container.

(2) When a tolerance is less than 10 percent, individual containers in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-sized specimen may be permitted in any container.

DEFINITIONS

§ 51.840 *Similar varietal characteristics.* "Similar varietal characteristics" means that the ears in any container are of similar color and character of growth. Ears of field and sweet corn or white and yellow corn shall not be mixed in the same container.

§ 51.841 *Well trimmed.* "Well trimmed" means that the ears are practically free from loose husks and that the shank shall be not more than 6 inches in length and not extend more than 1 inch beyond the point of attachment of the outside husk.

§ 51.842 *Well formed.* "Well formed" means that the ears are not stunted. Nubbins are not well formed ears.

§ 51.843 *Damage.* "Damage" means injury from any cause which materially affects the appearance, or the edible or shipping quality of the ear. Unclipped ears showing worm injury extending not more than one and one-half inches from the tip of the cob shall not be regarded as damaged, but worm injury affecting kernels on other parts of the cob shall be considered as damage. When ears are clipped, any worm injury remaining shall be regarded as damage.

§ 51.844 *Well filled.* "Well filled" means that the rows of kernels show fairly uniform development, and that the appearance and quality of the edible portion of the ear are not materially affected by poorly developed rows. When the ear has not been clipped, not more than one-fourth of the length of the cob may have poorly developed or missing kernels at the tip. When the ear has been clipped it shall have practically no poorly developed kernels at the tip of the cob. Missing or poorly developed kernels on other parts of the ear shall not aggregate more than one square inch on a cob 6 inches in length, and a proportionally greater area shall be permitted on a longer cob and a proportionally lesser area on a shorter cob.

§ 51.845 *Plump and milky.* "Plump and milky" means that the kernels are well developed but are not overmature or shriveled.

§ 51.846 *Fresh.* "Fresh" means that the husks are not badly wilted, dried, or turning yellow or brown.

§ 51.847 *Properly clipped.* "Properly clipped means that either the end of the cob, or the end of the cob and husk have been neatly removed at approximately a right angle to the longitudinal axis.

SUBPART—UNITED STATES STANDARDS FOR BERRIES FOR PROCESSING [1]

GRADES

§ 51.860 *U. S. No. 1.* U. S. No. 1 shall consist of berries of similar varietal characteristics which are free from caps (calyxes), mold or decay, and from dried, undeveloped and distinctly immature berries and from damage caused by overmaturity, crushing, shriveling, dirt, or other foreign matter, hail, sunscald, moisture, birds, disease, insects, mechanical or other means. At least 85 percent, by weight, of the berries in the lot shall be well colored. (See § 51.863.)

(a) In order to allow for variations incident to proper handling, not more than 10 percent, by weight, of the berries in any lot may fail to meet the requirements of this grade, including not more than 3 percent for distinctly immature berries. No part of any tolerance shall be allowed to reduce the percentage of well colored berries required in the grade, and no part of any tolerance shall be allowed for berries infested with worms.

§ 51.861 *U. S. No. 2.* U. S. No. 2 shall consist of berries which meet the requirements for U. S. No. 1 grade except for color and except for the increased tolerance for defects specified below. At least 75 percent, by weight, of the berries in the lot shall be well colored. (See § 51.863.)

(a) In order to allow for variations incident to proper handling, not more than 20 percent, by weight, of the berries in any lot may fail to meet the requirements of this grade, including not more than 5 percent for distinctly immature berries. No part of any tolerance shall be allowed to reduce the percentage of well colored berries required in the grade, and no part of any tolerance shall be allowed for berries infested with worms.

UNCLASSIFIED

§ 51.862 *Unclassified.* Unclassified shall consist of berries 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.

SIZE

§ 51.863 *Size.* In view of the size variations in different producing sections and size variations of different types and varieties of berries, no size requirements are specified in these standards. However, the size may be specified in terms of minimum diameter or length.

(a) In order to allow for variations incident to proper sizing, not more than 5 percent, by weight, of the berries in any lot may fail to meet the size specified.

DEFINITIONS

§ 51.864 *Dried.* "Dried" means appreciably lacking in juice. Dried berries are excessively seedy and often shriveled.

§ 51.865 *Undeveloped.* "Undeveloped" means lack of development, due to frost or insect injury, lack of pollination or other means, which causes the berry to be dwarfed or badly misshapen.

§ 51.866 *Distinctly immature.* "Distinctly immature" means that the berries are light red, whitish, or green in the case of types or varieties which are characteristically blue or black when well ripened; and that the berries are whitish or green in the case of types or varieties which are characteristically red when well ripened.

§ 51.867 *Damage.* "Damage" means any injury or defect which materially affects the berries for processing purposes. The following shall be considered as damage:

(a) Overmaturity, when the druplets of the berry have lost their luster and are excessively soft. Such berries usually disintegrate when washed under pressure.

(b) Crushing, when more than one-fourth of the druplets of the berry have been crushed.

(c) Shriveling, when the berry is materially shriveled as evidenced by drying or undevelopment of more than one-fourth of the druplets of the berry.

(d) Dirt, when it cannot be removed from the berry in the ordinary washing process.

§ 51.868 *Well colored.* "Well colored" means that the berry has the color characteristic for a well ripened berry of the type or variety.

§ 51.869 *Diameter.* "Diameter" means the greatest dimension of the berry measured at right angles to a line running from the stem end to the blossom end.

SUBPART—UNITED STATES STANDARDS FOR TABLE GRAPES (EUROPEAN OR VINIFERA TYPE)

GRADES

§ 51.880 *U. S. Fancy Table Grapes.* U. S. Fancy Table Grapes consists of bunches of well developed grapes of one variety (except when designated as assorted varieties) which are well matured, fairly uniform in appearance and well colored. The berries shall be firm, firmly attached to capstems and shall not be weak, shriveled at capstems, shattered, split, crushed or wet, and shall be free from decay, waterberry, sunburn and Almeria Spot, and shall be free from damage caused by scarring, discoloration, heat, mildew, other diseases, freezing, insects, or mechanical or other means.

(a) *Bunches.* The bunches shall be fairly well filled but not excessively tight. They shall also be free from injury caused by shot berries, dried berries or other defective berries or by the trimming away of defective berries and they shall weigh not less than one-half pound.

(b) *Stems.* The stems shall be well developed and strong, shall not be dry and brittle and shall be free from mold and free from damage caused by mildew or freezing. The Almeria variety shall have stems which are mature. The Emperor variety shall have stems which are mature and distinctly yellowish-green or yellow at time of packing.

(c) *Size of berries.* Not less than 90 percent, by count, of the berries, exclusive of shot berries and dried berries, on each bunch shall have a minimum diameter as indicated for varieties as follows:

Ribier and Cardinal, 12/16 of an inch.
Tokay, 11/16 of an inch.
Almeria, 9/16 of an inch.
Thompson Seedless and Black Monukka, 7/16 of an inch.
Other varieties, 10/16 of an inch.

(d) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 5 percent for bunches which fail to meet the requirements for minimum diameter of berries;

(2) 5 percent for bunches which weigh less than one-half pound;

[1] These standards apply to berries of the genus Rubus, such as blackberries, dewberries, Boysenberries, Loganberries, Youngberries and similar types of berries, but not raspberries.

(3) 10 percent for bunches which fail to meet the color requirements;

(4) 5 percent for bunches of the Almeria and Emperor varieties which fail to meet the requirements for maturity of stems and color of stems;

(5) 5 percent for bunches and berries which fail to meet the remaining requirements of this grade, other than for maturity and uniformity of appearance, including not more than 3 percent for shattered berries and including not more than 2 percent for berries which are seriously damaged: *Provided,* That not more than one-fourth of the latter amount, or one-half of 1 percent, may be permitted for berries affected by decay.

(6) There is no tolerance specified in this grade for grapes which fail to meet the maturity requirements. However, no lot shall be considered as failing to meet these requirements because the sample of grapes from one container tests below the required percentage of soluble solids.

§ 51.881 *U. S. Extra No. 1 Table Grapes.* U. S. Extra No. 1 Table Grapes consists of bunches of well developed grapes of one variety (except when designated as assorted varieties) which are mature, fairly uniform in appearance and fairly well colored, except that grapes of the red varieties shall be reasonably well colored. The berries shall be firm, firmly attached to capstems and shall not be weak, shriveled at capstems, shattered, split, crushed or wet, and shall be free from decay, waterberry, sunburn and Almeria Spot, and free from damage caused by scarring, discoloration, heat, mildew, other diseases, freezing, insects or mechanical or other means.

(a) *Bunches.* The bunches shall be fairly well filled but not excessively tight. They shall also be free from damage caused by shot berries, dried berries or other defective berries or by the trimming away of defective berries and they shall weigh not less than one-fourth pound.

(b) *Stems.* The stems shall be well developed and strong, shall not be dry and brittle and shall be free from mold and free from damage caused by mildew or freezing. The Almeria variety shall have not less than 50 percent of the bunches with stems which are mature. The Emperor variety shall have not less than 50 percent of the bunches with stems which are mature and distinctly yellowish-green or yellow at time of packing.

(c) *Size of berries.* Not less than 90 percent, by count, of the berries, exclusive of shot berries and dried berries, on each bunch shall have a minimum diameter as indicated for varieties as follows:

Ribier and Cardinal, 12/16 of an inch.
Tokay, 11/16 of an inch.
Almeria, 9/16 of an inch.
Thompson Seedless and Black Monukka, 7/16 of an inch.
Other varieties, 10/16 of an inch.

(d) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 5 percent for bunches which fail to meet the requirements for minimum diameter of berries;

(2) 10 percent for bunches which fail to meet the color requirements;

(3) For the Almeria and Emperor varieties, individual containers may have not more than a total of 10 percent less than the required percentage of bunches which meet the requirements for maturity of stems and color of stems: *Provided,* That the entire lot averages within the required percentage;

(4) 8 percent for bunches which weigh less than one-fourth pound and bunches and berries which fail to meet the remaining requirements of this grade, other than for maturity and uniformity of appearance, including not more than 5 percent for shattered berries and including not more than 2 percent for berries which are seriously damaged: *Provided,* That not more than one-fourth of the latter amount, or one-half of 1 percent, may be permitted for berries affected by decay.

(5) There is no tolerance specified in this grade for grapes which fail to meet the maturity requirements. However, no lot shall be considered as failing to meet these requirements because the sample of grapes from one container tests below the required percentage of soluble solids.

§ 51.882 *U. S. No. 1 Table Grapes.* U. S. No. 1 Table Grapes consists of bunches of well developed grapes of one variety (except when designated as assorted varieties) which are mature and fairly well colored. The berries shall be firm, firmly attached to capstems and shall not be weak, more than slightly shriveled at capstems, shattered, split, crushed or wet, and shall be free from decay, waterberry, and sunburn, and free from damage caused by scarring, discoloration, heat, Almeria Spot, mildew, other diseases, freezing, insects or mechanical or other means.

(a) *Bunches.* The bunches shall not be straggly. They shall be free from damage caused by shot berries, dried berries or other defective berries or by the trimming away of defective berries and they shall weight not less than one-fourth pound.

(b) *Stems.* The stems shall not be weak or dry and brittle and shall be free from mold and free from damage caused by mildew or freezing.

(c) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 10 percent for bunches which fail to meet the color requirements;

(2) 10 percent for bunches which weigh less than one-fourth pound and bunches and berries which fail to meet the remaining requirements of this grade, other than for maturity, including not more than 5 percent for shattered berries and including not more than 2 percent for berries which are seriously damaged: *Provided,* That not more than one-fourth of the latter amount, or one-half of 1 percent, may be permitted for berries affected by decay.

(3) There is no tolerance specified in this grade for grapes which fail to meet the maturity requirements. However, no lot shall be considered as failing to meet these requirements because the sample of grapes from one container tests below the required percentage of soluble solids.

UNCLASSIFIED

§ 51.883 *Unclassified.* Unclassified consists of grapes 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 definite grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.884 *Application of tolerances to individual packages.* (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 a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified.

(2) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, except that for shattered berries and wet berries not more than one-tenth of the packages may contain more than double the tolerance specified.

DEFINITIONS

§ 51.885 *Well developed grapes.* "Well developed grapes" means grapes which are not abnormally small for the variety.

§ 51.886 *One variety.* "One variety" means that the grapes show similar varietal characteristics. However, grapes in special packs of two or more varieties, when designated as "assorted varieties," need not meet this requirement.

§ 51.887 *Well matured.* "Well matured" means that the juice from 10 percent, by weight, of whole bunches of grapes in the container, which appear to be least mature, shall test not less than 17 percent soluble solids, as determined by the Balling or Brix scale hydrometer, except that the Tokay variety shall test not less than 18 percent, the Thompson Seedless variety shall test not less than 19 percent, the Malaga and Muscat varieties shall test not less than 20 percent.

§ 51.888 *Fairly uniform in appearance.* "Fairly uniform in appearance" means that not more than one-tenth of the containers in any lot may show sufficient variation in color or size of berries to materially detract from the appearance of the contents of the individual container.

§ 51.889 *Well colored.* "Well colored" means in the case of:

(a) Black varieties that each bunch shall have not less than 95 percent, by count, of berries showing characteristic color. Purple to black shall be considered characteristic color for the varieties Malvoise, Rose of Peru, Black Prince and Black Hamburg; reddish-purple to black shall be considered characteristic color for Cornichon and Black Monukka. Ri-

bier grape berries shall be considered as showing characteristic color when at least 60 percent of the surface is purple to black color, not reddish-purple.

(b) Red varieties that each bunch of the Tokay variety shall have not less than 60 percent, by count, and other red varieties shall have not less than 75 percent, by count, of berries which show at least 60 percent of the surface with good characteristic color: *Provided*, That the appearance of the bunch shall not be appreciably injured by very dark berries. Light or cherry red and dark red, but not light pink or very dark or purplish-red, are considered good characteristic color for the red varieties, excepting that any color ranging from light red through purple shall be considered good characteristic color for the Cardinal variety.

(c) White varieties. There are no color requirements for the white varieties.

§ 51.890 *Firm.* "Firm" means that the berry is reasonably turgid and does not yield more than slightly to moderate pressure.

§ 51.891 *Weak.* "Weak" means that the berry is relatively low in sugar content, has inferior flavor and usually is watery, translucent and somewhat soft to the touch.

§ 51.892 *Shriveled at capstems.* "Shriveled at capstems" means that the berry shows more than slight wrinkling of the skin surrounding the capstem.

§ 51.893 *Shattered.* "Shattered" means that the berry is separated from the bunch, and may or may not have the capstem attached.

§ 51.894 *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.

§ 51.895 *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.

§ 51.896 *Waterberry.* "Waterberry" means a watery, soft or flabby condition of the berries. 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."

§ 51.897 *Sunburn.* "Sunburn" means injury to the berry caused by direct exposure to the sun, including "sulphur burn," occurring as a sunken, and usually discolored and dried area on the exposed surface.

§ 51.898 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the individual berry, the appearance of the bunch as a whole, or the shipping quality of the stems.

(a) 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 to the individual berry:

(1) Scarring such as that caused by thrip, mildew, rubs and similar injuries when materially affecting the appearance of the berry.

(2) Discoloration, when any light brown, tan or darker discoloration of the skin materially affects 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) Insects, when any insect is present or there is visible evidence of insect injury; when mealybug residue or aphis honeydew are present; or when the appearance is materially affected by the presence of leafhopper residue.

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

(1) Mildew, when active powdery mildew is present on the stems, or where scars caused by this disease constrict or weaken any part of the main or lateral stems.

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

§ 51.899 *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.

§ 51.900 *Excessively tight.* "Excessively tight" means that the berries are so closely wedged together that, when the stem is fresh, the bunch is solid and the appearance is materially affected by berries on the lower portions being distinctly distorted from normal shape.

§ 51.901 *Injury to the bunch.* "Injury to the bunch" means any defect which more than slightly affects the appearance of the bunch.

§ 51.902 *Shot berries.* "Shot berries" means very small berries resulting from insufficient pollination, usually seedless in those varieties which normally develop seeds. These berries may be entirely green and hard and are designated as "immature shot berries." They may mature and color uniformly with the normal berries on the bunch and are then designated as "mature shot berries."

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

§ 51.904 *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.

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

§ 51.906 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the grapes and includes berries which are split, crushed, wet, affected by decay or waterberry, or damaged by heat or freezing, except that raisining grapes that are cracked or split, and grapes which show healed cracks at the blossom end, shall not be considered as seriously damaged.

§ 51.907 *Mature.* "Mature" means that the juice from 10 percent, by weight, of whole bunches of grapes in the container, which appear to be least mature, shall test not less than 17 percent soluble solids, as determined by the Balling or Brix scale hydrometer, except that the varieties Emperor, Gros Colman, Pierce Isabella, Olivette Blanche, Rish Baba, Red Malaga, Cardinal, Ribier, Khalili, Dizmar and varieties similar to or synonymous with the above, shall test not less than 16 percent, and except that Muscat varieties shall test not less than 18 percent.

§ 51.908 *Fairly well colored.* "Fairly well colored" means in the case of:

(a) Black varieties that each bunch shall have not less than 85 percent, by count, of berries showing characteristic color, except that in the varieties Ribier, Rose of Peru, Black Prince, Black Hamburg and Black Monukka each bunch shall have not less than 75 percent, by count, of berries showing characteristic color. Purple to black shall be considered characteristic color for the varieties Malvoise, Rose of Peru, Black Prince and Black Hamburg; reddish-purple to black shall be considered characteristic color for Cornichon and Black Monukka. Ribier grape berries shall be considered as showing characteristic color when at least 60 percent of the surface is purple to black color, not reddish-purple.

(b) Red varieties that each bunch of the Tokay variety shall have not less than 45 percent, by count, and other red varieties shall have not less than 60 percent, by count, of berries which show at least 60 percent of the surface with characteristic color. Light pink, red, dark red or purple are considered characteristic color for the red varieties. (There are no color requirements for the Pink Thompson Seedless variety, Sultanina Rose.)

(c) White varieties. There are no color requirements for the white varieties.

§ 51.909 *Reasonably well colored.* "Reasonably well colored" applies to the red varieties and means that each bunch of the Tokay variety shall have not less than 55 percent, by count, and other varieties shall have not less than 60

percent, by count, of berries which show at least 60 percent of the surface light pink, red or dark red, but not very dark or purplish-red: *Provided,* That the appearance of the bunch shall not be appreciably injured by very dark berries, except that any color ranging from light pink through purple shall be permitted for the Cardinal variety.

§ 51.910 *Slightly shriveled at capstems.* "Slightly shriveled at capstems" means that the skin of the berry is definitely wrinkled adjacent to the capstem and the surface is materially sunken.

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

SUBPART—UNITED STATES STANDARDS FOR GRAPEFRUIT (CALIFORNIA AND ARIZONA)

GRADES

§ 51.925 *U. S. Fancy.* U. S. Fancy shall consist of grapefruit of similar varietal characteristics which are mature, well colored, firm, well formed, of smooth texture for the variety, and fairly thin skinned; free from decay, broken skins which are not healed, hard or dry skins, bruises (except those incident to proper handling and packing), dryness or mushy condition, and from injury caused by sprayburn, fumigation, exanthema, scars, green spots, scale, sunburn, sprouting, dirt or other foreign materials, disease, insects or mechanical or other means. Stems shall be properly clipped. (See § 51.932.)

§ 51.926 *U. S. No. 1.* U. S. No. 1 shall consist of grapefruit of similar varietal characteristics which are mature, fairly well colored, firm, well formed, of fairly smooth texture for the variety, and not excessively thick skinned; free from decay, broken skins which are not healed, hard or dry skins, bruises (except those incident to proper handling and packing), and from damage caused by dryness or mushy condition, sprayburn, fumigation, exanthema, scars, green spots, scale, sunburn, sprouting, dirt or other foreign materials, disease, insects, or mechanical or other means. Stems shall be properly clipped. (See § 51.932.)

§ 51.927 *U. S. No. 2.* U. S. No. 2 shall consist of grapefruit of similar varietal characteristics which are mature, slightly colored, fairly firm, fairly well formed, and not decidedly rough; free from decay, broken skins which are not healed, hard or dry skins, and from serious damage caused by bruises, dryness or mushy condition, sprayburn, fumigation, exanthema, scars, green spots, scale, sunburn, sprouting, dirt or other foreign materials, disease, insects, or mechanical or other means. Stems shall be properly clipped. (See § 51.932.)

§ 51.928 *U. S. Combination grade.* Any lot of grapefruit may be designated "U. S. Combination" when not less than 40 percent, by count, of the fruits in each container meet the requirements of U. S. No. 1 grade and the remainder U. S. No. 2 grade. (See § 51.933.)

§ 51.929 *U. S. No. 3.* U. S. No. 3 shall consist of grapefruit of similar varietal characteristics which are mature, slightly colored, which may be slightly spongy, misshapen, and rough but not seriously lumpy; which are free from decay, broken skins which are not healed, hard or dry skins, and from serious damage caused by bruises, dryness or mushy condition, and from very serious damage caused by sprayburn, fumigation, exanthema, scars, green spots, scale, sunburn, sprouting, dirt or other foreign materials, disease, insects or mechanical or other means. Stems shall be properly clipped. (See § 51.932.)

UNCLASSIFIED

§ 51.930 *Unclassified.* Unclassified shall consist of grapefruit 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 definite grade has been applied to the lot.

TOLERANCES

§ 51.931 *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the tolerances set forth in §§ 51.932 and 51.933 are provided as specified.

§ 51.932 *U. S. Fancy, U. S. No. 1, U. S. No. 2 and U. S. No. 3 grades.* Not more than 10 percent, by count, of the fruit in any lot may fail to meet the requirements of the specified grade, other than for color, but not more than one-twentieth of this amount, or one-half of 1 percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruit in any lot may not meet the requirements relating to color.

§ 51.933 *U. S. Combination grade.* Not more than 10 percent, by count, of the fruit in any lot may fail to meet the requirements of this grade, other than for color, but not more than one-twentieth of this amount, or one-half of 1 percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. This 3 percent tolerance may be used to reduce the percentage of U. S. No. 1 grade required in the combination, provided the affected fruits meet the requirements of U. S. No. 1 grade in other respects. In addition, not more than 10 percent, by count, of the fruit in any lot may not meet the requirements of the U. S. No. 2 grade for color. No part of any tolerance, other than that for decay, shall be allowed to reduce for the lot as a whole the percentage of U. S. No. 1 in the combination, but individual containers may have not more than a total of 10 percent less than the percentage of U. S. No. 1 specified: *Provided,* That the entire lot averages within the percentage specified.

APPLICATION OF TOLERANCES

§ 51.934 *Application of tolerances to individual packages.* (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 25 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 25 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 decayed or very seriously damaged fruit may be permitted in any package.

(2) For packages which contain 25 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided,* That not more than one grapefruit which is seriously damaged by dryness or mushy condition or very seriously damaged by other means may be permitted in any package and, in addition, en route or at destination not more than 10 percent of the packages may have more than one decayed fruit.

STANDARD PACK

§ 51.935 *Standard pack.* (a) Grapefruit shall be fairly uniform in size, and, when packed in boxes, shall be arranged according to the approved and recognized methods. Each wrapped fruit shall be fairly well wrapped.

(b) All packages shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(c) When packed in standard nailed boxes, grapefruit shall show a minimum bulge of 2 inches, except that grapefruit of a size 80 or smaller need only show a bulge of 1½ inches.

(d) "Fairly uniform in size" means that not more than 5 percent, by count, of the fruit in any container may be more than one standard size larger or smaller than the standard size for the count packed.

(e) Example of standard size grapefruit: The standard size grapefruit for a 64 count is that size grapefruit which will pack tightly 64 grapefruit of uniform size when packed according to the approved and recognized method.

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

STANDARDS FOR EXPORT

§ 51.936 *Standards for export.* (a) Not more than a total of 10 percent, by count, of the grapefruit in any container may be soft, affected by decay, damaged by skin breakdown, have broken skins which are not healed, or be seriously damaged by dryness or mushy condition, except that:

(1) Not more than one-half of 1 percent shall be allowed for grapefruit affected by decay.

(2) Not more than 3 percent shall have broken skins which are not healed.

(3) Not more than 5 percent shall be soft.

(4) Not more than 5 percent shall be seriously damaged by dryness or mushy condition.

(5) Not more than 5 percent shall be damaged by skin breakdown.

(b) Any lot of grapefruit shall be considered as meeting the standards for export if the entire lot averages within the requirements specified: *Provided*, That no sample from the containers in any lot shall have more than double the percentage specified for any one defect, and that not more than a total of 10 percent, by count, of the grapefruit in any container has any of the defects enumerated in the standards for export.

DEFINITIONS

§ 51.937 *Similar varietal characteristics.* "Similar varietal characteristics" means that the fruits in any container are similar in color and type.

§ 51.938 *Well colored.* "Well colored" means that the fruit is yellow in color, with not more than a trace of green.

§ 51.939 *Firm.* "Firm" means that the fruit is not soft or noticeably wilted or flabby. The skin may feel slightly springy or spongy.

§ 51.940 *Well formed.* "Well formed" means that the fruit shows the normal shape characteristic of the variety.

§ 51.941 *Smooth.* "Smooth" means that the skin is of fairly fine grain, the "pebbling" is not pronounced, and any furrows radiating from the stem end are short and shallow.

§ 51.942 *Fairly thin skinned.* "Fairly thin skinned" means that the skin thickness does not average more than three-eighths of an inch, on a central cross section, in sizes 100 or smaller, or more than seven-sixteenths of an inch in sizes larger than 100.

§ 51.943 *Injury.* "Injury" means any defect which more than slightly affects the appearance, or edible or shipping quality of the fruit. 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 injury:

(a) Sprayburn which changes the color to such an extent that the appearance of the fruit is noticeably injured, or which causes scarring that aggregates more than one-half inch in diameter.

(b) Fumigation injury which noticeably detracts from the appearance of the fruit, or which occurs as small, thinly scattered spots over more than 10 percent of the fruit surface, or as solid or depressed scarring which aggregates more than one-half of an inch in diameter.

(c) Exanthema which noticeably detracts from the appearance of the fruit, or which occurs as small, thinly scattered spots over more than 10 percent of the fruit surface, or as solid scarring which aggregates more than one-half of an inch in diameter.

(d) Scars which are very rough or very deep; or scars which are very dark when more than one-fourth of an inch in diameter.

(e) Scars which are dark, rough, or deep and aggregate more than one-half of an inch in diameter.

(f) Scars which are fairly light in color, slightly rough, or of slight depth and aggregate more than 5 percent of the fruit surface.

(g) Scars which are light colored, fairly smooth, with no depth and aggregate more than 10 percent of the fruit surface.

(h) Green spots which are depressed or soft, or more than four in number, or which aggregate more than one inch in diameter.

(i) Scale, when more than 5 medium to large California red or purple scale are adjacent to the "button" at the stem end, or scattered over the fruit, or any scale which affects the appearance of the fruit to a greater extent.

(j) Sunburn which appreciably changes the normal color or shape of the fruit, or affects more than 10 percent of the fruit surface.

§ 51.944 *Fairly well colored.* "Fairly well colored" means that yellow color predominates on the fruit and that the fruit is free from distinctly green streaks and distinctly green blotches.

§ 51.945 *Fairly smooth.* "Fairly smooth" means that the skin does not feel noticeably rough or coarse. The size of the fruit should be considered in judging the texture, as large fruit is not usually as smooth as the small. It is common for the fruit to show larger and coarser "pebbling" on the stem end portion than on the blossom end. Slight furrows or grooves which may be present on the stem end portion of the fruit shall not be considered as slightly rough unless they are of sufficient depth, length, and number to materially affect the appearance and smoothness of the grapefruit.

§ 51.946 *Excessively thick skinned.* "Excessively thick skinned" means that the skin thickness averages more than seven-sixteenths of an inch, on a central cross section, in sizes 100 or smaller, or more than one-half of an inch in sizes larger than 100.

§ 51.947 *Damage.* "Damage" means any injury which materially affects the appearance, or the edible or shipping quality of the fruit. 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) Dryness or mushy condition, when affecting all segments more than one-fourth of an inch at the stem end, or the equivalent of this amount by volume, when occurring in other portions of the fruit.

(b) Sprayburn which changes the color to such an extent that the appearance of the fruit is materially injured, or which causes scarring that aggregates more than three-fourths of an inch in diameter.

(c) Fumigation injury which materially detracts from the appearance of the fruit, or which occurs as small, thinly scattered spots over more than 25 percent of the fruit surface, or as solid scarring or depressions which aggregate more than three-fourths of an inch in diameter.

(d) Exanthema which materially detracts from the appearance of the fruit, or which occurs as small, thinly scattered spots over more than 25 percent of the fruit surface, or as solid scarring, that is not cracked, which aggregates more than three-fourths of an inch in diameter.

(e) Scars which are very deep; or scars which are very rough or very dark and aggregate more than one-half of an inch in diameter.

(f) Scars which are dark, rough or deep and aggregate more than three-fourths of an inch in diameter.

(g) Scars which are fairly light in color, slightly rough, or of slight depth and aggregate more than 10 percent of the fruit surface.

(h) Scars which are light colored, fairly smooth, with no depth and aggregate more than 15 percent of the fruit surface.

(i) Green spots which are depressed or soft, or more than seven in number, or which aggregate more than 5 percent of the fruit surface.

(j) Scale, when more than 10 medium to large California red or purple scale are adjacent to the "button" at the stem end, or scattered over the fruit, or any scale which affects the appearance of the fruit to a greater extent.

(k) Sunburn which causes appreciable flattening of the fruit, drying or darkening of the skin, or affects more than 25 percent of the fruit surface.

§ 51.948 *Slightly colored.* "Slightly colored" means that sufficient yellow color is distributed over the fruit surface and, when blended with the green color present, is equivalent to 25 percent of full yellow color characteristic of the variety.

§ 51.949 *Fairly firm.* "Fairly firm" means that the fruit may be slightly soft but is not decidedly flabby. The skin may be thick and slightly puffy.

§ 51.950 *Fairly well formed.* "Fairly well formed" means that the fruit is not materially flattened, materially pointed, extremely elongated, or otherwise decidely deformed.

§ 51.951 *Decidedly rough.* "Decidedly rough" means that the skin is materially rough, materially lumpy, decidely folded, or decidely ridged.

§ 51.952 *Serious damage.* "Serious damage" means any injury which seriously affects the appearance, or the edible or shipping quality of the fruit. 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) Dryness or mushy condition, when affecting all segments more than one-half of an inch at the stem end, or the equivalent of this amount by volume, when occurring in other portions of the fruit.

(b) Sprayburn which changes the color to such an extent that the appearance of the fruit is seriously injured, or which causes scarring that aggregates

more than 10 percent of the fruit surface.

(c) Fumigation injury which occurs as small, thinly scattered spots over more than one-half of the fruit surface, or solid scarring or depressions which aggregate more than 5 percent of the fruit surface.

(d) Exanthema which occurs as small, thinly scattered spots over more than one-half of the fruit surface, or solid scarring that is not cracked, which aggregates more than 5 percent of the fruit surface.

(e) Scars which are very deep; or scars which are very rough or very dark and aggregate more than one inch in diameter.

(f) Scars which are dark, rough or deep and aggregate more than 5 percent of the fruit surface.

(g) Scars which are fairly light in color, slightly rough or of slight depth and aggregate more than 15 percent of the fruit surface.

(h) Scars which are light colored, fairly smooth, with no depth and aggregate more than 25 percent of the fruit surface.

(i) Green spots which are soft or aggregate more than 2 inches in diameter.

(j) Scale, when California red or purple scale is concentrated as a ring or blotch, or which is more than thinly scattered over the fruit surface, or any scale which affects the appearance of the fruit to a greater extent.

(k) Sunburn which causes decided flattening of the fruit, drying or dark discoloration of the skin, or which affects more than one-third of the fruit surface.

§ 51.953 *Slightly spongy.* "Slightly spongy" mean that the fruit is puffy or slightly wilted but not decidedly flabby.

§ 51.954 *Misshapen.* "Misshapen" means that the fruit is materially flattened, materially pointed, extremely elongated or otherwise decidedly deformed.

§ 51.955 *Very serious damage.* "Very serious damage" means any injury which very seriously affects the appearance, or the edible or shipping quality of the fruit. 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) Sprayburn which seriously affects more than 25 percent of the fruit surface.

(b) Fumigation injury which causes deep, rough, or dark scarring which aggregates more than 25 percent of the fruit surface.

(c) Exanthema which aggregates more than 10 percent of the fruit surface, or causes serious cracks.

(d) Scars which are very dark, very rough, or very deep and aggregate more than 10 percent of the fruit surface.

(e) Scars which are dark, rough or deep and aggregate more than 25 percent of the fruit surface.

(f) Green spots which are badly sunken or soft.

(g) Scale so numerous or large that the appearance of the fruit is very seriously affected.

(h) Sunburn which seriously affects more than one-third of the fruit surface.

Subpart—United States Consumer Standards for Fresh Kale

GRADES

§ 51.975 *U. S. Grade A.* U. S. Grade A shall consist of leaves or parts of leaves of kale of one type which are fresh, fairly tender, clean, well trimmed and of characteristic color for the type; which are free from decay, small pieces of leaves, and leaf stems without blades, and are free from damage caused by discoloration, seedstems, bud burn, freezing, foreign material, disease, insects or mechanical or other means. Leaves or parts of leaves of kale on the shown face shall be reasonably representative in size and quality of the contents of the container.

(a) Incident to proper grading and handling, not more than 3 percent, by weight, of the kale in any lot may be small pieces of leaves, and not more than 5 percent may fail to meet the remaining requirements of the grade, including not more than 2 percent for leaves or parts of leaves which are seriously damaged.

§ 51.976 *U. S. Grade B.* U. S. Grade B shall consist of leaves or parts of leaves of kale which meet the requirements of U. S. Grade A, except that they need be only reasonably clean; and except that those with only the edges affected with bronze or slight yellowish color, but not dried, shall be permitted in this grade; and except for the increased tolerances for defects specified below:

(a) Incident to proper grading and handling, not more than 5 percent, by weight, of the kale in any lot may be small pieces of leaves, and not more than 10 percent may fail to meet the remaining requirements of the grade, including not more than 4 percent for leaves or parts of leaves which are seriously damaged.

OFF-GRADE

§ 51.977 *Off-Grade kale.* Leaves or parts of leaves of kale which fail to meet the requirements of either of the foregoing grades shall be Off-Grade kale.

DEFINITIONS

§ 51.978 *One type.* "One type" means that the kale is generally of the same color and character of growth. No mixture of types shall be permitted which materially affects the appearance of the lot.

§ 51.979 *Fresh.* "Fresh" means that the leaves or parts of leaves are not more than slightly wilted.

§ 51.980 *Fairly tender.* "Fairly tender" means that leaves and parts of leaves are not tough or excessively fibrous.

§ 51.981 *Clean.* "Clean" means that the kale does not show more than a trace of grit, sand, dirt, silt, muck or other water insoluble inorganic material.

§ 51.982 *Well trimmed.* "Well trimmed" means that the leaf stems (petioles) have been cut or broken off within ½ inch of the blade.

§ 51.983 *Small pieces of leaves.* "Small pieces of leaves" means parts of leaves which are smaller in area than a circle one inch in diameter.

§ 51.984 *Damage.* "Damage" means any injury or defect which materially affects the appearance, or the edible, shipping or keeping quality of the individual leaves or parts of leaves or the lot as a whole. The following defects or any combination of defects the seriousness of which exceeds the amount allowed for any one defect shall be considered as damage:

(a) Discoloration, when the appearance of the leaf or part of a leaf is materially affected.

(b) Mechanical damage, when the leaf or part of a leaf is very badly crushed, torn or broken.

§ 51.985 *Serious damage.* "Serious damage" means any injury or defect which seriously affects the appearance, or the edible, shipping or keeping quality of the individual leaves or parts of leaves or the lot as a whole. The following defects or any combination of defects the seriousness of which exceeds the amount allowed for any one defect shall be considered as serious damage:

(a) Leaves or parts of leaves which are badly discolored.

(b) Leaves or parts of leaves on which worms or worm frass are present, or leaves or parts of leaves on which there is more than slight infestation by other insects.

(c) Leaves which are affected by soft rot.

(d) Weeds, grass or pieces thereof, and other extraneous matter.

§ 51.986 *Reasonably clean.* "Reasonably clean" means that the kale is reasonably free from grit, sand, dirt, silt, muck and other water insoluble inorganic material.

Subpart—United States Standards for Persian (Tahiti) Limes

GRADES

§ 51.1000 *U. S. No. 1.* U. S. No. 1 consists of Persian Limes which are firm, fairly well formed, of fairly smooth texture, which are free from decay, stylar end breakdown or other internal discoloration, broken skins which are not healed, bruises (except those incident to proper handling and packing), hard or dry skins, and free from damage caused by freezing, dryness or mushy condition, sprayburn, exanthema (ammoniation), scars, thorn scratches, scale, sunburn, scab, blanching, discoloration, buckskin, dirt or other foreign material, disease, insects or mechanical or other means.

(a) The limes shall have a good green color: *Provided,* That lots of limes which meet all the requirements of this grade except as to color shall be designated as "U. S. No. 1 Turning" if the limes in each container have started to show yellow color, or as "U. S. No. 1 Mixed Color" if the limes in each container fail to meet the color requirements of either U. S. No. 1 or U. S. No. 1 Turning.

(b) The fruit shall have a juice content of not less than 42 percent, by volume.

(c) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the fruit in any lot may fail to meet the color requirements. In addition, not more than 10 percent, by count, of the fruit in any lot may be below the remaining requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for decay, stylar end breakdown, broken skins which are not healed, or defects causing serious damage, including not more than one-half of 1 percent for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination.

§ 51.1001 *U. S. No. 2.* U. S. No. 2 consists of Persian Limes which are fairly firm, which are not badly deformed, and not of excessively rough texture, which are free from decay, stylar end breakdown or other internal discoloration, broken skins which are not healed, bruises (except those incident to proper handling and packing), and hard or dry skins, and free from serious damage caused by freezing, dryness or mushy condition, sprayburn, exanthema (ammoniation), scars, thorn scratches, scale, sunburn, scab, discoloration, buckskin, dirt or other foreign material, disease, insects or mechanical or other means.

(a) The limes shall have good green color: *Provided*, That lots of limes which meet all the requirements of this grade except as to color shall be designated as "U. S. No. 2 Turning" if the limes in each container have started to show yellow color, or as "U. S. No. 2 Mixed Color" if the limes in each container fail to meet the color requirements of either U. S. No. 2 or U. S. No. 2 Turning.

(b) The fruit shall have a juice content of not less than 42 percent, by volume.

(c) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the fruit in any lot may fail to meet the color requirements. In addition, not more than 10 percent, by count, of the fruit in any lot may be below the remaining requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for decay, stylar end breakdown, and broken skins which are not healed, including not more than one-half of 1 percent for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination.

§ 51.1002 *U. S. Combination grade.* A lot of limes may be designated "U. S. Combination" when not less than 75 percent, by count, of the limes in each container meet the requirements of U. S. No. 1 grade and the remainder U. S. No. 2 grade.

(a) The limes shall have good green color: *Provided*, That lots of limes which meet all the requirements of this grade except as to color shall be designated as "U. S. Combination Turning" if the limes in each container have started to show yellow color, or as "U. S. Combination Mixed Color" if the limes in each container fail to meet the color requirements of either U. S. Combination or U. S. Combination Turning.

(b) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the fruit in any lot may fail to meet the color requirements. In addition, not more than 10 percent, by count, of the fruit in any lot may be below the remaining requirements of the lower grade in the combination, but not more than one-half of this amount, or 5 percent, shall be allowed for limes affected by decay, stylar end breakdown, and broken skins which are not healed, including not more than one-half of 1 percent for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay enroute or at destination.

(c) No part of the above tolerances shall be allowed to reduce for the lot as a whole, the 75 percent of U. S. No. 1 limes required in the U. S. Combination Grade, but individual containers may have not less than 65 percent of the higher grade.

UNCLASSIFIED

§ 51.1003 *Unclassified.* Unclassified consists of Persian Limes 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 definite grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.1004 *Application of tolerances to individual packages.* (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 a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that when the package contains 15 specimens or less, individual packages may contain not more than double the tolerance specified.

(2) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, provided at least one specimen which does not meet the requirements shall be allowed in any one package.

DEFINITIONS

§ 51.1005 *Firm.* "Firm" means that the fruit is not soft or flabby.

§ 51.1006 *Fairly well formed.* "Fairly well formed" means that the fruit shows normal characteristic shape for the Persian variety and is not materially flattened on one side.

§ 51.1007 *Fairly smooth texture.* "Fairly smooth texture" means that the fruit is comparatively free from lumpiness and that pebbling is not abnormally coarse. Coarse pebbling is not objectionable as it is indicative of good keeping quality and is characteristic of the fruit, especially that from young trees.

§ 51.1008 *Stylar end breakdown.* "Stylar end breakdown" is a physiological breakdown starting as a sunken area at the base of the nipple. A brownish discoloration develops in the rind. As it progresses the color of the affected area becomes light drab to drab but the area remains firm unless infected with secondary organisms that cause soft decay.

§ 51.1009 *Damage.* "Damage" means any defect that materially affects the appearance, or the edible or shipping quality of the fruit. 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) Dryness or mushy condition which extends into all segments more than one-eighth of an inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(b) Sprayburn which changes the color to such an extent that the appearance of the fruit is materially affected, or which causes scarring that in the aggregate exceeds the area of a circle one-fourth inch in diameter;

(c) Exanthema (ammoniation) which materially detracts from the appearance of the fruit, or which occurs as small, thinly scattered spots over more than 10 percent of the fruit surface, or as solid scarring (not cracked), or depressions which in the aggregate exceed the area of a circle one-half inch in diameter;

(d) Scars which are dark, rough, or deep and in the aggregate exceed the area of a circle one-fourth inch in diameter, or scars which are fairly light in color, slightly rough, or of slight depth and in the aggregate exceed the area of a circle one-half inch in diameter, or scars which are light colored, fairly smooth, with no depth and aggregate more than 10 percent of the fruit surface;

(e) Thorn scratches, when the injury is not well healed, or when dark colored, rough or deep and in the aggregate exceeds the area of a circle one-fourth inch in diameter, or when light colored, fairly smooth and concentrated and in the aggregate exceeds the area of a circle one-half inch in diameter, or light colored and scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the aggregate area of one-half inch permitted for light colored concentrated injury;

(f) Scale, when more than ten medium to large California red or purple scale adjacent to button at stem end, or scattered over the fruit, or any scale which affects the appearance of the fruit to a greater extent;

(g) Sunburn which causes appreciable flattening of the fruit, drying of the skin, material change in the color of the skin, appreciable drying of the flesh underneath the affected area or affects more than 5 percent of the fruit surface;

(h) Scab which materially affects the shape or texture;

(i) Blanching, when more than 10 percent of the surface of the fruit shows a

whitish area owing to shading, resting on the surface of the ground, or contact with other fruits on the tree. These whitish areas are not to be confused with fruit that is turning, the color of which is more of a greenish yellow;

(j) Discoloration caused by rust mite, melanose or other means, when fairly smooth and more than 10 percent of the fruit surface is affected, or when slightly rough and in the aggregate exceeds the area of a circle one-half inch in diameter; and,

(k) Buckskin, when more unsightly than the maximum of discoloration allowed, or the fruit texture is materially affected.

§ 51.1010 *Good green color.* "Good green color" means that the skin of that part of the lime free from permissible injury shall be of a good green color characteristic of the Persian variety.

§ 51.1011 *Fairly firm.* "Fairly firm" means that the fruit is not soft or excessively flabby.

§ 51.1012 *Badly deformed.* "Badly deformed" means that the fruit is seriously misshapen from any cause.

§ 51.1013 *Excessively rough texture.* "Excessively rough texture" means that the skin is badly ridged or very decidedly lumpy.

§ 51.1014 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit. 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) Dryness or mushy condition which extends into all segments more than one-fourth of an inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(b) Sprayburn which changes the color to such an extent that the appearance of the fruit is seriously injured or which causes scarring that in the aggregate exceeds the area of a circle one-half inch in diameter;

(c) Exanthema (ammoniation) which occurs as small spots over more than 25 percent of the fruit surface, or as solid scarring (not cracked), or depressions which aggregate more than 10 percent of the fruit surface;

(d) Scars which are dark, rough, or deep and aggregate more than 5 percent of the fruit surface, or scars which are fairly light in color, slightly rough, or of slight depth and aggregate more than 10 percent of the fruit surface, or scars which are light colored, fairly smooth, with no depth and aggregate more than 25 percent of the fruit surface;

(e) Thorn scratches, when the injury is not well healed, or when dark colored, rough or deep and aggregates more than 5 percent of the fruit surface, or when light colored, fairly smooth and concentrated and aggregates more than 10 percent of the fruit surface, or light colored and scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the 10 percent light colored concentrated injury;

(f) Scale, California red or purple scale concentrated as a ring or blotch when the average outside diameter exceeds one-half inch, or more than the equivalent of this amount when scattered over the fruit surface;

(g) Sunburn which causes decided flattening of the fruit, marked drying or dark discoloration of the skin, material drying of the flesh underneath the affected area, or which affects more than 10 percent of the fruit surface;

(h) Scab which seriously affects shape or texture;

(i) Discoloration caused by rust mite, melanose or other means, when fairly smooth and more than 50 percent of the fruit surface is affected, or when slightly rough and more than 25 percent of the fruit surface is affected and,

(j) Buckskin, when more unsightly than the maximum of discoloration allowed or the fruit texture is seriously affected.

SUBPART—UNITED STATES STANDARDS FOR MUSTARD GREENS AND TURNIP GREENS

GENERAL

§ 51.1030 *General.* These standards are applicable to either mustard greens or turnip greens consisting of either plants (crown or root attached), or cut leaves but they shall not be applicable to mixtures of plants and cut leaves or mixtures of mustard greens and turnip greens in the same container.

GRADES

§ 51.1031 *U. S. No. 1.* U. S. No. 1 consists of mustard greens or turnip greens of similar varietal characteristics which are fresh, fairly tender, fairly clean, and which are free from decay and free from damage caused by seedstems, discoloration, freezing, foreign material, disease, insects or mechanical or other means.

(a) *Specifications for roots.* In the case of turnip greens with roots attached, the roots shall be firm and free from damage by any cause and unless otherwise specified, the maximum diameter of the root shall be 1½ inches.

(b) *Tolerance for defects.* In order to allow for variations incident to proper grading and handling, other than for size of roots and mixtures of plants and leaves, not more than a total of 10 percent, by weight, of the units in any lot, may fail to meet the requirements of the grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for serious damage by any cause and including therein not more than 2 percent of decay. (See § 51.1034.)

(c) *Tolerance for mixtures of whole plants and leaves.* Not more than 5 percent, by weight, of the mustard or turnip greens may consist of cut leaves in a lot consisting of plants, or of plants in a lot consisting of cut leaves. (See § 51.1034.)

(d) *Tolerance for size.* Turnip greens with roots attached shall have not more than 10 percent, by weight, of roots which are larger than the specified maximum size. (See § 51.1034.)

UNCLASSIFIED

§ 51.1032 *Unclassified.* Unclassified consists of mustard greens or turnip greens which have not been classified in accordance with the foregoing grade. 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.

APPLICATION OF TOLERANCES

§ 51.1033 *Application of tolerances.* (a) The contents of individual containers in the lot, based on sample inspection, are subject to the following limitation: *Provided,* That the averages for the entire lot are within the tolerances specified.

(1) When a tolerance is 10 percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified.

(2) When a tolerance is less than 10 percent, individual containers in any lot shall have not more than double the tolerance specified.

§ 51.1034 *Basis for calculating percentages.* Percentages shall be calculated on the basis of weight or an equivalent basis. When mustard greens or turnip greens are packed as plants, each plant shall be considered as a unit. When packed as cut leaves, the individual leaf shall be considered as a unit.

DEFINITIONS

§ 51.1035 *Similar varietal characteristics.* "Similar varietal characteristics" means that the mustard or turnip greens shall be of one type (such as, crinkly leaf type or smooth leaf type in the case of mustard greens). No mixture of types shall be permitted which materially affects the appearance of the lot.

§ 51.1036 *Fresh.* "Fresh" means that the mustard or turnip leaves are not more than slightly wilted.

§ 51.1037 *Fairly tender.* "Fairly tender" means that the mustard or turnip greens are not old, tough, or excessively fibrous.

§ 51.1038 *Fairly clean.* "Fairly clean" means that the appearance of the mustard or turnip greens is not materially affected by the presence of mud, dirt, or other foreign material.

§ 51.1039 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the individual plant (with or without roots), the individual cut leaf, or 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) Seedstems when more than one-fourth the length of the longest leaf;

(b) Discoloration when the appearance of the individual unit is materially affected by yellowing or any other type of discoloration; and,

(c) Mechanical damage when the individual unit is badly crushed, torn, or broken.

§ 51.1040 *Firm.* "Firm" means that the root is not soft, flabby, or shriveled.

§ 51.1041 *Diameter.* "Diameter" means the greatest dimension measured at right angles to a line from the center of the crown to the base of the root.

§ 51.1042 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the individual plant (with or without roots), the individual cut leaf, or 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) Insects when the unit is noticeably infested or when seriously damaged by them;

(b) Discoloration when the unit is badly discolored; and,

(c) Decay.

SUBPART—UNITED STATES STANDARDS FOR COMMON GREEN ONIONS [1]

GRADES

§ 51.1055 *U. S. No. 1.* U. S. No. 1 shall consist of green onions which are fairly well-formed, firm, young and tender, fairly clean, free from decay, and from damage caused by seedstems, roots, foreign material, disease, insects, mechanical or other means. The bulbs shall be well trimmed. The tops shall be fresh, of good green color, free from damage caused by broken or bruised leaves, or by clipping. When all the tops of the onions have been evenly clipped back in accordance with good commercial practice, they shall be specified as "Clipped Tops" in connection with the grade.

(a) *Over-all length.* Unless otherwise specified, the over-all length (roots excepted) of the onions shall be not more than 24 inches nor less than 8 inches and the onions shall be not less than one-fourth of an inch or more than one inch in diameter.

(b) *Tolerance for defects.* In order to allow for variations, other than size, incident to proper grading and handling, not more than a total of 10 percent, by count, of the onions in any lot may fail to meet the requirements of this grade, but not more than 5 percent shall be allowed for defects causing serious damage, including not more than 2 percent for onions affected by decay.

(c) *Tolerance for size.* Not more than a total of 10 percent, by count, of the onions in any lot may fail to meet the requirements as to the specified length, minimum diameter or maximum diameter, but not more than 5 percent shall be allowed for any one of the requirements for size.

§ 51.1056 *U. S. No. 2* U. S. No. 2 shall consist of green onions which are not badly misshapen, and which are fairly firm, fairly young and tender, fairly clean, free from decay and from serious damage caused by seedstems, roots, foreign material, disease, insects, mechanical or other means. The bulbs shall be fairly well trimmed. The tops shall be fresh, of fairly good green color, and free from serious damage caused by broken or bruised leaves, or by clipping. When all the tops of the onions have been evenly clipped back in accordance with good commercial practice, they shall be specified as "Clipped Tops" in connection with the grade.

(a) *Over-all length.* Unless otherwise specified, the over-all length (roots excepted) of the onions shall be not less than 8 inches and the onions shall be not less than one-fourth of an inch or more than one and one-half inches in diameter.

(b) *Tolerance for defects.* In order to allow for variations, other than size, incident to proper grading and handling, not more than a total of 10 percent, by count, of the onions in any lot may fail to meet the requirements of this grade, including not more than 2 percent for onions affected by decay.

(c) *Tolerance for size.* Not more than a total of 10 percent, by count, of the onions in any lot may fail to meet the requirements of the specified length, minimum or maximum diameter, but not more than 5 percent shall be allowed for any one of the requirements for size.

UNCLASSIFIED

§ 51.1057 *Unclassified.* Unclassified shall consist of onions which are not graded in conformity with 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.

SIZE

§ 51.1058 *Size.* The following terms and definitions are provided for describing the diameters of any lot:

"Small" means less than ½ inch.
"Medium" means ½ to 1 inch, inclusive.
"Large" means over 1 inch.

APPLICATION OF TOLERANCES

§ 51.1059 *Application of tolerances.* (a) The contents of individual containers 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:

(1) When a tolerance is 10 percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any container.

(2) When a tolerance is less than 10 percent, individual containers 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 container.

DEFINITIONS

§ 51.1060 *Fairly well formed.* "Fairly well formed" means that the onion is not more than slightly curved, angular, crooked, lopsided or otherwise slightly misshapen.

§ 51.1061 *Fairly clean.* "Fairly clean" means that the appearance of the onion is not materially injured by dirt.

§ 51.1062 *Damage.* "Damage" means any injury or defect which materially affects the appearance, or the edible or shipping quality.

(a) *Seedstems.* An onion with a seedstem shall be considered as damaged if the seedstem has been broken at a point other than at the top, or is coarse, fibrous, hollow or soft, or has separated naturally from the sheath or skin. Onions often show flower buds while the seedstem is still tender. Such onions are not objectionable if the flower buds have been removed, or if present, are not noticeably protruding; however, an onion with a seedstem which, after the flower bud has been removed, exceeds the length of the longest leaves of the plant, shall be considered as damaged.

(b) *Clipping.* The tops of onions are sometimes clipped or pinched back to remove discolored or otherwise injured leaves. An individual plant shall not be considered as damaged when not more than the tips of all the leaves have been clipped or pinched back; or when not more than half the leaves have been clipped or pinched back to a greater extent but not to the extent that the appearance is materially injured; or when the tops of all the onions have been evenly clipped back in accordance with good commercial practice and the designation "Clipped Tops" is specified in connection with the grade.

§ 51.1063 *Well-trimmed.* "Well-trimmed" means that the bulb is not broken above the point of root attachment and is practically free from dead, discolored or slick outer skins. Fresh, clean, loose skins which do not materially affect the appearance of the individual onion or the bunch are permitted.

§ 51.1064 *Fresh.* "Fresh" means that the tops are not withered or badly wilted.

§ 51.1065 *Good green color.* "Good green color" means that the tops have a normal green color characteristic of healthy plants. A slight discoloration of the extreme tips and slight scarring caused by thrips are not objectionable.

§ 51.1066 *Diameter.* "Diameter" means the greatest dimension of the onion taken at right angles to the longitudinal axis.

§ 51.1067 *Not badly misshapen.* "Not badly misshapen" means that the onion is not badly curved or crooked.

§ 51.1068 *Fairly young and tender.* "Fairly young and tender" means that the onion is not tough, stringy, or advanced to the stage where the neck is flabby.

§ 51.1069 *Serious damage.* "Serious damage" means any injury or defect which seriously affects the appearance, or the edible or shipping quality.

(a) Seedstems which are excessively coarse or fibrous shall be considered as serious damage.

(b) Badly broken or badly bruised tops shall be considered as serious damage.

[1] These standards apply only to commonly cultivated green onions (Allium cepa) and not to leeks (Allium porrum), Welch or Japanese multiplier onions (Allium fistulosum), and shallots (Allium ascalonicum).

(c) Clipping. The tops of onions are sometimes clipped or pinched back to remove discolored or otherwise injured leaves. An individual plant shall not be considered as seriously damaged when not more than the tips of all the leaves have been clipped or pinched back; or when not more than half the leaves have been clipped or pinched back to a greater extent but not to the extent that the appearance is seriously injured; or when the tops of all the onions have been evenly clipped back in accordance with good commercial practice and the designation "Clipped Tops" is specified in connection with the grade.

§ 51.1070 *Fairly well-trimmed.* "Fairly well-trimmed" means that the bulb is not broken above the point of root attachment and is reasonably free from dead, discolored or slick outer skins. Fresh, fairly clean, loose skins which do not seriously affect the appearance of the individual onion or the bunch are permitted.

§ 51.1071 *Fairly good green color.* "Fairly good green color" means that the tops are pale or yellowish green or otherwise slightly discolored.

SUBPART—UNITED STATES STANDARDS FOR ORANGES (CALIFORNIA AND ARIZONA)

GRADES

§ 51.1085 *U. S. Fancy.* U. S. Fancy consists of oranges of similar varietal characteristics which are mature, well colored, firm, well formed, of smooth texture for the variety, and which are free from decay, broken skins which are not healed, hard or dry skins, exanthema, growth cracks, bruises (except those incident to proper handling and packing), dryness or mushy condition, and free from injury caused by split, rough, wide or protruding navels, creasing, scars, oil spots, scale, sunburn, dirt or other foreign material, disease, insects or mechanical or other means. (See § 51.1092.)

§ 51.1086 *U. S. No. 1.* U. S. No. 1 consists of oranges of similar varietal characteristics which are mature, firm, well formed, of fairly smooth texture for the variety, and which are free from decay, broken skins which are not healed, hard or dry skins, exanthema, growth cracks, bruises (except those incident to proper handling and packing), and free from damage caused by dryness or mushy condition, split, rough, excessively wide or protruding navels, creasing, scars, oil spots, scale, sunburn, dirt or other foreign material, disease, insects or mechanical or other means. Each fruit shall be well colored except Valencia oranges which shall be at least fairly well colored: *Provided,* That navel oranges in any lot which is destined for export and which is certified as meeting the Standards for Export need be only fairly well colored. (See § 51.1092.)

§ 51.1087 *U. S. No. 2.* U. S. No. 2 consists of oranges of similar varietal characteristics which are mature, fairly well colored, fairly firm, fairly well formed but not excessively rough, and which are free from decay, broken skins which are not healed, hard or dry skins, exanthema, growth cracks, and free from serious damage caused by bruises, dryness or mushy condition, split or protruding navels, creasing, scars, oil spots, scale, sunburn, dirt or other foreign material, disease, insects or mechanical or other means. (See § 51.1092.)

§ 51.1088 *U. S. Combination grade.* Any lot of oranges may be designated "U. S. Combination" when not less than 40 percent, by count, of the oranges in each container meet the requirements of U. S. No. 1 grade and the remainder U. S. No. 2 grade. (See § 51.1093.)

§ 51.1089 *U. S. No. 3.* U. S. No. 3 consists of oranges of similar varietal characteristics which are mature, which may be slightly spongy, misshapen, rough but not seriously lumpy, and which are free from decay, broken skins which are not healed, hard or dry skins, exanthema, and free from serious damage caused by growth cracks, bruises, dryness or mushy condition, and from very serious damage caused by split navels, creasing, scars, oil spots, scale, sunburn, dirt or other foreign material, disease, insects or mechanical or other means. (See § 51.1092.)

UNCLASSIFIED

§ 51.1090 *Unclassified.* Unclassified consists of oranges 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 definite grade has been applied to the lot.

TOLERANCES

§ 51.1091 *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the tolerances set forth in §§ 51.1092 and 51.1093 are provided as specified.

§ 51.1092 *U. S. Fancy, U. S. No. 1, U. S. No. 2 and U. S. No. 3 grades.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of the specified grade, other than for color, but not more than one-twentieth of this amount, or one-half of 1 percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may not meet the requirements relating to color.

§ 51.1093 *U. S. Combination grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, other than for color, but not more than one-twentieth of this amount, or one-half of 1 percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. This 3 percent tolerance may be used to reduce the percentage of U. S. No. 1 grade required in the combination, provided the affected fruits meet the requirements of U. S. No. 1 grade in other respects. In addition, not more than 10 percent, by count, of the fruits in any lot may not meet the requirements of the U. S. No. 2 grade for color.

(a) No part of any tolerance, other than that for decay, shall be allowed to reduce for the lot as a whole the percentage of U. S. No. 1 in the combination, but individual containers may have not more than a total of 10 percent less than the percentage of U. S. No. 1 specified: *Provided,* That the entire lot averages within the percentage specified.

APPLICATION OF TOLERANCES

§ 51.1094 *Application of tolerances to individual packages.* (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 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 decayed or very seriously damaged fruit 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: *Provided,* That not more than one orange which is seriously damaged by dryness or mushy condition or very seriously damaged by other means may be permitted in any package and, in addition, en route or at destination not more than 10 percent of the packages may have more than one decayed fruit.

STANDARD PACK

§ 51.1095 *Standard pack.* (a) Oranges shall be uniform in size and, when packed in boxes, shall be arranged according to the approved and recognized methods. Each wrapped fruit shall be fairly well enclosed by its individual wrapper.

(b) All packages shall be well filled, but the contents shall not show excessive or unnecessary bruising because of overfilled packages. The fruit shall be tightly packed.

(c) When oranges are packed in standard nailed boxes, each box shall show a minimum bulge of 1¼ inches.

(d) "Uniform in size" means that not more than 10 percent, by count, of the oranges in any container may be one standard size larger or smaller than the standard size orange for the count packed.

(e) Example of standard size orange: The standard size orange for a 200 count is that size orange which will pack tightly 200 oranges of uniform size when packed according to the approved and recognized method.

(f) In order to allow for variations incident to proper packing, when fruit is wrapped not more than 10 percent of the oranges in any container may fail to meet the requirements pertaining to wrapping, and, in addition, not more

than 5 percent of the containers in any lot may fail to meet the requirements for standard pack.

STANDARDS FOR EXPORT

§ 51.1096 *Standards for export.* (a) Not more than a total of 10 percent, by count, of the oranges in any container may be soft, affected by decay, have broken skins which are not healed, growth cracks, or be damaged by creasing or skin breakdown, or seriously damaged by split or protruding navels, or by dryness or mushy condition, except that:

(1) Not more than one-half of 1 percent shall be allowed for oranges affected by decay;

(2) Not more than 3 percent shall have broken skins which are not healed;

(3) Not more than 3 percent shall have growth cracks;

(4) Not more than 5 percent shall be soft;

(5) Not more than 5 percent shall be damaged by creasing;

(6) Not more than 5 percent shall be seriously damaged by split or protruding navels;

(7) Not more than 5 percent shall be seriously damaged by dryness or mushy condition; and,

(8) Not more than 5 percent shall be damaged by skin breakdown.

(b) Any lot of oranges shall be considered as meeting the standards for export if the entire lot averages within the requirements specified: *Provided,* That no sample from the containers in any lot shall have more than double the percentage specified for any one defect, and that not more than a total of 10 percent, by count, of the oranges in any container has any of the defects enumerated in the standards for export.

DEFINITIONS

§ 51.1097 *Similar varietal characteristics.* "Similar varietal characteristics" means that the fruits in any container are similar in color and type.

§ 51.1098 *Well colored.* "Well colored" means that the fruit is at least light orange in color, with not more than a trace of green at the stem end, and not more than 15 percent of the remainder of the surface of the fruit shows green color.

§ 51.1099 *Firm.* "Firm" means that the fruit is not soft or noticeably wilted or flabby.

§ 51.1100 *Well formed.* "Well formed" means that the fruit shows the normal shape characteristic of the variety.

§ 51.1101 *Smooth.* "Smooth" means that the skin is of fairly fine grain, the "pebbling" is not pronounced, and any furrows radiating from the stem end are shallow.

§ 51.1102 *Injury.* "Injury" means any defect which more than slightly affects the appearance, or the edible or shipping quality of the fruit. 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 injury:

(a) Split, rough, wide or protruding navels, when a split is unhealed or is more than one-eighth inch in length; or when the navel protrudes beyond the general contour of the fruit; or when flush with the contour but with the opening so wide, considering the size of the fruit, or the navel growth so folded and ridged, that it detracts noticeably from the appearance of the fruit;

(b) Slight creasing which is more than barely visible, or which extends over more than 20 percent of the fruit surface;

(c) Scarring (including sprayburn and fumigation injury) which exceeds the following aggregate areas of different types of scars, or a combination of two or more types of scars, the seriousness of which exceeds the maximum allowed for any one type:

(1) Scars which are very dark and which have an aggregate area exceeding that of a circle one-eighth inch in diameter;

(2) Scars which are dark or rough, or deep and which have an aggregate area exceeding that of a circle one-fourth inch in diameter;

(3) Scars which are fairly light in color, slightly rough, or with slight depth and which have an aggregate area exceeding that of a circle one-half inch in diameter; and,

(4) Scars which are light in color, fairly smooth, and with no depth and which have an aggregate area of more than 5 percent of the fruit surface;

(d) Oil spots (oleocellosis or similar injuries) which are depressed or soft, or which have an aggregate area of more than 2½ percent of the fruit surface, or which are green and more than 4 in number;

(e) Scale, when medium or large and more than 5 are present; and,

(f) Sunburn which appreciably changes the normal color or shape of the fruit, or which affects more than 10 percent of the fruit surface.

§ 51.1103 *Fairly smooth.* "Fairly smooth" means that the skin does not feel noticeably rough or coarse. The size of the fruit should be considered in judging texture, as large fruit is not usually as smooth as smaller fruit. It is common for the fruit to show larger and coarser "pebbling" on the stem end portion than on the blossom end. The presence of furrows or grooves on the stem end portion of the fruit is a common condition in certain varieties, and the fruit shall not be considered as slightly rough unless the furrows or grooves are of sufficient depth, length, and number as to materially affect the appearance and smoothness of the orange.

§ 51.1104 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the fruit. 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) Dryness or mushy condition, when affecting all segments more than one-fourth inch at the stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(b) Split, rough, excessively wide or protruding navels, when more than 3 splits, or when any split is unhealed or is more than one-fourth inch in length; or navels which flare, bulge, or protrude materially beyond the general contour of the fruit; or when the navel opening is so wide, considering the size of the fruit, or the navel growth is so folded and ridged, that it detracts materially from the appearance of the fruit;

(c) Creasing which materially weakens the skin, or which extends over more than one-third of the fruit surface;

(d) Scarring (including sprayburn and fumigation injury) which exceeds the following aggregate areas of different types of scars, or a combination of two or more types of scars, the seriousness of which exceeds the maximum allowed for any one type:

(1) Scars which are very dark and with slight depth and which have an aggregate area exceeding that of a circle one-fourth inch in diameter;

(2) Scars which are very dark, with no depth, and which have an aggregate area exceeding that of a circle one-half inch in diameter;

(3) Scars which are dark and rough or deep and which have an aggregate area exceeding that of a circle one-half inch in diameter;

(4) Scars which are dark and slightly rough, or with slight depth, and which have an aggregate area exceeding that of a circle three-fourths inch in diameter;

(5) Scars which are fairly light in color, slightly rough, or with slight depth and which have an aggregate area of more than 5 percent of the fruit surface; and,

(6) Scars which are light in color, fairly smooth, with no depth and which have an aggregate area of more than 10 percent of the fruit surface;

(e) Oil spots (oleocellosis or similar injuries) which are depressed or soft, or which have an aggregate area of more than 5 percent of the fruit surface, or which are green and more than 7 in number;

(f) Scale, when medium or large and more than 3 scales are present in each of 3 circular areas 1 inch in diameter, selected as the worst infested areas, or when more than 7 scales are present in one of these areas: *Provided,* That scale within a circle five-eighths inch in diameter centered at the stem button or button socket shall not be considered in determining whether an orange is damaged; and,

(g) Sunburn which causes appreciable flattening of the fruit, drying or darkening of the skin, or affects more than 25 percent of the fruit surface.

§ 51.1105 *Fairly well colored.* "Fairly well colored" means that the yellow or orange color predominates on the fruit.

§ 51.1106 *Fairly firm.* "Fairly firm" means that the fruit may be slightly soft but is not decidedly flabby.

§ 51.1107 *Fairly well formed.* "Fairly well formed" means that the fruit is not of the shape characteristic of the variety but is not decidedly flattened,

pointed, extremely elongated, or otherwise badly deformed.

§ 51.1108 *Excessively rough.* "Excessively rough" means that the skin is decidedly rough, badly folded, badly ridged, or decidedly lumpy. Heavily "pebbled" skin shall not be considered as excessively rough.

§ 51.1109 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit. 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) Dryness or mushy condition, when affecting all segments more than one-half inch at the stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(b) Split or protruding navels, when any split is unhealed or is more than one-half inch in length, or when two or more splits aggregate more than 1 inch in length; or navels which protrude seriously beyond the general contour of the fruit; or when the navel opening is so wide, considering the size of the fruit, or the navel growth is so badly folded and ridged, that it detracts seriously from the appearance of the fruit;

(c) Creasing which seriously weakens the skin, or which is distributed over practically the entire fruit surface;

(d) Scarring (including sprayburn and fumigation injury) which exceeds the following aggregate areas of different types of scars, or a combination of two or more types of scars, the seriousness of which exceeds the maximum allowed for any one type:

(1) Scars which are very dark or very rough, or very deep, and which have an aggregate area of more than 5 percent of the fruit surface;

(2) Scars which are dark or rough, or deep and which have an aggregate area of more than 10 percent of the fruit surface;

(3) Scars which are fairly light in color, slightly rough or of slight depth and which have an aggregate area of more than 15 percent of the fruit surface; and,

(4) Scars which are light in color, fairly smooth, and with no depth and which have an aggregate area of more than 25 percent of the fruit surface;

(e) Oil spots (oleocellosis or similar injuries) which are depressed or soft, or which have an aggregate area of more than 10 percent of the fruit surface;

(f) Scale, when medium or large and more than 9 scales are present in each of 3 circular areas 1 inch in diameter, selected as the worst infested areas, or if more than 19 scales are present in one of these areas;

(g) Sunburn which causes decided flattening of the fruit, drying or dark discoloration of the skin, or which affects more than one-third of the fruit surface; and,

(h) Growth cracks which are leaking, gummy, or not well healed.

§ 51.1110 *Slightly spongy.* "Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

§ 51.1111 *Misshapen.* "Misshapen" means that the fruit is decidedly flattened, pointed, extremely elongated or otherwise deformed.

§ 51.1112 *Very serious damage.* "Very serious damage" means any defect which very seriously affects the appearance, or the edible or shipping quality of the fruit. 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) Split navels which are leaking, gummy, or not well healed;

(b) Creasing which is so deep or extensive that the skin is very seriously weakened;

(c) Scarring (including sprayburn and fumigation injury) which exceeds the following aggregate areas of different types of scars, or a combination of both types of scars, the seriousness of which exceeds the maximum allowed for one type:

(1) Scars which are very dark, or very rough, or very deep and which have an aggregate area of more than 10 percent of the fruit surface; and,

(2) Scars which are dark, or rough, or deep and which have an aggregate area of more than 25 percent of the fruit surface;

(d) Oil spots which are badly sunken, or soft;

(e) Scale which are so numerous or large that the appearance of the fruit is very seriously affected; and,

(f) Sunburn which seriously affects more than one-third of the fruit surface, or causes dark discoloration aggregating more than 5 percent of the fruit surface.

SUBPART—UNITED STATES STANDARDS FOR FLORIDA ORANGES

GENERAL

§ 51.1140 *General.* The standards in this section apply only to the common or sweet orange group and varieties belonging to the Mandarin group, except tangerines. The standards in this section do not apply to tangerines for which separate U. S. Standards are issued.

GRADES

§ 51.1141 *U. S. Fancy.* U. S. Fancy consists of oranges of similar varietal characteristics which are well colored, firm, well formed, mature, and of smooth texture, and which are free from ammoniation, bird pecks, bruises, buckskin, creasing, cuts which are not healed, decay, growth cracks, scab, split navels, sprayburn, and undeveloped or sunken segments, and free from injury caused by green spots or oil spots, pitting, rough and excessively wide or protruding navels, scale, scars, thorn scratches, and from damage caused by dirt or other foreign materials, dryness or mushy condition, sprouting, sunburn, riciness or woodiness of the flesh, disease, insects, or mechanical or other means.

(a) In this grade not more than one-tenth of the surface, in the aggregate, may be affected with discoloration. (See § 51.1153.)

(b) If any lot of U. S. Fancy Fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1183–51.1186.)

§ 51.1142 *U. S. No. 1.* U. S. No. 1 consists of oranges of similar varietal characteristics which are firm, well formed, mature, and of fairly smooth texture, and which are free from bruises, cuts which are not healed, buckskin or similar type of discoloration, decay, growth cracks, sprayburn, undeveloped or sunken segments, and free from damage caused by ammoniation, bird pecks, creasing, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, split or rough or protruding navels, sprouting, sunburn, thorn scratches, riciness or woodiness of the flesh, disease, insects, or mechanical or other means.

(a) Oranges of the early and mid-season varieties shall be fairly well colored.

(b) With respect to Valencia and other late varieties, not less than 50 percent, by count, of the oranges shall be fairly well colored and the remainder reasonably well colored.

(c) In this grade not more than one-third of the surface, in the aggregate, may be affected with discoloration. (See § 51.1154.)

(d) If any lot of U. S. No. 1 fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1183–51.1186.)

§ 51.1143 *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 with discoloration. (See § 51.1155.)

(a) If any lot of U. S. No. 1 Bright fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1183–51.1186.)

§ 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 fruits shall have in excess of one-third of their surface, in the aggregate, affected with discoloration. (See § 51.1156.)

(a) If any lot of U. S. No. 1 Golden fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1183–51.1186.)

§ 51.1145 *U. S. No. 1 Bronze.* The requirements for this grade are the same as for U. S. No. 1 except that more than 30 percent but not more than 75 percent, by count, of the fruits shall have in excess of one-third of their surface, in the aggregate, affected with discoloration: *Provided*, That when the predominating discoloration on each of 75 percent or more, by count, of the fruits is caused by rust mite, all fruits may have in excess of one-third of their surface affected with discoloration. (See § 51.1156.)

(a) If any lot of U. S. No. 1 Bronze fruit also meets the internal specifications of "U. S. Grade AA Juice (Double

A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1183–51.1186.)

§ 51.1146 *U. S. No. 1 Russet.* The requirements for this grade are the same as for U. S. No. 1 except that more than 75 percent, by count, of the fruits shall have in excess of one-third of their surface, in the aggregate, affected with discoloration. (See § 51.1157.)

(a) If any lot of U. S. No. 1 Russet fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1183–51.1186.)

§ 51.1147 *U. S. No. 2.* U. S. No. 2 consists of oranges of similar varietal characteristics which are mature, fairly firm, not more than slightly misshapen, of not more than slightly rough texture, and which are free from bruises, cuts which are not healed, decay, growth cracks, and are free from serious damage caused by ammoniation, bird pecks, buckskin, creasing, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, split or rough or protruding navels, sprayburn, sprouting, sunburn, thorn scratches, undeveloped or sunken segments, riciness or woodiness of the flesh, disease, insects, or mechanical or other means.

(a) Each orange of this grade shall be reasonably well colored.

(b) In this grade not more than one-half of the surface, in the aggregate, may be affected with discoloration. (See § 51.1158.)

(c) If any lot of U. S. No. 2 fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1183–51.1186.)

§ 51.1148 *U. S. No. 2 Bright.* The requirements for this grade are the same as for U. S. No. 2 except that no fruit may have more than one-tenth of its surface, in the aggregate, affected with discoloration. (See § 51.1155.)

(a) If any lot of U. S. No. 2 Bright fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1183–51.1186.)

§ 51.1149 *U. S. No. 2 Russet.* The requirements for this grade are the same as for U. S. No. 2 except that more than 10 percent, by count, of the fruits shall have in excess of one-half of their surface, in the aggregate, affected with discoloration. (See § 51.1159.)

(a) If any lot of U. S. No. 2 Russet fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1183–51.1186.)

§ 51.1150 *U. S. No. 3.* U. S. No. 3 consists of oranges of similar varietal characteristics which are mature, which may be misshapen, slightly spongy, rough but not seriously lumpy for the variety or seriously cracked, which are free from cuts which are not healed, and from decay, and from very serious damage caused by bruises, growth cracks, ammoniation, bird pecks, caked melanose, buckskin, creasing, dryness or mushy condition, pitting, scab, scale, split navels, sprayburn, sprouting, sunburn, thorn punctures, riciness or woodiness of the flesh, disease, insects, or mechanical or other means.

(a) Each fruit may be poorly colored but not more than 25 percent of the surface of each fruit may be of a solid dark green color. (See § 51.1160.)

(b) If any lot of U. S. No. 3 fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1183–51.1186.)

UNCLASSIFIED

§ 51.1151 *Unclassified.* Unclassified consists of oranges 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 definite grade has been applied to the lot.

TOLERANCES

§ 51.1152 *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the tolerances set forth in §§ 51.1153 to 51.1160 are provided as specified.

§ 51.1153 *U. S. Fancy grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.1154 *U. S. No. 1 grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may have discoloration in excess of one-third of the fruit surface. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.1155 *U. S. No. 1 Bright and U. S. No. 2 Bright grades.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of the grade, other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may not meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.1156 *U. S. No. 1 Golden and U. S. No. 1 Bronze grades.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce or to increase the percentage of fruits having in excess of one-third of their surface, in the aggregate, affected with discoloration which is required in the grade, but individual containers may vary not more than 10 percent from the percentage required: *Provided,* That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.1157 *U. S. No. 1 Russet grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No party of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-third of their surface, in the aggregate, affected with discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided,* That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.1158 *U. S. No. 2 grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot

may not meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.1159 *U. S. No. 2 Russet grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-half of their surface, in the aggregate, affected with discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided,* That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.1160 *U. S. No. 3 grade.* Not more than 15 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-third of this amount, or 5 percent, shall be allowed for defects other than that caused by dryness or mushy condition, and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2 percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

APPLICATION OF TOLERANCES

§ 51.1161 *Application of tolerances to individual packages.* (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 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 decayed or very seriously damaged fruit 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: *Provided,* That not more than one orange which is seriously damaged by dryness or mushy condition or very seriously damaged by other means may be permitted in any package, and in addition, enroute or at destination not more than 10 percent of the packages may have more than one decayed fruit.

STANDARD PACK

§ 51.1162 *Standard pack for oranges except Temple variety.* (a) Fruit shall be fairly uniform in size, unless specified as uniform in size, and when packed in boxes shall be arranged according to the approved and recognized methods. Each wrapped fruit shall be fairly well wrapped.

(b) All packages shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(c) When packed in standard nailed boxes, each container shall show a minimum bulge of 1¼ inches.

(d) "Fairly uniform in size" means that not more than a total of 10 percent, by count, of the fruits in any container are outside the range of diameters given in the following table for various packs:

TABLE I

[Diameter in inches]

Pack	Minimum	Maximum
96's	3 5/16	3 13/16
126's	3 3/16	3 9/16
150's	3	3 5/16
176's	2 14/16	3 1/16
200's	2 12/16	3 2/16
216's	2 10/16	3
250's	2 8/16	2 14/16
288's	2 6/16	2 13/16
324's	2 4/16	2 9/16

(e) "Uniform in size" means that not more than 10 percent, by count, of the fruits in any container vary more than the following amounts:

150 size and smaller—not more than 1/16 inch in diameter.

126 size and larger—not more than 5/16 inch in diameter.

(f) 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 not meet the requirements of standard pack.

DEFINITIONS

§ 51.1163 *Similar varietal characteristics.* "Similar varietal characteristics" means that the fruits in any container are similar in color and shape.

§ 51.1164 *Well colored.* "Well colored" means that the fruit is yellow or orange in color with practically no trace of green color.

§ 51.1165 *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 (Satsumas, King, Mandarin), means that the fruit is not extremely puffy, although the skin may be slightly loose.

§ 51.1166 *Well formed.* "Well formed" means that the fruit has the shape characteristic of the variety.

§ 51.1167 *Mature.* "Mature" means the same as that term is set forth for oranges other than Temple oranges in sections 19 and 20, chapter 25149 and for Temple oranges, in sections 601.21 and 601.22, chapter 26492; Florida Statutes, known as the Florida Citrus Code of 1949.

§ 51.1168 *Smooth texture.* "Smooth texture" means that the skin is thin and smooth for the variety and size of the fruit.

§ 51.1169 *Injury.* "Injury" means any defect which more than slightly affects the appearance, or the edible or shipping quality of the fruit. 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 injury:

(a) Green spots or oil spots, when appreciably affecting the appearance of the individual fruit;

(b) Rough and excessively wide or protruding navels, when protruding beyond the general contour of the orange; or when flush with the general contour but with the opening so wide, considering the size of the fruit, and the navel growth so folded and ridged that it detracts noticeably from the appearance of the orange;

(c) Scale, when more than a few adjacent to the "button" at the stem end, or when more than 6 scattered on other portions of the fruit;

(d) Scars which are depressed, not smooth, or which detract from the appearance of the fruit to a greater extent than the maximum amount of discoloration allowed in the grade; and,

(e) Thorn scratches, when the injury is not slight, not well healed, or more unsightly than discoloration allowed in the grade.

§ 51.1170 *Discoloration.* "Discoloration" means russeting of a light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by 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.

§ 51.1171 *Fairly smooth texture.* "Fairly smooth texture" means that the skin is fairly thin and not coarse for the variety and size of the fruit.

§ 51.1172 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the fruit. 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) Ammoniation, when not occurring as light speck type similar to melanose;

(b) Creasing, when causing the skin to be materially weakened;

(c) Dryness or mushy condition, when affecting all segments of common oranges more than one-fourth inch at the stem end, or all segments of varieties of the Mandarin group more than one-eighth inch at the stem end, or more than the equivalent of these respective amounts, by volume, when occurring in other portions of the fruit;

(d) Green spots or oil spots, when more than 5 in number, or when the aggregate area of all spots exceeds the

area of a circle three-fourths inch in diameter on an orange of 200-size. Smaller sizes shall have a lesser number or lesser areas of green spots or oil spots and larger sizes may have a larger number or greater areas: *Provided*, That the appearance of the orange is not affected to a greater extent than the number or area permitted on a 200-size orange;

(e) Scab, when it cannot be classed as discoloration, or appreciably affects shape or texture;

(f) Scale, when occurring as a blotch and its size exceeds the area of a circle five-eighths inch in diameter on an orange of 200-size. Smaller sizes shall have lesser areas of scale and larger sizes may have greater areas: *Provided*, That no scale shall be permitted which affects the appearance to a greater extent than a blotch five-eighths inch in diameter on a 200-size orange;

(g) Scars which are not smooth, or scars which are deep, or scars which are shallow or fairly shallow and detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade;

(h) Split or rough or protruding navels, when any split is unhealed, or more than three well-healed splits at the navel, or any split which is more than one-fourth inch in length, or three-cornered, star-shaped, or other irregular navels when the opening is so wide, considering the size of the orange, and the navel growth so folded and ridged that it detracts materially from the appearance of the orange; or navels which flare, bulge, or protrude beyond the general contour of the orange to the extent that they are subject to mechanical injury in the process of proper grading, or handling, or packing;

(i) Sunburn, when the area affected exceeds 25 percent of the fruit surface, or when the skin is appreciably flattened, dry, darkened, or hard;

(j) Thorn scratches, when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-fourth inch in diameter, or slight scratches when light colored and concentrated and the aggregate area exceeds the area of a circle 1 inch in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above; and,

(k) Riciness or woodiness, when the flesh of the fruit is so ricey or woody that excessive pressure by hand is required to extract the juice.

§ 51.1173 *Fairly well colored.* "Fairly well colored" means that the yellow or orange color predominates over the green color on that part of the fruit which is not discolored, except for an aggregate area of green color which does not exceed the area of a circle 1 inch in diameter.

§ 51.1174 *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.

§ 51.1175 *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 (Satsumas, King, Mandarin), means that the skin of the fruit is not extremely puffy or extremely loose.

§ 51.1176 *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.

§ 51.1177 *Slightly rough texture.* "Slightly rough texture" means that the skin is not of smooth texture but is not materially ridged, grooved, or wrinkled.

§ 51.1178 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit. 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) Ammoniation, when scars are cracked, or when dark and the aggregate area exceeds the area of a circle three-fourths inch in diameter, or when light colored and the aggregate area exceeds the area of a circle 1¼ inches in diameter;

(b) Buckskin, when aggregating more than 25 percent of the fruit surface, or the fruit texture is seriously affected;

(c) Creasing, when so deep or extensive that the skin is seriously weakened;

(d) Dryness or mushy condition, when affecting all segments of common oranges more than one-half inch at the stem end, or all segments of varieties of the Mandarin group more than one-fourth inch at the stem end, or more than the equivalent of these respective amounts, by volume, when occurring in other portions of the fruit;

(e) Green spots or oil spots, when seriously affecting the appearance of the individual fruit;

(f) Scab, when it cannot be classed as discoloration, or when materially affecting shape or texture;

(g) Scale, when it seriously affects the appearance of the individual fruit;

(h) Scars which are not fairly smooth, or scars which are very deep, or scars which are not very deep but which detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade;

(i) Split or rough or protruding navels, when any split is unhealed, or one well healed split at each corner of irregular navels when any one is more than one-half inch in length, or when aggregating more than 1 inch in length, or when more than four in number; or navels which protrude beyond the general contour of the orange to the extent that they are subject to mechanical injury during the process of proper grading, or handling, or packing; or irregular navels when the opening is so wide, considering the size of the orange, and the navel growth so badly folded and ridged that it detracts seriously from the appearance of the orange;

(j) Sprayburn which seriously affects the appearance of the fruit, or is hard, or when light brown in color and the aggregate area exceeds the area of a circle 1¼ inches in diameter;

(k) Sunburn which affects more than one-third of the fruit surface, or is hard, or the fruit is decidedly one-sided, or when light brown in color and the aggregate area exceeds the area of a circle 1¼ inches in diameter;

(l) Thorn scratches, when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-half inch in diameter, or slight scratches when light colored and concentrated and the aggregate area exceeds the area of a circle 1½ inches in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above;

(m) Undeveloped or sunken segments, in navel oranges, when such segments are so sunken or undeveloped that they are readily noticeable; and,

(n) Riciness or woodiness, when the flesh of the fruit is so ricey or woody that excessive pressure by hand is required to extract the juice.

§ 51.1179 *Misshapen.* "Misshapen" means that the fruit is decidely elongated, pointed or flatsided.

§ 51.1180 *Slightly spongy.* "Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

§ 51.1181 *Very serious damage.* "Very serious damage" means any defect which very seriously affects the appearance, or the edible or shipping quality of the fruit. 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) Growth cracks that are seriously weakened, gummy or not healed;

(b) Ammoniation, when aggregating more than 2 inches in diameter, or which has caused serious cracks;

(c) Bird pecks, when not healed;

(d) Caked melanose, when more than 25 percent, in the aggregate, of the surface of the fruit is caked;

(e) Buckskin, when rough and aggregating more than 50 percent of the surface of the fruit;

(f) Creasing, when so deep or extensive that the skin is very seriously weakened;

(g) Dryness or mushy condition, when affecting all segments of common oranges more than one-half inch at the stem end, or all segments of varieties of the Mandarin group more than one-fourth inch at the stem end, or more than the equivalent of these respective amounts, by volume, when occurring in other portions of the fruit;

(h) Scab, when aggregating more than 25 percent of the surface of the fruit;

(i) Scale, when covering more than 20 percent of the surface of the fruit;

(j) Split navels, when not healed or the fruit is seriously weakened;

(k) Sprayburn, when seriously affecting more than one-third of the fruit surface;

(l) Sunburn, when seriously affecting more than one-third of the fruit surface;

(m) Thorn punctures, when not healed or the fruit is seriously weakened; and

(n) Riciness or woodiness, when the flesh of the fruit is so ricey or woody that excessive pressure by hand is required to extract the juice.

§ 51.1182 *Diameter.* "Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end of the fruit.

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

§ 51.1183 *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 of juice per standard packed box of one and three-fifths 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 maximum acid specified in Table II of § 51.1185.

§ 51.1184 *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 four and one-half gallons of juice per standard packed box of one and three-fifths 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 maximum acid specified in Table II of § 51.1185.

§ 51.1185 *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 percent	Maximum anhydrous citric acid average percent	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

§ 51.1186 *Method of juice extraction.* The juice used in the determination of solids, acid, and juice content shall be extracted from representative samples as thoroughly as possible with a reamer, or by hand, and shall be strained through a double thickness of gauze having 44x40 threads per square inch, and shall not be extracted or strained in any other manner.

SUBPART—UNITED STATES STANDARDS FOR PEACHES

GRADES

§ 51.1210 *U. S. Fancy.* U. S. Fancy consists of peaches of one variety which are mature but not soft or overripe, well formed and which are free from decay, bacterial spot, cuts which are not healed, growth cracks, hail injury, scab, scale, split pits, worms, worm holes, leaf or limb rub injury; and free from damage caused by bruises, dirt or other foreign material, other disease, insects or mechanical or other means.

(a) In addition to the above requirements, each peach shall have not less than one-third of its surface showing blushed, pink or red color.

(b) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the peaches in any lot may fail to meet the requirements of this grade other than for color, but not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2 percent shall be allowed for soft, overripe, or decayed peaches en route or at destination. In addition, not more than 10 percent, by count, of the peaches in any lot may be below the specified color requirement.

§ 51.1211 *U. S. Extra No. 1.* Any lot of peaches may be designated "U. S. Extra No. 1" when the peaches meet the requirements of U. S. No. 1 grade: *Provided,* That in addition to these requirements, 50 percent, by count, of the peaches in any lot shall have not less than one-fourth of the surface showing blushed, pink or red color.

(a) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the peaches in any lot may fail to meet the requirements of U. S. No. 1 grade, but not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2 percent shall be allowed for soft, overripe or decayed peaches en route or at destination. No part of any tolerance shall be used to reduce for the lot as a whole the 50 percent of peaches required to have not less than one-fourth of the surface showing blushed, pink or red color, but individual packages may contain not less than 40 percent of peaches having this amount of color: *Provided,* That the entire lot averages not less than 50 percent.

§ 51.1212 *U. S. No. 1.* U. S. No. 1 consists of peaches of one variety which are mature but not soft or overripe, well formed, and which are free from decay, growth cracks, cuts which are not healed, worms, worm holes, and free from damage caused by bruises, dirt, or other foreign material, bacterial spot, scab, scale, hail injury, leaf or limb rubs, split pits, other disease, insects or mechanical or other means.

(a) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the peaches in any lot may fail to meet the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2 percent shall be allowed for soft, overripe, or decayed peaches en route, or at destination.

§ 51.1213 *U. S. No. 2.* U. S. No. 2 consists of peaches of one variety which are mature but not soft or overripe, not badly misshapen, and which are free from decay, cuts which are not healed, worms, worm holes, and free from serious damage caused by bruises, dirt or other foreign material, bacterial spot, scab, scale, growth cracks, hail injury, leaf or limb rubs, split pits, other disease, insects, or mechanical or other means.

(a) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the peaches in any lot may fail to meet the requirements of this grade, but not more than one-tenth of this amount, or 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2 percent shall be allowed for soft, overripe, or decayed peaches en route or at destination.

UNCLASSIFIED

§ 51.1214 *Unclassified.* Unclassified consists of peaches 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 definite grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.1215 *Application of tolerances to individual packages.* (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 (as in the case of oversize, where a tolerance of 15 percent 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 peach which is seriously damaged by insects or affected by decay 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: *Provided*, That not more than one peach which is seriously damaged by insects or affected by decay may be permitted in any package.

SIZE

§ 51.1216 *Size requirements.* (a) The numerical count or the minimum diameter of the peaches packed in a closed container shall be indicated on the container.

(b) When the numerical count is not shown the minimum diameter 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 eight inches, as 2 inches minimum, 2¼ inches minimum, 1⅞ inches minimum, in accordance with the facts. The minimum and maximum diameters may both be stated, as 1⅞ to 2 inches, or 2 to 2¼ inches, in accordance with the facts.

(c) "Diameter" means the shortest distance measured through the center of the peach at right angles to a line running from the stem to the blossom end.

(d) In order to allow for variations incident to proper sizing, not more than 10 percent, by count, of peaches in any lot may be below the specified minimum size and not more than 15 percent may be above any specified maximum size.

STANDARD PACK

§ 51.1217 *Standard pack.* (a) Each package shall be packed so that the peaches in the shown face shall be reasonably representative in size, color and quality of the contents of the package.

(b) Peaches packed in U. S. Standard bushel baskets, or half-bushel baskets shall be ring faced and tightly packed with sufficient bulge to prevent any appreciable movement of the peaches within the packages when lidded.

(c) Peaches packed in standard western boxes shall be reasonably uniform in size and arranged in the packages according to the approved and recognized methods. Each wrapped peach shall be fairly well enclosed by its individual wrapper. All packages shall be well filled and tightly packed but the contents shall not show excessive or unnecessary bruising because of over-filled packages. The number of peaches in the box shall not vary more than 4 from the number indicated on the box.

(d) Peaches packed in other type boxes such as wire-bound boxes and fibre-board boxes may be place packed, or jumble packed faced, and all packs shall be well filled.

(e) Peaches packed in boxes equipped with cell compartments or molded trays shall be of the proper size for the cells or the molds in which they are packed.

(f) Peaches placed in individual paper cups and packed in boxes shall be in cups of the proper size for the peaches.

(g) In order to allow for variations incident to proper packing, not more than 10 percent of the packages in any lot may not meet these requirements.

DEFINITIONS

§ 51.1218 *Mature.* "Mature" means that the peach has reached the stage of growth which will insure a proper completion of the ripening process.

§ 51.1219 *Well formed.* "Well formed" means that the shape of the peach may be slightly irregular but not to the extent that its appearance is materially affected.

§ 51.1220 *Leaf or limb rub injury.* "Leaf or limb rub injury" means that the scarring is not smooth, not light colored, or aggregates more than ¼ inch in diameter.

§ 51.1221 *Damage.* "Damage" means any injury or defect which materially affects the appearance, or the edible or shipping quality of the peach. 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) Bacterial spot, when cracked, or when aggregating more than ⅜ inch in diameter;

(b) Scab spots, when cracked, or when aggregating more than ⅜ inch in diameter;

(c) Scale, when concentrated, or when scattered and aggregating more than ¼ inch in diameter;

(d) Hail injury which is unhealed, or deep, or when aggregating more than ¼ inch in diameter;

(e) Leaf or limb rubs, when not smooth, or when not light colored, or when aggregating more than ½ inch in diameter;

(f) Split pit, when causing any unhealed crack, or when causing any crack which is readily apparent, or when affecting shape to the extent that the fruit is not well formed.

§ 51.1222 *Serious damage.* "Serious damage" means any injury or defect which seriously affects the appearance, or the edible or shipping quality of the peach. 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) Bacterial spot, when any cracks are not well healed, or when aggregating more than ¾ inch in diameter;

(b) Scab spots, when cracked, or when healed and aggregating more than one inch in diameter;

(c) Scale, when aggregating more than ½ inch in diameter;

(d) Growth cracks, when unhealed, or more than ½ inch in length;

(e) Hail injury, when unhealed, or shallow hail injury when aggregating more than ¾ inch in diameter, or deep hail injury which seriously deforms the fruit or which aggregates more than ½ inch in diameter;

(f) Leaf or limb rubs, when smooth and light colored and aggregating more than 1½ inches in diameter, or dark or slightly rough and barklike scars aggregating more than ¾ inch in diameter;

(g) Split pit, when causing any unhealed crack, or when healed and aggregating more than ½ inch in length including any part of the crack which may be covered by the stem;

(h) Soft or overripe peaches;

(i) Wormy fruit or worm holes.

§ 51.1223 *Badly misshapen.* "Badly misshapen" means that the peach is so decidedly deformed that its appearance is seriously affected.

SUBPART—UNITED STATES STANDARDS FOR CLEANED VIRGINIA TYPE PEANUTS IN THE SHELL

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 $^{37}/_{64}$ x 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 $^{32}/_{64}$ x 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—UNITED STATES STANDARDS FOR PEARS (SUMMER AND FALL)

GENERAL

§ 51.1260 *General.* (a) When the numerical count is marked on the container, percentages shall be calculated on the basis of count.

(b) When the minimum diameter or minimum and maximum diameters are marked on the container, percentages shall be calculated on the basis of weight.

(c) When the pears are in bulk, percentages shall be calculated on the basis of weight.

(d) The tolerances for the standards are on a container basis. However, individual packages in any lot may vary from the specified tolerances as stated below, provided the averages for the entire lot, based on sample inspection, are within the tolerances specified.

(e) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that when the package contains 15 specimens or less, individual packages may contain not more than double the tolerance specified.

(f) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, provided at least one specimen which does not meet the requirements shall be allowed in any one package.

GRADES

§ 51.1261 *U. S. No. 1.* "U. S. No. 1" shall consist of pears of one variety which are mature, but not overripe, carefully handpicked, 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, drought spot, sunburn, sprayburn, stings or other insect injury, disease, or mechanical or other means. (See §§ 51.1274 and 51.1275.)

§ 51.1262 *U. S. No. 2.* "U. S. No. 2" shall consist of pears of one variety which are mature, but not overripe, carefully handpicked, 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 §§ 51.1274 and 51.1275.)

§ 51.1263 *U. S. Combination grade.* 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 §§ 51.1274 and 51.1275.)

UNCLASSIFIED

§ 51.1264 *Unclassified.* Unclassified shall consist 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 definite grade has been applied to the lot.

DEFINITIONS

§ 51.1265 *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. Such pears are in suitable condition for long storage period for the variety.

(ii) "Firm" means that the flesh of the pear is fairly solid but yields somewhat to moderate pressure. The ripening process in firm pears is further advanced than in hard pears and they cannot be held in storage as long.

(iii) "Firm ripe" means that the flesh of the pear yields readily to moderate pressure. Such a pear is approaching the stage at which it is in prime eating condition but may be held for a brief period.

(iv) "Ripe" means that the pear is at the stage where it is in its most desirable condition for eating.

§ 51.1266 *Overripe.* "Overripe" means dead ripe, very mealy or soft, past commercial utility.

§ 51.1267 *Carefully handpicked.* "Carefully handpicked" means that the pears do not show evidence of rough

handling or of having been on the ground.

§ 51.1268 *Clean.* "Clean" means free from excessive dirt, dust, spray residue or other foreign material.

§ 51.1269 *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.

§ 51.1270 *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.

§ 15.1271 *Damage.* "Damage" means any injury or defect which materially affects the appearance, edible or shipping quality.

(a) Hard end, 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 3/16 inch in diameter or depth, or with more than one skin break 1/8 inch or larger in diameter or depth shall be considered damaged, and scored against the grade tolerance.

(1) Small inconspicuous skin breaks, less than 1/8 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 1/8 inch to 3/16 inch, inclusive, in diameter or depth.

(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 1/2 inch in diameter.

(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 3/4 inch in diameter.

(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 3/4 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.

(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 3/8 inch in diameter.

(3) Dark brown discoloration or excessive roughness caused by limbrubs which exceeds an aggregate area of 1/2 inch in diameter.

(4) Slightly rough, light colored discoloration caused by limbrubs which exceeds an aggregate area of 3/4 inch in diameter.

(5) Smooth, light colored discoloration caused by limbrubs which exceeds an aggregate area of 1 inch in diameter.

(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 3/8 inch in diameter.

(7) Drought spot when more than one in number, or when the external injury exceeds and aggregate area of 3/8 inch in diameter, or when the appearance of the flesh is materially affected by corky tissue or brownish discoloration.

(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 3/32 of an inch in diameter, or other insect stings affecting the appearance to an equal extent.

(ii) Blister mite or canker worm injury which is not shallow or superficial, or where the injury affects an aggregate area of more than 3/8 inch in diameter.

(10) Disease: (i) Scab spots which are black and which cover an aggregate area of more than 1/8 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 3/8 inch in diameter.

§ 51.1272 *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.

§ 51.1273 *Serious damage.* "Serious damage" means any injury or defect which seriously affects the appearance, 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 3/4 inch in diameter.

(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 3/4 inch in diameter. Other limbrubs which affect an aggregate area of more than one-tenth of the surface.

(2) Hail marks or other similar depressions or scars which affect an aggregate area of more than 3/4 inch in diameter, or which materially deform or disfigure the fruit.

(3) Drought spot when more than two in number, or where the external injury affects an aggregate area of more than 3/4 inch in diameter, or when the appearance of the flesh is seriously affected by corky tissue or brownish discoloration.

(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 3/32 inch in diameter, or other insect stings affecting the appearance to an equal extent.

(ii) Blister mite or canker worm injury which affects an aggregate area of more than 3/4 inch in diameter or which materially deforms or disfigures the fruit.

(6) 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.

(7) 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 3/4 inch in diameter.

TOLERANCES

§ 51.1274 *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 container may be below 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.

CONDITION

§ 51.1275 *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

§ 51.1276 *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 or special pear boxes the pears shall not vary more than ⅜ inch in their transverse diameter for counts 120 or less; ¼ inch for counts 135 to 180 inclusive; and 3/16 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 ¼ inch for counts 90 or less, and 3/16 inch for counts 100 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 not vary more than ⅜ inch for counts 50 or less; ¼ inch for counts 55 to 60 inclusive; and 3/16 inch for counts 65 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.

§ 51.1277 *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.

§ 51.1278 *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 container may not 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 not 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.

SUBPART—UNITED STATES STANDARDS FOR WINTER PEARS

GENERAL

§ 51.1300 *General.* (a) These standards apply to varieties such as Anjou, Bosc, Winter Nelis, Comice and other similar varieties.

(b) When the numerical count is marked on the container, percentages shall be calculated on the basis of count.

(c) When the minimum diameter or minimum and maximum diameters are marked on the container, percentages shall be calculated on the basis of weight.

(d) When the pears are in bulk, percentages shall be calculated on the basis of weight.

(e) The tolerances for the standards are on a container basis. However, individual packages in any lot may vary from the specified tolerances as stated below, provided the averages for the entire lot, based on sample inspection, are within the tolerances specified.

(f) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that when the package contains 15 specimens or less, individual packages may contain not more than double the tolerance specified.

(g) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, provided at least one specimen which does not meet the requirements shall be allowed in any one package.

GRADES

§ 51.1301 *U. S. Extra No. 1.* U. S. Extra No. 1 shall consist of pears of one variety which are mature, but not overripe, carefully handpicked, 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 §§ 51.1317 and 51.1318.)

§ 51.1302 *U. S. No. 1.* U. S. No. 1 shall consist of pears of one variety which are mature, but not overripe, 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 §§ 51.1317 and 51.1318.)

§ 51.1303 *U. S. No. 2.* U. S. No. 2 shall consist 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 §§ 51.1317 and 51.1318.)

§ 51.1304 *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 §§ 51.1317 and 51.1318.)

UNCLASSIFIED

§ 51.1305 *Unclassified.* Unclassified shall consist 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 definite grade has been applied to the lot.

DEFINITIONS

§ 51.1306 *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. Such pears are in suitable condition for long storage period for the variety.

(ii) "Firm" means that the flesh of the pear is fairly solid but yields somewhat to moderate pressure. The ripening process in firm pears is further advanced than in hard pears and they cannot be held in storage as long. Winter varieties at the firm stage may be held longer than the early varieties.

(iii) "Firm Ripe" means that the flesh of the pear yields readily to moderate pressure. Such a pear is approaching the stage at which it is in prime eating condition but may be held for a brief period although winter varieties can be held longer than the early varieties.

(iv) "Ripe" means that the pear is at the stage where it is in its most desirable condition for eating.

§ 51.1307 *Overripe.* "Overripe" means dead ripe, very mealy or soft, past commercial utility.

§ 51.1308 *Carefully handpicked.* "Carefully handpicked" means that the pears do not show evidence of rough handling or of having been on the ground.

§ 51.1309 *Clean.* "Clean" means free from excessive dirt, dust, spray residue or other foreign material.

§ 51.1310 *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.

§ 51.1311 *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.

§ 51.1312 *Injury.* "Injury" means any blemish or defect that more than slightly affects the appearance, or 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 ½ inch in diameter.

(3) On Anjou and other smooth-skinned varieties, smooth solid russeting when the aggregate area exceeds ½ inch in diameter and smooth netlike 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 ½ 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 ½ 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, 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 ¾ inch in diameter.

(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 ¼ inch in diameter.

(3) Cork spot, when a pear shows depressions or other external evidence of the disease.

(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 ¼ inch.

§ 51.1313 *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.

§ 51.1314 *Damage.* "Damage" means any injury or defect which materially affects the appearance, or edible or shipping quality.

(a) Hard end, 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 3/16 inch in diameter or depth, or with more than one skin break ⅛ inch or larger in diameter or depth, shall be considered damaged, and scored against the grade tolerance.

(1) Small inconspicuous skin breaks, less than ⅛ 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 ⅛ inch to 3/16 inch inclusive, in diameter or depth.

(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 ½ inch in diameter.

(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 ¾ inch in diameter.

(3) On Anjou, smooth solid or smooth netlike russeting when the aggregate 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 ½ 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 ¾ 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, Eastern 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 ⅜ inch in diameter.

(3) Dark brown discoloration or excessive roughness caused by limbrubs which exceeds an aggregate area of ½ inch in diameter.

(4) Slightly rough, light colored discoloration caused by limbrubs which exceeds an aggregate area of ¾ inch in diameter.

(5) Smooth, light colored discoloration caused by limbrubs which exceeds an aggregate area of 1 inch in diameter.

(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 ⅜ inch in diameter.

(7) Cork spot, when more than one in number visible externally, or when the visible external injury affects an area of more than ⅜ inch in diameter.

(8) Drought spot when more than one in number or when the external injury exceeds an aggregate area of ⅜ inch in diameter, or when the appearance of the flesh is materially affected by corky tissue or brownish discoloration.

(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 3/32 of an inch in diameter, or other insect stings affecting the appearance to an equal extent.

(ii) Blister mite or canker worm injury which is not shallow or superficial, or where the injury affects an aggregate area of more than ⅜ inch in diameter.

(11) Disease: (i) Scab spots which are black and which cover an aggregate area of more than ⅛ 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 ⅜ inch in diameter.

§ 51.1315 *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.

§ 51.1316 *Serious damage.* "Serious damage" means any injury or defect which seriously affects the appearance, or 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 ¾ inch in diameter.

(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 ½ 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 ¾ inch in diameter.

(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 ¾ inch in diameter, or which materially deform or disfigure the fruit.

(4) Cork spot, when more than two in number visible externally, or when the visible external injury affects an aggregate area of more than ½ inch in diameter.

(5) Drought spot when more than two in number, or where the external injury affects an aggregate area of more than ¾ inch in diameter, or when the appearance of the flesh is seriously affected by corky tissue or brownish discoloration.

(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 3/32 inch in diameter, or other insect stings affecting the appearance to an equal extent.

(ii) Blister mite or canker worm injury which affects an aggregate area of more than ¾ inch in diameter or which materially deforms or disfigures the fruit.

(8) Disease: (i) Scab spots which are black, and which cover an aggregate area of more than ¼ 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 15 percent of the surface, or dark heavily concentrated spots which affect an area of more than ¾ of an inch in diameter.

TOLERANCES

§ 51.1317 *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 container may be below 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.

CONDITION

§ 51.1318 *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

§ 51.1319 *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 or special pear boxes the pears shall not vary more than ⅜ inch in their transverse diameter for counts 120 or less; ¼ inch for counts 135 to 180 inclusive; and 3/16 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 ¼ inch for counts 90 or less, and 3/16 inch for counts 100 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 ⅜ inch for counts 50 or less; ¼ inch for counts 55 to 60 inclusive; and 3/16 inch for counts 65 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 2⅜ 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.

§ 51.1320 *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.

§ 51.1321 *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 container may not 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 not 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.

SUBPART—UNITED STATES STANDARDS FOR PEARS FOR CANNING

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 shall consist 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.

(a) Unless otherwise specified, the pears shall not be further advanced than yellowish green.

(b) Tree-ripened pears and pears grown from late blooms shall not be considered as meeting the requirements of this grade. (See § 51.1349.)

§ 51.1347 *U. S. No. 2.* U. S. No. 2 shall consist 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 from serious damage by any other cause.

(a) Unless otherwise specified, the pears shall not be further advanced than yellowish green.

(b) Tree-ripened pears and pears grown from late blooms shall not be considered as meeting the requirements of this grade. (See § 51.1349.)

CULLS

§ 51.1348 *Culls.* Culls are pears which do not meet the requirements of either of the grades in §§ 51.1346 and 51.1347.

SIZE

§ 51.1349 *Size classification.* The diameter size may be fixed by agreement between buyer and seller. If desired, pears may be contracted on the basis of more than one size classification within one of the grades such as U. S. No. 1, 2⅛ to 2⅜ inches, U. S. No. 1, 2⅜ inches and larger, or U. S. No. 1, 2¼ to 2⅜ inches. Specifications also may be made with respect to the ratio of length to diameter such as U. S. No. 1, 2⅛ to 2⅜ inches, length 1¼ times the diameter, U. S. No. 1, 2⅜ inches and larger, length 1¼ times the diameter. Similar specifications or simply a minimum size may be designated for U. S. No. 2 grade.

DEFINITIONS

§ 51.1350 *Mature.* "Mature" means that the pear has reached the stage of maturity which will insure the proper completion of the ripening process.

§ 51.1351 *Handpicked.* "Handpicked" means that the pears do not show evidence of having been on the ground.

§ 51.1352 *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.

§ 51.1353 *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.

§ 51.1354 *Damage.* "Damage" means any injury or defect which materially affects the canning 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.

§ 51.1355 *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.

§ 51.1356 *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.

§ 51.1357 *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.

§ 51.1358 *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—UNITED STATES STANDARDS FOR FRESH PEAS

INTRODUCTION

§ 51.1375 *Introduction.* (a) The tolerances for the standards are on a container basis. However, individual containers in any lot may vary from the specified tolerances as stated below, provided the averages for the entire lot, based on sample inspection, are within the tolerances specified.

(b) For a tolerance of 10 percent, individual containers in any lot may have not more than one and one-half times the tolerance.

(c) For a tolerance of less than 10 percent, individual containers in any lot may have not more than double the tolerance.

GRADES

§ 51.1376 *U. S. No. 1.* U .S. No. 1 shall consist of pods of peas of similar varietal characteristics which are not overmature or excessively small, not badly misshapen or watersoaked, and which are fairly well filled, fresh, firm, free from decay, and from damage caused by black calyxes, freezing, splitting, hail, dirt, leaves, or other foreign matter, mildew, or other diseases, insects, or mechanical or other means. The peas shall be at least fairly tender, free from decay, and from damage caused by split skins, disease, insects or mechanical or other means.

(a) Peas may be specified as "U. S. No. 1 Green Calyxes" when they meet the requirements of U. S. No. 1 grade and an average of three-fourths or more, by weight, of the pods in any lot, but not less than one-half of the pods in each container, have calyxes which are of a fairly good green color.

§ 51.1377 *U. S. Fancy.* U. S. Fancy shall consist of pods of peas which are well filled and have an average of three-fourths or more by weight, of the pods in any lot, but not less than one-half of the pods in each container with calyxes which are of a fairly good green color, and which meet the requirements of U. S. No. 1 grade in all other respects.

TOLERANCES

§ 51.1378 *Tolerances.* In order to allow for variations incident to proper grading and handling, not more than 10 percent, by weight, of the pods of peas in any container may be below the requirements of the grade, but not more than one-half of this tolerance, or 5 percent, shall be allowed for defects causing serious damage, and not more than one-tenth of this tolerance, or 1 percent, shall be allowed for soft decay. When peas are specified as "U. S. No. 1 Green Calyxes" or "U. S. Fancy" no part of any tolerance shall be allowed to reduce for the lot as a whole, or for the individual container the percentage of pods which are required to have calyxes of a fairly good green color.

UNCLASSIFIED

§ 51.1379 *Unclassified.* Unclassified shall consist of peas which have not been classified in accordance with 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

§ 51.1380 *Similar varietal characteristics.* "Similar varietal characteristics" means that the pods of peas in any container are of the same general type.

§ 51.1381 *Overmature.* "Overmature" means that the pod has developed beyond the stage at which it is desirable as a fresh product. The pod is usually wrinkled and the green is faded, having a noticeably whitish or yellowish cast.

§ 51.1382 *Excessively small.* "Excessively small" means that the pod is so short that there is space for only two peas which are at least fairly well developed.

§ 51.1383 *Badly misshapen.* "Badly misshapen" means that the pod is badly constricted, crooked, or badly twisted.

§ 51.1384 *Fairly well filled.* "Fairly well filled" means that more than one-half of the pod contains peas which are at least fairly well developed.

§ 51.1385 *Well filled.* "Well filled" means that more than two-thirds of the pod contains peas which are at least fairly well developed.

§ 51.1386 *Damage.* "Damage" means any injury or defect which materially affects the appearance, edible or shipping quality.

§ 51.1387 *Serious damage.* "Serious damage" means any injury or defect which seriously affects the appearance, edible or shipping quality. Badly misshapen pods or pods seriously affected with downy mildew injury shall be considered as being seriously damaged.

SUBPART—UNITED STATES STANDARDS FOR PECANS IN THE SHELL

GENERAL

§ 51.1400 *General.* The pecan grading chart[1] to which reference is made

[1] The pecan grading chart was filed with these United States Standards for Pecans in the Shell and it is available for inspection in the Federal Register Division. Copies may be obtained upon request from the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C.

in §§ 51.1408 and 51.1414 is the pecan grading chart which was issued in 1942 by the United States Department of Agriculture.

GRADES

§ 51.1401 *U. S. No. 1.* U. S. No. 1 consists of pecans in the shell which shells are fairly uniform in color, fairly well shaped and which are free from damage caused by stains or adhering hulls, split or broken shells, loose hulls or other foreign material or other means. The kernels shall be well cured, free from rancidity, mold, decay, insect injury, and from damage caused by shriveling, leanness, hollowness, discoloration, or other means. (See § 51.1404.)

(a) In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(1) For external defects not more than 10 percent, by count, for pecans which fail to meet the requirements of the grade: *Provided,* That not more than three-tenths of this amount, or 3 percent, shall be allowed for pecans which are seriously damaged by stains or adhering hulls, or by split, broken or punctured shells.

(2) For internal defects (defects of the kernel) not more than 15 percent, by count, for pecans which fail to meet the requirements of the grade: *Provided,* That not more than two-fifths of this amount, or 6 percent, shall be allowed for kernels which are not well cured, rancid, moldy, decayed, injured by insects, or seriously damaged by shriveling, leanness, discoloration or other means.

§ 51.1402 *U. S. Commercial.* U. S. Commercial consists of pecans in the shell which shells are free from serious damage caused by stains or adhering hulls, split, broken or punctured shells, loose hulls or other foreign material or other means. At least 65 percent, by count, of the pecans in any lot shall have kernels which meet the requirements of U. S. No. 1 grade; and the remainder shall have kernels which are well cured, free from rancidity, mold, decay, insect injury, and from serious damage caused by shriveling, leanness, discoloration or other means. (See § 51.1404.)

(a) In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(1) For external defects not more than 10 percent, by count, for pecans which fail to meet the requirements of the grade.

(2) For internal defects (defects of the kernel) not more than 15 percent, by count, for pecans which fail to meet the requirements of the grade: *Provided,* That not more than two-thirds of this amount, or 10 percent, shall be allowed for kernels which are very seriously damaged. No part of any tolerance shall be allowed to reduce for the lot the percentage of U. S. No. 1 kernels required in this grade.

UNCLASSIFIED

§ 51.1403 *Unclassified.* Unclassified consists of pecans in the shell which have not been classified in accordance with 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.

SIZE

§ 51.1404 *Size.* The size of pecans may be designated on the basis of the following table:

Size designation	Number of nuts per pound	The 10 smallest nuts in a representative 100-nut sample must weigh at least:[1]	
		Ounces	Equivalent in grams
Oversize	Not more than 52	2.50	71
Extra large	Not more than 60	2.25	64
Large	61 to 73	1.75	50
Medium	74 to 90	1.50	43
Small	91 to 115	1.25	36

[1] When the sample for inspection consists of more than 100 nuts, the 10 percent, by count, which are smallest will be segregated and weighed. For example, if the sample consists of 300 nuts, as will generally be the case when a carload is being inspected, the 30 smallest nuts must weigh at least three times the amount shown for any size designation. In selecting the smallest nuts, those which are by observation the smallest in appearance are segregated. In deciding which is the smallest among two or more nuts which appear to be about equal in size, the lightest in weight shall be used.

(a) In addition to having the requisite count per pound for any size designation shown in this table, the lot must comply with the restrictions as to the smallest nuts as indicated. No tolerance shall be allowed.

(b) In lieu of the size designations in the table in this section, the size of pecans in any lot may be described in accordance with the maximum number per pound or the range in number per pound without restrictions as to the smallest nuts in the lot. When this method of size specification is used, no tolerance shall be allowed. The size may also be described as an exact number pet pound as 65, 80, etc. When this method is used, the actual number per pound may not vary by more than 12 percent from the specified number.

(c) The size may also be described in terms of the diameter of the smallest nuts, or range in diameters of the nuts in a lot stated in sixteenths of an inch. When so specified, not more than 12 percent, by count, of the pecans in any lot may be below the minimum diameter specified and not more than 12 percent may be above the maximum diameter specified.

APPLICATION OF TOLERANCES

§ 51.1405 *Application of tolerances.* The tolerances for these grades are on a lot basis and a composite sample customarily is taken for inspection purposes. However, any container or group of containers in which the pecans are found to be materially inferior to those in the majority of the containers shall be considered as a separate lot.

DEFINITIONS

§ 51.1406 *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. Natural markings (usually in dark streaks and heaviest near the ends) shall not be considered as detracting from the appearance of the lot.

§ 51.1407 *Fairly well shaped.* "Fairly well shaped" means that the pecan is not crescent-shaped nor otherwise materially misshapen.

§ 51.1408 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality. 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) Stains or adhering hulls, when stains of dark color or adhering hulls, caused by shuck worms or other means, affect an aggregate area of more than 5 percent of the surface of the shell.

(b) Split or broken shells, when the parts of the shell spread upon application of slight pressure near the split or crack.

(c) Shriveling, when materially affecting more than 5 percent of the kernel including both halves. The shriveling may be on one or both halves. In judging the percentage affected by shriveling the flat or inner sides of the kernel are disregarded. The maximum percentage of shriveling (5 percent including both halves) on two half-kernels not considered damaged is illustrated in the upper left hand corner of the pecan grading chart.

(d) Leanness, when either half of the kernel has more than a moderately lean or undeveloped appearance. A half-kernel and cross-section showing moderately lean or undeveloped appearance not considered damaged is illustrated in the center of the upper row of the pecan grading chart.

(e) Hollowness, when a cross-section of either half of the kernel shows more than a moderate hollowness, or the half-kernel is not fairly firm and "meaty." A half-kernel and cross-section showing moderate hollowness not considered damaged is illustrated in the upper right hand corner of the pecan grading chart.

(f) Discoloration. (1) When either half of the kernel is darker than indicated for undamaged half-kernels in the lower left-hand corner of the pecan grading chart. The inner or flat side of the half-kernel is disregarded in judging color. Natural markings, including dark lines, specks or mottling shall not be considered as damage if the ground color is not too dark according to the chart.

(2) When more than one dark kernel spot is present on either half of the kernel, or one such spot when more than one-eighth inch in greatest dimension.

(3) When there is brownish or grayish material from the inside of the shell adhering to more than one-fourth of the surface, including both halves, which was adjacent to the shell.

(4) When there is reddish or brownish dust, from the inside of the shell, present in sufficient quantity to materially affect the appearance, or the edible quality.

(5) Discoloration which is readily noticeable in the interior of the kernel when it is broken.

§ 51.1409 *Well cured.* "Well cured" means that the kernel separates freely from the shell and from the corky partitions inside the shell, breaks at a definite point without splintering, shattering, or tearing the meat or loosening the skin, and appears to be in good shipping and storage condition as to moisture content.

§ 51.1410 *Rancidity.* "Rancidity" means that the kernel is distinctly rancid to the taste.

§ 51.1411 *Mold.* "Mold" means any mold growth which noticeably affects the exterior or interior of the kernel.

§ 51.1412 *Decay.* "Decay" means that the kernel is putrid or decomposed.

§ 51.1413 *Insect injury.* "Insect injury" means that the insect, web, or frass is present, or that the kernel shows other noticeable evidence of insect injury.

§ 51.1414 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality. 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) Stains or adhering hulls, when stains of dark color or adhering hulls, caused by shuck worms or other means, affect an aggregate area of more than 20 percent of the surface of the shell.

(b) Split, broken, or punctured shells, when a fragment of the shell is broken out, when the kernel is plainly visible through a punctured, split, or cracked shell without the application of any pressure, or when a worm hole penetrates the shell wall.

(c) Shriveling, when materially affecting more than one-third of the kernel including both halves. In judging the percentage affected by shriveling the flat or inner sides of the kernel are disregarded. The maximum percentage of shriveling (one-third of the kernel including both halves) not considered seriously damaged is illustrated in the left side of the middle row of the pecan grading chart.

(d) Leanness, when either half of the kernel has a more lean or undeveloped appearance than shown on the right side of the middle row of the pecan grading chart.

(e) Discoloration. (1) When the color of either half of the kernel is as dark in color, or darker, than indicated as seriously damaged on the kernel in the center of the lower row of the pecan grading chart. The inner or flat side of the half-kernel is disregarded in judging color.

(2) When there are more than three dark kernel spots on either half of the kernel, or when such spots affect an aggregate area of more than 10 percent of the surface of the half-kernel which was adjacent to the shell.

(3) When there is brownish or grayish material from the inside of the shell adhering to more than one-half of the surface, including both halves, which was adjacent to the shell.

(4) When the interior of the kernel is so discolored that it is unacceptable as food.

§ 51.1415 *Very serious damage.* "Very serious damage" means any defect which very seriously affects the appearance, or the edible or shipping quality. Any one of the following defects shall be considered as very serious damage:

(a) Kernels which are distinctly rancid to the taste.

(b) Kernels which are noticeably affected by mold on the exterior or interior.

(c) Kernels which are decayed (putrid or decomposed).

(d) Kernels with insects, web, or frass present, or which show other noticeable evidence of insect injury.

(e) Kernels which are so shriveled that they have virtually no food value.

§ 51.1416 *Diameter.* "Diameter" means the smallest dimension at right angles to the longitudinal axis taken at the point of greatest circumference. The diameter shall be determined by passing, or attempting to pass, the pecan through slotted openings of sufficient length to permit the pecan to pass through in a lengthwise position.

SUBPART—UNITED STATES STANDARDS FOR SHELLED PECANS

GENERAL

§ 51.1430 *General.* The pecan grading chart to which reference is made in §§ 51.1442, 51.1450, 51.1453 is the pecan grading chart issued in 1952 by the United States Department of Agriculture. Such pecan grading chart is annexed [1] hereto and made a part hereof.

GRADES

§ 51.1431 *U. S. No. 1 Halves.* U. S. No. 1 Halves consists of pecan half-kernels which are well dried and clean, and which are free from pieces of shell and center wall, foreign material, chipped halves, broken kernels, particles and dust, noticeable shriveling, rancidity, mold, decay, and insect injury, and are free from damage caused by leanness, hollowness, discoloration, or other means. The pecan halves in any lot shall be fairly uniform in size and fairly uniform in color. (See § 51.1436.)

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(1) One-fifth of 1 percent (0.20 percent), by weight, for pieces of shell, center wall and foreign material: *Provided,* That not more than one-fourth of this amount, or one-twentieth of 1 percent (0.05 percent), shall be allowed for pieces of shell and foreign material;

(2) 20 percent, by weight, for chipped halves;

(3) 12 percent, by weight, for broken kernels and particles and dust: *Provided,* That not more than one-fourth of this amount, or 3 percent, shall be allowed for broken kernels which are less than one-half of a complete half-kernel, including not more than one-half of 1 percent for particles and dust; and,

(4) 7 percent, by weight, for portions of kernels which fail to meet the remaining requirements of this grade, including therein not more than 4 percent for damage caused by internal discoloration and not more than 1 percent for rancidity, mold, decay, insect injury, or serious damage caused by shriveling, leanness, external discoloration, internal discoloration, or other means.

§ 51.1432 *U. S. Commercial Halves.* U. S. Commercial Halves consists of pecan half-kernels which are well dried and clean, and which are free from pieces of shell and center wall, foreign material, broken kernels, particles and dust, rancidity, mold, decay, and insect injury, and are free from serious damage caused by shriveling, leanness, external discoloration, internal discoloration, or other means. (See § 51.1436.)

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(1) One-fifth of 1 percent (0.20 percent), by weight, for pieces of shell, center wall and foreign material: *Provided,* That not more than one-fourth of this amount, or one-twentieth of 1 percent (0.05 percent), shall be allowed for pieces of shell and foreign material;

(2) 15 percent, by weight, for broken kernels and particles and dust: *Provided,* That not more than one-third of this amount, or 5 percent, shall be allowed for broken kernels which are less than one-half of a complete half-kernel, including not more than one-half of 1 percent for particles and dust; and,

(3) 10 percent, by weight, for portions of kernels which fail to meet the remaining requirements of this grade, including therein not more than 3 percent for rancidity, mold, decay, insect injury, serious damage caused by internal discoloration, or those that are so shriveled that they have virtually no food value.

§ 51.1433 *U. S. No. 1 Pieces.* U. S. No. 1 Pieces consists of portions of pecan kernels which are well dried and clean, and which are free from pieces of shell and center wall, foreign material, noticeable shriveling, rancidity, mold, decay, and insect injury, and are free from damage caused by leanness, hollowness, discoloration, or other means. There are no restrictions in this grade in regard to the proportion of pecan halves which may be included in a lot designated as "Pieces" except that the halves shall meet the size requirements specified for the pieces. Unless a larger minimum size is specified, the minimum diameter of pieces specified in connection with this grade shall be two-sixteenths inch. (See § 51.1437.)

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(1) One-tenth of 1 percent (0.10 percent), by weight, for pieces of shell and center wall, and foreign material; and,

[1] The pecan grading chart was filed with these United States Standards for Shelled Pecans and it is available for inspection in the Division of the Federal Register. Copies may be obtained upon request from the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C.

(2) 7 percent, by weight, for portions of kernels which fail to meet the remaining requirements of this grade, including therein not more than 4 percent for damage caused by internal discoloration and not more than 1 percent for rancidity, mold, decay, insect injury, or serious damage caused by shriveling, external discoloration, internal discoloration, or other means.

§ 51.1434 *U. S. Commercial Pieces.* U. S. Commercial Pieces consists of portions of pecan kernels which are well dried and clean, and which are free from pieces of shell and center wall, foreign material, rancidity, mold, decay, insect injury, and are free from serious damage caused by shriveling, leanness, external discoloration, internal discoloration, or other means. There are no restrictions in this grade in regard to the proportion of pecan halves which may be included in a lot designated as "Pieces" except that the halves shall meet the size requirements specified for the pieces. Unless a larger minimum size is specified, the minimum diameter of pieces specified in connection with this grade shall be two-sixteenths inch. (See § 51.1437.)

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(1) One-tenth of 1 percent (0.10 percent), by weight, for pieces of shell and center wall, and foreign material; and,

(2) 10 percent, by weight, for portions of kernels which fail to meet the remaining requirements of this grade, including therein not more than 3 percent for rancidity, mold, decay, insect injury, serious damage caused by internal discoloration, or those that are so shriveled that they have virtually no food value.

UNCLASSIFIED

§ 51.1435 *Unclassified.* Unclassified consists of shelled pecans 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 definite grade has been applied to the lot.

SIZE

§ 51.1436 *Size requirements for halves.* The size of pecan halves may be specified in accordance with the size designations shown in Table I:

TABLE I

Size designation	Number of halves per pound [1]
Mammoth	200–250
Junior Mammoth	251–300
Jumbo	301–350
Extra Large	351–450
Large	451–550
Medium	551–650
Topper	651–750
Large Amber [2]	400 or less
Regular Amber [2]	More than 400

[1] The number of halves per pound shall be determined on the basis of the weight of the pecan halves after the broken kernels, particles and dust, and foreign material have been removed.

[2] This designation is provided for use only in connection with the U. S. Commercial Grade.

(a) In lieu of the size designations specified in Table I, the size of pecan halves may be specified in terms of the number of halves per pound, as, for example, "400", or a range may be stated, as, for example, "600–700".

(b) Tolerance for counts per pound. In order to allow for variations incident to proper sizing, the following tolerance shall be permitted:

(1) When an exact number of halves per pound is specified, as, for example, "400", the actual number may vary from the specified number by not more than 5 percent.

(2) When the size designation shown in Table I are used to specify size, or when a range is specified, as, for example, "600–700", no tolerance for counts above or below those specified shall be allowed.

§ 51.1437 *Size requirements for pieces.* The size of pecan pieces may be specified in accordance with the size designations shown in Table II:

TABLE II

Size designations	Maximum diameter (will pass through a sieve with round openings of the following diameters)	Minimum diameter (will not pass through a sieve with round openings of the following diameters)
	Inch	*Inch*
Extra Large		9/16
Large	9/16	7/16
Medium	7/16	5/16
Small	5/16	3/16
Midget	3/16	2/16
Regular Amber [1]		4/16
Small Amber [1]	4/16	3/16

[1] This designation is provided for use only in connection with the U. S. Commercial Grade.

(a) In lieu of the size designations in Table II, the size of pieces may be specified in terms of minimum diameter, or as a range in terms of minimum and maximum diameters, expressed in sixteenths of an inch.

(b) Tolerances for size of pieces. In order to allow for variations incident to proper sizing, the following tolerances shall be permitted:

(1) When the size designations "Extra Large", "Large", "Medium", "Small" and "Regular Amber" are used to specify size, not more than 15 percent, by weight, of the pieces may fail to meet the size requirements specified in Table II, including therein not more than 2 percent for pieces which are less than two-sixteenths inch in diameter;

(2) When the size designations "Midget" or "Small Amber" are used to specify size, not more than 15 percent, by weight, of the pieces may fail to meet the size requirements specified in Table II, including therein not more than 5 percent for pieces which are less than two-sixteenths inch in diameter; and,

(3) When minimum diameters or ranges of diameters, other than those shown in Table II, are used to specify size, not more than 15 percent, by weight, of the pieces may fail to meet the size specified, including therein not more than 2 percent for pieces which are less than two-sixteenths inch in diameter: *Provided,* That when a minimum diameter of two-sixteenths inch is specified, not more than 5 percent of the pieces may be less than two-sixteenths inch in diameter.

APPLICATION OF TOLERANCES

§ 51.1438 *Application of tolerances.* The tolerances in these standards are on a lot basis, and a composite sample should be taken for inspection purposes. However, any container or group of containers, in which the pecans are found to be materially inferior to those in the majority of the containers, shall be considered a separate lot.

DEFINITIONS

§ 51.1439 *Well dried.* "Well dried" means that the portion of kernel is firm and crisp, not pliable or leathery.

§ 51.1440 *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 or dirt.

§ 51.1441 *Pieces of shell and center wall.* "Pieces of shell and center wall" means pieces of pecan shell, center wall and any other part of the pecan except the kernel. "Shell" means the hard outer covering of the nut exclusive of the softer, corky or papery material which occurs between the halves and within the grooves of the kernel.

§ 51.1442 *Chipped half.* "Chipped half" means a pecan half-kernel which shows more than slight chipping or skinning of the outer, curved surface or the edge, but which does not have more than one-eighth of the original half-kernel missing. The presence or absence of the portion joining both halves of the complete kernel should be disregarded. Two chipped halves, each of which has one-eighth chipped or broken off, are illustrated in the lower right-hand corner of the pecan grading chart referred to in § 51.1430.

§ 51.1443 *Broken kernels.* "Broken kernels" means portions of half-kernels each of which is less than seven-eights of a complete half-kernel, but which will not pass through a round opening two-sixteenths inch in diameter.

§ 51.1444 *Particles and dust.* "Particles and dust" means fragments of kernels which will pass through a round opening two-sixteenths inch in diameter.

§ 51.1445 *Noticeable shriveling* "Noticeable shriveling" means any shriveling which more than slightly affects the appearance of the individual portion of kernel. (Shriveling affecting the flat or inner side of the half-kernel shall be disregarded.)

§ 51.1446 *Rancidity.* "Rancidity" means that the portion of kernel is distinctly rancid to the taste.

§ 51.1447 *Mold.* "Mold" means any mold growth which noticeably affects the exterior or interior of the portion of kernel.

§ 51.1448 *Decay.* "Decay" means that the portion of kernel is putrid or decomposed.

§ 51.1449 *Insect injury.* "Insect injury" means that the insect, web, or frass is present or that the portion of kernel

shows other noticeable evidence of insect injury.

§ 51.1450 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the portion of kernel. 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) Leanness, when a portion of kernel has more than a moderately lean or undeveloped appearance. A half-kernel and cross-section showing moderately lean or undeveloped appearance not considered damaged are illustrated in the center of the upper row of the pecan grading chart referred to in § 51.1430;

(b) Hollowness, when a cross-section of the portion of kernel shows more than a moderate hollowness, or the portion of kernel is not fairly firm and meaty. A half-kernel and cross-section showing moderate hollowness not considered damaged are illustrated in the upper right-hand corner of the pecan grading chart referred to in § 51.1430; and,

(c) Discoloration, when in excess of the maximum permitted for any of the following types (external discoloration affecting the flat or inner side of the half-kernel shall be disregarded):

(1) When the portion of kernel is darker than indicated for undamaged half-kernels in the lower left-hand corner of the pecan grading chart referred to in § 51.1430. Natural markings, including dark lines, specks, or mottling, shall not be considered as damage if the ground color is not too dark according to the chart;

(2) When there is more than one dark kernel spot on a portion of the kernel, or when any spot is more than one-eighth inch in greatest dimension;

(3) When there is brownish or grayish material from the inside of the shell adhering to more than 5 percent of the surface; and,

(4) When internal discoloration is readily noticeable.

§ 51.1451 *Fairly uniform in size.* "Fairly uniform in size" means that in a representative sample of 100 halves, from which broken kernels and particles and dust have been removed, the weight of the 10 largest halves shall not be greater than twice the weight of the 10 smallest halves.

§ 51.1452 *Fairly uniform in color.* "Fairly uniform in color" means that the variation in color of the pecan halves in a lot shall not be sufficient to materially detract from the appearance of the lot.

§ 51.1453 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the portion of kernel. 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 materially affecting more than one-third of the portion of kernel. The maximum percentage of shriveling (one-third of the half-kernel) not considered seriously damaged is illustrated in the left side of the middle row of the pecan grading chart, referred to in § 51.1430. (Shriveling affecting the flat or inner side of the half-kernel shall be disregarded);

(b) Leanness, when a portion of kernel has a more lean or undeveloped appearance than shown on the right side of the middle row of the pecan grading chart referred to in § 51.1430;

(c) External discoloration, when in excess of the maximum permitted for any of the following types (external discoloration affecting the flat or inner side of the half-kernel shall be disregarded):

(1) When the portion of kernel is as dark in color, or darker, than indicated as seriously damaged on the kernel in the center of the lower row of the pecan grading chart referred to in § 51.1430;

(2) When there are more than three dark kernel spots on a portion of kernel, or when such spots affect an aggregate area of more than 10 percent of the surface of the half-kernel or piece of kernel;

(3) When there is brownish or grayish material from the inside of the shell adhering to more than one-fourth of the surface; and,

(d) Internal discoloration, when dark discoloration extends more than one-third the length of the center ridge of the portion of kernel or more than one-third the length of a piece of kernel which is detached from the center ridge.

SUBPART—UNITED STATES STANDARDS FOR SWEET PEPPERS FOR PROCESSING

GRADES

§ 51.1465 *U. S. No. 1.* U. S. No. 1 shall consist of sweet peppers of one variety or similar varietal characteristics, which are fairly firm, fairly well shaped, well colored, free from mold, soft rot, worm holes, or other holes which penetrate through the wall of the pepper, except small, fresh holes or splits incident to proper handling. The peppers shall also be free from damage by any other cause.

§ 51.1466 *U. S. No. 2.* U. S. No. 2 shall consist of sweet peppers of one variety or similar varietal characteristics which are fairly well colored and free from serious damage by any cause.

CULLS

§ 51.1467 *Culls.* Sweet peppers which fail to meet the requirements of either of the foregoing grades shall be designated as culls.

SIZE

§ 51.1468 *Size.* There are no size requirements specified for the various grades. However, the minimum size may be fixed by agreement between buyer and seller and may be expressed in terms of diameter in whole inches, or in whole inches and fractions thereof.

DEFINITIONS

§ 51.1469 *Fairly firm.* "Fairly firm" means that the pepper is not soft, limp or excessively shriveled.

§ 51.1470 *Fairly well-shaped.* "Fairly well-shaped" means that the pepper is not of the type commonly known as "button" or is not decidedly crooked, constricted, or otherwise seriously deformed.

§ 51.1471 *Well colored.* "Well colored" means that at least 90 percent of the surface of the pepper has a characteristic medium or dark red color, and that green color does not predominate on the remainder of the surface of the pepper.

§ 51.1472 *Damage.* "Damage" means any injury or defect which materially affects the processing or edible quality of the pepper, or which cannot be removed in the ordinary process of trimming without a loss of more than 5 percent, by weight, of the pepper in excess of that which would occur if the pepper were perfect.

§ 51.1473 *Diameter.* "Diameter" means the greatest dimension of the pepper measured at right angles to a line running from the stem to the apex.

§ 51.1474 *Fairly well-colored.* "Fairly well-colored" means that at least three-fourths of the surface of the pepper has a characteristic medium or dark red color.

§ 51.1475 *Serious damage.* "Serious damage" means any injury or defect which seriously affects the processing or edible quality of the pepper, or which cannot be removed in the ordinary process of trimming without a loss of more than 20 percent, by weight, of the pepper in excess of that which would occur if the pepper were perfect.

SUBPART—UNITED STATES STANDARDS FOR PINEAPPLES

GRADES

§ 51.1485 *U. S. Fancy.* U. S. Fancy consists of pineapples of similar varietal characteristics, which are mature, firm, dry and well formed, which have well developed eyes, and which are free from decay and sunscald, and free from injury caused by bruising, sunburn, and gummosis, and free from damage caused by disease, insects, rodents or mechanical or other means. The butts shall be well trimmed, well cured, and free from damage caused by cracks. The tops shall be of characteristic color, single, straight, well attached to the fruit and free from crown slips. The length of the tops shall be not less than 5 inches nor more than 1½ times the length of the fruit. (See § 51.1490.)

(a) In order to allow for variations incident to proper grading and handling, other than for size and marking, not more than a total of 10 percent, by count, of the pineapples in any lot may fail to meet the requirements of the grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for pineapples which are seriously damaged, including therein not more than 1 percent for pineapples affected by decay.

§ 51.1486 *U. S. No. 1.* U. S. No. 1 consists of pineapples of similar varietal characteristics, which are mature, firm, dry and well formed, which have well developed eyes, and which are free from

decay and sunscald, and free from damage caused by bruising, sunburn, gummosis, disease, insects, rodents or mechanical or other means. The butts shall be well trimmed, fairly well cured and shall not be badly cracked. The tops shall be of characteristic color, single, reasonably straight, well attached to the fruit, and shall have not more than 5 crown slips, not more than 2 of which may be more than 2¾ inches in length. The length of the tops shall be not less than 4 inches nor more than twice the length of the fruit. (See § 51.1490.)

(a) In order to allow for variations incident to proper grading and handling, other than for size and marking, not more than a total of 10 percent, by count, of the pineapples in any lot may fail to meet the requirements of the grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for pineapples which are seriously damaged, including therein not more than 1 percent for pineapples affected by decay.

§ 51.1487 *U. S. No. 2.* U. S. No. 2 consists of pineapples of similar varietal characteristics, which are mature, firm and fairly well formed, which have fairly well developed eyes, and which are free from decay and sunscald, and free from serious damage caused by bruising, sunburn, gummosis, disease, insects, rodents or mechanical or other means. The butts shall be fairly well cured. The tops shall be of characteristic color, well attached to the fruit, not completely curved over and shall consist of not more than 2 fairly well developed stems but may have any number of crown slips. (See § 51.1490.)

(a) In order to allow for variations incident to proper grading and handling, other than for size and marking, not more than a total of 10 percent, by count, of the pineapples in any lot may fail to meet the requirements of the grade: *Provided,* That not more than one-tenth of this amount, or 1 percent, shall be allowed for pineapples affected by decay.

UNCLASSIFIED

§ 51.1488 *Unclassified.* Unclassified consists of pineapples 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 definite grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.1489 *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 a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified.

(2) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, except that at least one decayed or otherwise defective fruit may be permitted in any package.

SIZE AND MARKING REQUIREMENTS

§ 51.1490 *Size and marking requirements.* (a) The pineapples in each container shall be fairly uniform in size and the count shall be plainly stamped, stenciled or otherwise marked on the container.

(b) In order to allow for variations incident to proper packing not more than 5 percent of the packages in any lot may fail to meet the requirements pertaining to size and marking.

DEFINITIONS

§ 51.1491 *Similar varietal characteristics.* "Similar varietal characteristics" means that the pineapples in any lot are similar in type and character of growth.

§ 51.1492 *Mature.* "Mature" means that the pineapple has reached the stage of development which will insure a proper completion of the ripening process.

§ 51.1493 *Firm.* "Firm" means that the fruit does not yield to slight pressure.

§ 51.1494 *Dry.* "Dry" means that the surface of the fruit is free from moisture other than that resulting from condensation.

§ 51.1495 *Well-formed.* "Well-formed" means that the fruit shows good shoulder development and is not lopsided or distinctly pointed, and that the sides are not noticeably flattened.

§ 51.1496 *Well-developed eyes.* "Well-developed eyes" means eyes which have developed normally.

§ 51.1497 *Injury.* "Injury" means any defect which more than slightly affects the appearance or the edible or shipping quality of the fruit. Sunburn which will not more than slightly affect the appearance of the fruit when ripe, or gummosis which is very slight shall not be considered as injury.

§ 51.1498 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the fruit. Sunburn which will not materially affect the appearance of the fruit when ripe, or gummosis which is slight or does not materially discolor the eyes shall not be considered as damage.

§ 51.1499 *Well-trimmed.* "Well-trimmed" means that the bracts on the stem next to the base of the fruit have been removed and the stem has been cut off so that the fruit will stand straight when placed butt end down on a flat surface.

§ 51.1500 *Well cured.* "Well cured" means that the cut portion of the butt has completely calloused over.

§ 51.1501 *Characteristic color.* "Characteristic color" means that at shipping points the tops are of good green color characteristic of well-grown pineapples, and in the receiving markets, are fairly good green color and relatively free from dryness and discoloration.

§ 51.1502 *Single top.* "Single top" means that the fruit does not have more than one prominent main stem at the crown of the fruit.

§ 51.1503 *Crown slips.* "Crown slips" means the small, secondary top growths at the crown of the fruit.

§ 51.1504 *Fairly well-cured.* "Fairly well-cured" means that the cut portion of the butt is free from bleeding.

§ 51.1505 *Fairly well-formed.* "Fairly well-formed" means that the fruit is not excessively lopsided or excessively flattened at the shoulders or sides.

§ 51.1506 *Fairly well-developed eyes.* "Fairly well-developed eyes" means eyes which show fairly normal development and are not badly misshapen.

§ 51.1507 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit.

§ 51.1508 *Fairly uniform in size.* "Fairly uniform in size" means that for counts 18 or less in standard southeastern pineapple crates, the pineapples do not vary more than ⅝ inch in diameter, and for counts over 18 in number the pineapples do not vary more than ½ inch in diameter. Diameter shall be the greatest dimension measured at right angles to a line from top to butt.

SUBPART—UNITED STATES STANDARDS FOR PLUMS AND PRUNES (FRESH)

GRADES

§ 51.1520 *U. S. Fancy.* "U. S. Fancy" shall consist of plums or prunes of one variety which are well formed, mature but not overripe or soft or shriveled, and 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, dirt or other foreign material, disease, insects or mechanical or other means. Italian type prunes shall be well colored and, unless otherwise specified, the minimum size of such prunes shall be not less than 1⅛ inches in diameter.

(a) In order to allow for variations incident to proper grading and packing, not more than a total of 10 percent, by count, of the fruit in any lot may fail to meet the requirements of this grade for defects other than color and size of Italian type prunes, but not more than 5 percent, by count, may be allowed for defects causing serious damage, and not more than one-fifth of the latter amount, or 1 percent, may be allowed for decay. In addition, not more than 10 percent, by count, of the Italian type prunes in any lot may fail to meet the color requirements, and not more than 10 percent, by count, may fail to meet the size specification, but the combined tolerances for size, color and other defects shall not exceed 15 percent. (See § 51.1525.)

§ 51.1521 *U. S. No. 1.* "U. S. No. 1" shall consist of plums and prunes of one variety which are well formed, mature but not overripe or soft or shriveled, and which are free from decay and sunscald, and from damage caused by broken skins, heat injury, growth cracks, sunburn, split pits, hail marks, drought spots, gum spots, russeting, scars, dirt or other foreign material, disease, in-

sects or mechanical or other means. Italian type prunes shall be fairly well colored, and unless otherwise specified, the minimum size of such prunes shall be not less than 1⅛ inches in diameter.

(a) In order to allow for variations incident to proper grading and packing, not more than a total of 10 percent, by count, of the fruit in any lot may fail to meet the requirements of this grade for defects other than color and size of Italian type prunes, but not more than 5 percent, by count, may be allowed for defects causing serious damage, and not more than one-fifth of the latter amount, or 1 percent, may be allowed for decay. In addition, not more than 10 percent, by count, of the Italian type prunes in any lot may fail to meet the color requirements, and not more than 10 percent, by count, may fail to meet the size specification, but the combined tolerance for size, color and other defects shall not exceed 15 percent. (See § 51.1525.)

§ 51.1522 *U. S. No. 2.* "U. S. No. 2" shall consist of plums or prunes of one variety which are not badly misshapen, and which are mature but not overripe or soft or shriveled; and which are free from decay, sunscald, and from serious damage caused by broken skins, heat injury, growth cracks, sunburn, split pits, hail marks, drought spots, gum spots, russeting, scars, dirt or other foreign material, disease, insects or mechanical or other means.

(a) There are no requirements in this grade for color or size.

(b) In order to allow for variations incident to proper grading and packing, not more than a total of 10 percent, by count, of the fruit in any lot may fail to meet the requirements of this grade. Of this tolerance, not more than one-half, or a total of 5 percent, by count, may be allowed for sunscald, decay or serious damage by insects or heat injury, but not more than one-fifth of the latter amount, or 1 percent, may be allowed for decay. If a minimum size is specified, not more than 10 percent, by count, of the fruit in any lot may fail to meet the size specified. (See § 51.1525.)

§ 51.1523 *U. S. Combination.* "U. S. Combination" shall consist 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.

(a) In order to allow for variations incident to proper grading and packing, not more than a total of 10 percent, by count, of the fruit in any lot may fail to meet the requirements of this grade. Of this tolerance, not more than one-half, or a total of 5 percent, by count, may be allowed for sunscald, decay or serious damage by insects or heat injury, but not more than one-fifth of the latter amount, or 1 percent, may be allowed for decay. No part of any tolerance shall be allowed to reduce, for the lot as a whole, the percentage of U. S. No. 1 in the combination, but individual containers may have not more than a total of 10 percent less than the percentage of U. S. No. 1 specified: *Provided*, That the entire lot averages within the percentage specified. (See § 51.1525.)

UNCLASSIFIED

§ 51.1524 *Unclassified.* Unclassified shall consist of plums or prunes which have not been classified in accordance with any of the forgoing 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.

APPLICATION OF TOLERANCES

§ 51.1525 *Application of tolerances.* (a) The contents of individual containers 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:

(1) When a tolerance is 10 percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified, except that at least one defective and one undersized fruit may be permitted in a container.

(2) When a tolerance is less than 10 percent, individual containers in any lot shall have not more than double the tolerance specified, except that at least one defective and one undersized fruit may be permitted in a container.

STANDARD PACK

§ 51.1526 *Standard pack.* The plums or prunes shall be of fairly uniform size and tightly packed according to the approved and recognized methods. The fruits in the top layer shall not be noticeably superior in quality or size to those in the remainder of the package.

(a) The size of plums or prunes packed in 4-basket crates shall be indicated as follows: 4 x 4, 4 x 5, 5 x 5, etc. in accordance with the arrangement in the top layer of the basket. These packs shall not be more than 3 layers deep. Arrangements such as 4–3 x 5 and 5–4 x 5 shall not be considered standard packs.

(b) The arrangement of the bottom layer shall be one row less one way, and may be one row less each way than the arrangement of the top layer. The arrangement of the middle layer may be the same as the top layer, or may be one row less one way than the arrangement of the top layer. Straight, offset, and diagonal packs in the layers are permitted. For example, a pack with 5 x 5 in the top layer may have 5 x 5 in the middle layer, and shall have 4 x 5 or 4–3 x 5 in the bottom layer; or it may have 4 x 5 or 4–3 x 5 in the middle layer, and shall have 4 x 5, 4–3 x 5, or 4 x 4 in the bottom layer.

(c) In layer-packed California peach or lug boxes, the count in the entire container shall be marked on the package.

(d) In double-faced and filled special lugs the number of rows, lengthwise of the lugs, shall be marked on the package to indicate size, as "nine row."

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

DEFINITIONS

§ 51.1527 *Well-formed.* "Well-formed" means that the fruit has the shape characteristic of the variety. Doubles shall not be considered well-formed.

§ 51.1528 *Mature.* "Mature" means that the fruit has reached the stage of maturity which will insure a proper completion of the ripening process.

§ 51.1529 *Sunscald.* "Sunscald" means injury caused by the sun in which softening or collapse of the flesh is apparent.

§ 51.1530 *Damage.* "Damage" means any injury or defect which materially affects the appearance, or edible or shipping quality of the fruit. Internal growth cracks, cavities or gum spots are not considered as damage. 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) Broken skins which are unhealed; except those caused by pulled stems where the skin is not torn beyond the stem basin. (Healed skin breaks shall be handled as scars.)

(b) Heat injury which is extensive or not light in color.

(c) External growth cracks, when there are more than one on a fruit, or when any growth crack is deep, not well healed, or more than one-fourth inch in length.

(d) Sunburn which has materially changed the normal color of the fruit, or has caused the skin to blister or crack.

(e) Split pit which causes a readily apparent crack at the stem end, or which affects the shape to the extent that the fruit is not well-formed.

(f) Hail marks, or other similar depressions or scars, which are not shallow or superficial, or which aggregate more than three-eighths inch in diameter, or when the skin has been broken.

(g) Drought spots or external gum spots which are more than one-fourth of an inch in diameter.

(h) Russeting which is not excessively rough, when aggregating more than 10 percent of the fruit surface; or excessively rough russeting when aggregating more than one-fourth inch in diameter.

SUBPART—UNITED STATES STANDARDS FOR POTATOES

GENERAL

§ 51.1540 *General.* (a) All percentages shall be calculated on the basis of weight.

(b) The tolerances for the standards are on a container basis. However, individual packages in any lot may vary from the specified tolerances as stated below, provided the averages for the entire lot, based on sample inspection, are within the tolerances specified.

(c) When the tolerance specified is 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that at least one defective and one off-size specimen shall be permitted in a package.

(d) When the tolerance specified is less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, except

that for frozen potatoes or those affected by soft rot or wet breakdown, not more than one-tenth of the packages may contain more than double the tolerance but not more than four times the tolerance specified, and except that at least one defective and one off-sized specimen shall be permitted in a package.

GRADES

§ 51.1541 *U. S. Fancy.* U. S. Fancy shall consist of potatoes of one variety or similar varietal characteristics which are firm, mature, bright, well shaped, not frozen; which are free from freezing injury, blackheart, late blight, southern bacterial wilt, ring rot, shriveling, sprouting, soft rot or wet break-down, hollow heart and internal discoloration, and free from injury caused by dirt or other foreign matter, sunburn, second growth, growth cracks, air cracks, cuts, external discoloration, scab, dry rot, rhizoctonia, other disease, wireworm, other insects or mechanical or other means.

(a) The diameter of each potato shall be not less than 2 inches.

(b) For long varieties such as Burbank, Russet Burbank, Early Ohio, White Rose, or other similar varieties, not less than 40 percent of the potatoes in any lot shall be 6 ounces or more in weight.

(c) For round or intermediate shaped varieties such as Irish Cobbler, Katahdin, Bliss Triumph, Green Mountain, or other similar varieties, not less than 60 percent of the potatoes in any lot shall be 2¼ inches or larger in diameter.

(d) The size of the potatoes may be stated in terms of minimum diameter or minimum weight, or of range in diameter or weight, or of a certain percentage over a certain size, following the grade name, but in no case shall potatoes be below the sizes specified for this grade. (See § 51.1546 (f).)

(e) Tolerance for defects: In order to allow for variations other than size, incident to proper grading and handling, not more than a total of 6 percent of the potatoes in any lot may fail to meet the requirements of the grade, but not more than 3 percent shall be allowed for potatoes affected by southern bacterial wilt, ring rot, or late blight, and including not more than 1 percent for potatoes which are frozen, or affected by soft rot or wet breakdown.

§ 51.1542 *U. S. Extra No. 1.* U. S. Extra No. 1 shall consist of potatoes of one variety or similar varietal characteristics which are fairly well shaped, fairly clean, not frozen; which are free from freezing injury, blackheart, late blight, southern bacterial wilt, ring rot, and soft rot or wet breakdown, and from damage caused by sunburn, second growth, growth cracks, air cracks, hollow heart, internal discoloration, external discoloration, cuts, shriveling, sprouting, scab, dry rot, rhizoctonia, other disease, wireworm, other insects or mechanical or other means. (See § 51.1547.)

(a) Unless otherwise specified, size of potatoes (see § 51.1546) shall be as follows:

(1) The diameter of each potato shall be not less than 1⅞ inches.

(2) For long varieties such as Burbank, Russet Burbank, Early Ohio, White Rose, or other similar varieties, not less than 60 percent of the potatoes in the lot shall be 6 ounces or larger, of which not less than one-half, or 30 percent, shall be 10 ounces or more in weight.

(3) For round or intermediate shaped varieties, such as Irish Cobbler, Katahdin, Bliss Triumph, Green Mountain or other similar varieties, not less than 60 percent of the potatoes in the lot shall be 2¼ inches or larger, of which not less than one-half, or 30 percent, shall be 2¾ inches, or larger in diameter.

(4) Tolerance for defects: In order to allow for variations other than size, hollow heart, and internal discoloration, incident to proper grading and handling, not more than a total of 6 percent of the potatoes in any lot may fail to meet the requirements of the grade, but not more than 3 percent shall be allowed for potatoes affected by southern bacterial wilt, ring rot, or late blight, and including not more than 1 percent for potatoes which are frozen, or affected by soft rot or wet breakdown. In addition, not more than 5 percent may be damaged by hollow heart, and internal discoloration.

§ 51.1543 *U. S. No. 1.* U. S. No. 1 shall consist of potatoes of one variety or similar varietal characteristics which are fairly well shaped, not frozen; which are free from freezing injury, blackheart, late blight, southern bacterial wilt, ring rot, and soft rot or wet breakdown, and from damage caused by dirt or other foreign matter, sunburn, second growth, growth cracks, air cracks, hollow heart, internal discoloration, external discoloration, cuts, shriveling, sprouting, scab, dry rot, rhizoctonia, other disease, wireworm, other insects or mechanical or other means. (See § 51.1547.)

(a) Unless otherwise specified the diameter of each potato shall be not less than 1⅞ inches. (See § 51.1546.)

(b) Tolerance for defects: In order to allow for variations other than size, hollow heart, and internal discoloration, incident to proper grading and handling, not more than a total of 6 percent of the potatoes in any lot may fail to meet the requirements of the grade, but not more than 3 percent shall be allowed for potatoes affected by southern bacterial wilt, ring rot, or late blight, and including not more than 1 percent for potatoes which are frozen, or affected by soft rot or wet breakdown. In addition, not more than 5 percent may be damaged by hollow heart and internal discoloration.

§ 51.1544 *U. S. Commercial.* U. S. Commercial shall consist of potatoes which meet the requirements for U. S. No. 1 grade except that they shall be free from serious damage by dirt and except for the increased tolerance for defects specified below. (See § 51.1547.)

(a) Unless otherwise specified, the diameter of each potato shall be not less than 1⅞ inches. (See § 51.1546.)

(b) Tolerance for defects: In order to allow for variations other than size and sprouting, incident to proper grading and handling, not more than a total of 20 percent of the potatoes in any lot may fail to meet the requirements of the grade, but not more than 5 percent may be seriously damaged by hollow heart and internal discoloration and not more than 6 percent may fail to meet the remaining requirements of U. S. No. 2 grade, but not more than one-half of this amount, or 3 percent, shall be allowed for potatoes affected by southern bacterial wilt, ring rot, or late blight and including not more than 1 percent for potatoes which are frozen, or affected by soft rot or wet breakdown. In addition, not more than 10 percent of the potatoes may have sprouts over ¾ inch long, but which are not seriously damaged by shriveling, provided, that if all of the 20 percent tolerance is not used for other defects, the unused part of the tolerance may also be used for potatoes having sprouts over ¾ inch long but which are not seriously damaged by shriveling.

§ 51.1545 *U. S. No. 2.* U. S. No. 2 shall consist of potatoes of one variety or similar varietal characteristics which are not seriously misshapen, or frozen; which are free from freezing injury, blackheart, late blight, southern bacterial wilt, ring rot, and soft rot or wet breakdown, and from serious damage caused by dirt or other foreign matter, sunburn, second growth, growth cracks, air cracks, hollow heart, internal discoloration, external discoloration, cuts, shriveling, scab, dry rot, other disease, wireworm, other insects or mechanical or other means. (See § 51.1547.)

(a) Unless otherwise specified the diameter of each potato shall be not less than 1½ inches. (See § 51.1546.)

(b) Tolerance for defects: In order to allow for variations other than size, hollow heart, and internal discoloration, incident to proper grading and handling, not more than a total of 6 percent of the potatoes in any lot may fail to meet the requirements of the grade, but not more than 3 percent shall be allowed for potatoes affected by southern bacterial wilt, ring rot, or late blight, and including not more than 1 percent for potatoes which are frozen, or affected by soft rot or wet breakdown. In addition, not more than 5 percent may be seriously damaged by hollow heart and internal discoloration.

SIZE AND SKINNING CLASSIFICATION

§ 51.1546 *Size classification for all grades except U. S. Fancy.* (a) When the potatoes are designated as "U. S. No. 1," "U. S. Commercial," or "U. S. No. 2" without specifying a size classification, it is understood that the potatoes meet the minimum size specified in the grade but that no definite percentage of the potatoes is required to be larger than this minimum size.

(b) When potatoes meet the requirements of Size A or Size B as described in paragraphs (c) and (d) of this section, the size classification may be specified in connection with any of the U. S. grades except U. S. Fancy, as: "U. S. No. 1, Size A"; "U. S. Extra No. 1, Size A"; "U. S. Commercial, Size B"; "U. S. No. 1, Size B"; "U. S. No. 2, Size A"; or "U. S. No. 2, Size B"; in accordance with the facts. When Size A or Size B is used in connection with the grade, it is not permissible to specify any smaller sizes than those specified under these designations.

(c) Size A: (1) For long varieties such as Burbank, Russet Burbank, Early Ohio, White Rose, or other similar varieties, the diameter of each potato shall be not less than 1⅞ inches and not less than 40 percent of the potatoes in the lot shall be 6 ounces or more in weight.

(2) For round or intermediate shaped varieties such as Irish Cobbler, Katahdin, Bliss Triumph, Green Mountain, or other similar varieties, the diameter of each potato shall be not less than 1⅞ inches and not less than 60 percent of the potatoes in the lot shall be 2¼ inches or larger in diameter.

(d) Size B: For all varieties the size shall be from 1½ inches to not more than 2 inches in diameter.

(e) Other sizes: When any of the above size designations are not used in connection with U. S. Extra No. 1, U. S. No. 1, U. S. Commercial, or U. S. No. 2 grades, it is permissible to specify any other minimum size such as "1½ inches minimum," "2 inches minimum"; or both a minimum and a maximum size as "1⅞ inches to 3 inches," "6 to 10 ounces"; or to specify a certain percentage over a certain size as "25 percent or more 2¼ inches and larger," "50 percent or more 6 ounces and larger."

(f) Tolerance for size: (1) In order to allow for variations incident to proper sizing, not more than 3 percent of the potatoes in any lot may fail to meet the 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 more in diameter, or 6 ounces or larger in weight. In addition, not more than 15 percent may fail to meet any specified maximum size.

(2) When a percentage of the potatoes is specified to be of a certain size and larger, no part of any tolerance shall be used to reduce such a percentage for the lot as a whole, but individual containers may have not more than 15 percent less than the percentage required or specified, provided that the entire lot averages within the percentage specified. For example, a lot specified as 25 percent 2½ inches and larger may have containers with not less than 10 percent 2½ inches and larger provided the lot as a whole averages 25 percent 2½ inches and larger.

§ 51.1547 *Skinning classification.* (a) "Practically no skinning" means that not more than 5 percent of the potatoes in any lot have more than one-tenth of the skin missing or "feathered."

(b) "Slightly skinned" means that not more than 10 percent of the potatoes in any lot have more than one-fourth of the skin missing or "feathered."

(c) "Moderately skinned" means that not more than 10 percent of the potatoes in any lot have more than one-half of the skin missing or "feathered."

(d) "Badly skinned" means that more than 10 percent of the potatoes in any lot have more than one-half of the skin missing or "feathered."

UNCLASSIFIED

§ 51.1548 *Unclassified.* Unclassified shall consist of potatoes 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 definite grade has been applied to the lot.

DEFINITIONS

§ 51.1549 *Mature.* "Mature" means that the outer skin (epidermis) does not loosen or "feather" readily during ordinary handling and that practically no skin has been removed from the potatoes.

§ 51.1550 *Bright.* "Bright" means practically free from dirt or other foreign matter, and that the outer skin (epidermis) has the attractive color normal for the variety.

§ 51.1551 *Well shaped.* "Well shaped" means the normal shape for the variety and that the potato is not pointed, dumbbell-shaped, excessively elongated, or otherwise ill-formed.

§ 51.1552 *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 or sunscald.

§ 51.1553 *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, except blackheart.

§ 51.1554 *Injury.* "Injury" means any defect which more than slightly affects 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 2 percent of the total weight of the potato including peel covering defective area.

§ 51.1555 *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).

§ 51.1556 *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.

§ 51.1557 *Fairly clean.* "Fairly clean" means that from the viewpoint of general apearance, 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.

§ 51.1558 *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. 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) External discoloration, when skinned areas on individual potatoes are materially affected by dark discoloration, or when the general appearance of the lot is materially affected by discoloration.

(d) Shriveling, when the potato is more than moderately shriveled, spongy, or flabby.

(e) Sprouting, when more than 10 percent of the potatoes have sprouts over three-fourths of an inch long.

(f) Surface scab which covers an area of more than 5 percent of the surface of the potato in the aggregate.

(g) 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.

(h) Rhizoctonia, when the general appearance of the potatoes in the container is materially injured or when individual potatoes are badly infected.

(i) Wireworm, grass root or similar injury, when any hole, on potatoes ranging in size from 6 to 8 ounces, is longer than ¾ inch or when the aggregate length of all holes is more than 1¼ 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.

(j) Dirt, when the general appearance of the potatoes in the container is more than slightly dirty or stained, or when individual potatoes are badly caked with dirt or badly stained; or other foreign matter which materially affects the appearance of the potatoes.

§ 51.1559 *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) Dirt, when the general appearance of the potatoes in the container is seriously affected by tubers badly caked with dirt; or other foreign matter which seriously affects the appearance of the potatoes.

(b) External discoloration, when skinned areas on individual potatoes are seriously affected by very dark discoloration, or when the general appearance of the lot is seriously affected by discoloration.

(c) 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.

(d) Shriveling, when the potato is excessively shriveled, spongy or flabby.

(e) Surface scab which covers an area of more than 50 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 10 percent of the total weight of the potato including peel covering defective area.

(g) Wireworm, grass root or similar injury, when any hole, on potatoes ranging in size from 6 to 8 ounces, is longer than 1¼ inches or when the aggregate length of all holes is more than 2 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.

Subpart—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.* 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, hollow heart, 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 container. (See § 51.1577.)

(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 tolerances for size, not more than a total of 20 percent, by weight, of the potatoes 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 requirement, 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 maximum 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	Maximum diameter	Minimum diam. or wt.	Maximum weight	Undersize	Oversize
	Inches	*Inches*		*Ounces*	*Percent*	*Percent*
U. S. Grades A & B small	1½	2¼	1¼ 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 injuries 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 ap-

pearance 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—UNITED STATES STANDARDS FOR SWEETPOTATOES

GRADES

§ 51.1600 *U. S. Extra No. 1.* U. S. Extra No. 1 shall consist of sweetpotatoes of similar varietal characteristics which are firm, smooth, fairly clean, fairly well shaped, free from freezing injury, internal breakdown, black rot, other decay or wet breakdown except soil rot, and from damage caused by secondary rootlets, sprouts, cuts, bruises, scars, growth cracks, scurf, soil rot, or other diseases, wireworms, weevils or other insects, mechanical or other means.

(a) Unless otherwise specified, each sweetpotato shall be not less than 1¾ inches in diameter. In no case shall the sweetpotato be less than 3 inches or more than 10 inches in length, more than 3¼ inches in diameter, or weigh more than 18 ounces. (See § 51.1604.)

(b) Tolerance for defects: In order to allow for variations other than size, incident to proper grading and handling, not more than a total of 10 percent, by weight, of the sweetpotatoes in any lot may fail to meet the requirements of this grade, but not to exceed a total of 5 percent shall be allowed for defects causing serious damage, including not more than 2 percent for sweetpotatoes affected by soft rot or wet breakdown except soil rot.

§ 51.1601 *U. S. No. 1.* U. S. No. 1 shall consist of sweetpotatoes of one type which are firm, fairly smooth, fairly clean, not more than slightly misshapen, which are free from freezing injury, internal breakdown, black rot, other decay or wet breakdown except soil rot, and from damage caused by secondary rootlets, sprouts, cuts, bruises, scars, growth cracks, scurf, soil rot, or other diseases, wireworms, weevils or other insects, mechanical or other means.

(a) Unless otherwise specified, each sweetpotato shall be not less than 3 inches in length and 1¾ inches in diameter, and shall not exceed 10 inches in length. In no case shall the sweetpotato be more than 3¾ inches in diameter or weigh more than 20 ounces. (See § 51.1604.)

(b) Tolerance for defects: In order to allow for variations other than size, incident to proper grading and handling, not more than a total of 10 percent, by weight, of the sweetpotatoes in any lot may fail to meet the requirements of this grade, but not to exceed a total of 5 percent shall be allowed for defects causing serious damage, including not more than 2 percent for sweetpotatoes affected by soft rot or wet breakdown except soil rot.

§ 51.1602 *U. S. Commercial.* U. S. Commercial shall consist of sweetpotatoes which meet the requirements for U. S. No. 1 grade except for the increased tolerance for defects.

(a) Tolerance for defects: Not more than 25 percent, by weight, of the sweetpotatoes in any lot may fail to meet the requirements for U. S. No. 1 sweetpotatoes, other than for size, but not more than 5 percent shall be allowed for defects causing serious damage, including not more than 2 percent for sweetpotatoes affected by soft rot or wet breakdown except soil rot. (See § 51.1604.)

§ 51.1603 *U. S. No. 2.* U. S. No. 2 shall consist of sweetpotatoes of one type which are firm, and which are free from freezing injury, internal breakdown, black rot, other decay or wet breakdown except soil rot, and from serious damage caused by dirt or other foreign matter, cuts, bruises, scars, growth cracks, soil rot, or other diseases, wireworm, weevils or other insects, mechanical or other means.

(a) Unless otherwise specified, each sweetpotato shall be not less than 1½ inches in diameter and shall weigh not more than 36 ounces. (See § 51.1604.)

(b) Tolerance for defects: In order to allow for variations other than size, incident to proper grading and handling, not more than a total of 10 percent, by weight, of the sweetpotatoes in any lot may fail to meet the requirements of this grade, including not more than 2 percent for sweetpotatoes affected by soft rot or wet breakdown except soil rot.

§ 51.1604 *Tolerance for size.* In order to allow for variations incident to proper sizing, not more than a total of 10 percent, by weight, of the sweetpotatoes in any lot may not meet the specified size requirements but not more than one-half of this amount, or 5 percent, shall be allowed for sweetpotatoes which are smaller than the minimum diameter and minimum length specified.

UNCLASSIFIED

§ 51.1605 *Unclassified.* Unclassified shall consist of sweetpotatoes 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

definite grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.1606 *Application of tolerances.* (a) The contents of individual containers 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:

(1) When a tolerance is 10 percent or more, individual containers in any lot shall have not 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 any container.

(2) When a tolerance is less than 10 percent, individual containers in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-sized specimen may be permitted in any container.

DEFINITIONS

§ 51.1607 *Similar varietal characteristics.* "Similar varietal characteristics" means that the sweetpotatoes in the container have the same type of flesh and practically the same color of skins. For example, dry type sweetpotatoes shall not be mixed with those of the semimoist or moist type in the same container.

§ 51.1608 *Firm.* "Firm" means not flabby or shriveled.

§ 51.1609 *Smooth.* "Smooth" means that the sweetpotato is free from coarse veining or other defects which cause roughness to such an extent as to appreciably injure the appearance of the individual sweetpotato or the general appearance of the sweetpotatoes in the container.

§ 51.1610 *Fairly clean.* "Fairly clean" means that in general appearance the sweetpotatoes in the container are reasonably free from dirt or other foreign matter and that the individual sweetpotatoes are not materially caked with dirt.

§ 51.1611 *Fairly well shaped.* "Fairly well shaped" means that the sweetpotatoes are not so curved, crooked, constricted or otherwise misshapen that the appearance of the individual sweetpotato or the general appearance of the sweetpotatoes in the container is materially affected.

§ 51.1612 *Damage.* "Damage" means any injury or defect, not including misshapen sweetpotatoes, which materially affects the appearance, or the edible or keeping quality of the individual sweetpotato or the general appearance of the sweetpotatoes in the container, or which cannot be removed without a loss of more than 5 percent of the total weight of the sweetpotato including peel covering the 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 damage:

(a) Secondary rootlets, when the general appearance of the sweetpotatoes in the container is materially injured or when individual sweetpotatoes are badly affected.

(b) Sprouts, when more than 10 percent of the sweetpotatoes have sprouts more than three-fourths of an inch long.

(c) Cuts, bruises, or scars which materially affect the appearance or keeping quality of the individual sweetpotato or the general appearance of the sweetpotatoes in the container, or which cannot be removed without a loss of more than 5 percent of the total weight of the sweetpotato including the peel covering the defective area.

(d) Growth cracks which are unhealed, or those which have developed to such an extent as to materially affect the appearance or keeping quality of the individual sweetpotato or the general appearance of the sweetpotatoes in the container.

(e) Scurf (soil stain), when the general appearance of the sweetpotatoes in the container is materially injured or the individual sweetpotato is badly stained. An individual sweetpotato is badly stained when more than 25 percent in the aggregate of the surface is affected by solid light brown discoloration. Speckled types of scurf, or lighter or darker shades of discoloration caused by scurf may be allowed over a greater or lesser area provided that no discoloration caused by scurf may affect the appearance of the sweetpotato to a greater extent than the 25 percent mentioned above.

(f) Soil rot or pox, when it materially affects the appearance of the individual sweetpotato.

(g) Wireworm, grass root or similar injury when any hole, or sweetpotatoes ranging in size from 6 to 8 ounces, is longer than ¾ inch or when the aggregate length of all holes is more than 1¼ inches. Smaller sweetpotatoes shall have lesser amounts and larger sweetpotatoes may have greater amounts: *Provided,* That the removal of the injury by proper trimming does not cause the appearance of such sweetpotatoes to be injured to a greater extent than that caused by the proper trimming of such injury permitted on a 6 to 8 ounce sweetpotato.

§ 51.1613 *Diameter.* "Diameter" means the greatest dimension of the sweetpotato measured at right angles to the longitudinal axis.

§ 51.1614 *One type.* "One type" means that the sweetpotatoes in the container have the same type of flesh, and do not show an extreme range in color of the skin. For example, dry type sweetpotatoes shall not be mixed with those of the semimoist or moist type in the same container and deep red or purple skinned sweetpotatoes shall not be mixed with those of a yellow or reddish copper color in the same container.

§ 51.1615 *Fairly smooth.* "Fairly smooth" means that the sweetpotato is not prominently veined and is reasonably free from defects which cause roughness to such an extent as to materially injure the appearance of the individual sweetpotato or the general appearance of the sweetpotatoes in the container.

§ 51.1616 *Slightly misshapen.* "Slightly misshapen" means that the sweetpotatoes are so curved, crooked, constricted or otherwise misshapen that the appearance of the individual sweetpotato or the general appearance of the sweetpotatoes in the container is materially but not seriously affected.

§ 51.1617 *Serious damage.* "Serious damage" means any injury or defect, not including badly misshapen sweetpotatoes, which seriously affects the appearance, or the edible or keeping quality of the individual sweetpotato or the general appearance of the sweetpotatoes in the container, or which cannot be removed without a loss of more than 10 percent of the total weight of the sweetpotato including peel covering the defective area. Any black rot or other decay, except soil rot, shall be considered as serious damage (see paragraph (d) of this section). 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) Dirt, when the general appearance of the sweetpotatoes in the container is seriously affected by dirt or other foreign matter.

(b) Cuts, bruises, or scars which seriously affect the appearance or keeping quality of the individual sweetpotato or the general appearance of the sweetpotatoes in the container, or which cannot be removed without a loss of more than 10 percent of the total weight of the sweetpotato including the peel covering the defective area.

(c) Growth cracks which are unhealed, or those which have developed to such an extent as to seriously affect the appearance or keeping quality of the individual sweetpotato or the general appearance of the sweetpotatoes in the container.

(d) Soil rot or pox, when it seriously affects the appearance of the sweetpotato or causes a loss of more than 10 percent, by weight, of the sweetpotato including the peel covering the defective area.

(e) Wireworm, grass root or similar injury when any hole, on sweetpotatoes ranging in size from 6 to 8 ounces, is longer than 1¼ inches or when the aggregate length of all holes is more than 2 inches. Smaller sweetpotatoes shall have lesser amounts and larger sweetpotatoes may have greater amounts: *Provided,* That the removal of the injury by proper trimming, does not cause the appearance of such sweetpotatoes to be injured to a greater extent than that caused by proper trimming of such injury permitted on a 6 to 8 ounce sweetpotato.

SUBPART—UNITED STATES STANDARDS FOR SHALLOTS (BUNCHED)

GRADES

§ 51.1630 *U. S. No. 1.* U. S. No. 1 shall consist of shallots of similar varietal characteristics, which are fairly well formed, firm, young and tender, well trimmed, fairly clean, free from decay, and from damage caused by seedstems, foreign material, disease, insects, mechanical or other means. The tops shall be fresh, of good green color, and free

from damage caused by broken or bruised leaves.

(a) Unless otherwise specified, the overall length (roots excepted) of the shallots shall not exceed 22 inches and the shallots shall be not less than one-fourth of an inch or more than three-fourths of an inch in diameter.

(b) Tolerance for defects: In order to allow for variations, other than size, incident to proper grading and handling, not more than a total of 10 percent, by count, of the shallots in any lot may fail to meet the requirements of this grade, but not more than 5 percent shall be allowed for defects causing serious damage, including not more than 2 percent for shallots affected by decay.

(c) Tolerance for size: Not more than a total of 10 percent, by count, of the shallots in any lot may fail to meet the requirements as to the specified length, minimum diameter, or maximum diameter, but not more than 5 percent shall be allowed for any one of the requirements for size.

§ 51.1631 *U. S. No. 2.* U. S. No. 2 shall consist of shallots which are not badly misshapen, and which are fairly firm, fairly young and tender, fairly well trimmed, fairly clean, free from decay and from serious damage caused by seedstems, foreign material, disease, insects, mechanical or other means. The tops shall be fresh, of fairly good green color, and free from serious damage caused by broken or bruised leaves.

(a) Unless otherwise specified, the minimum size of the shallots shall be not less than one-fourth of an inch in diameter.

(b) Tolerance for defects: In order to allow for variations, other than size, incident to proper grading and handling, not more than a total of 10 percent, by count, of the shallots in any lot may fail to meet the requirements of this grade, including not more than 2 percent for shallots affected by decay.

(c) Tolerance for size: Not more than a total of 10 percent, by count, of the shallots in any lot may fail to meet the requirements of the specified minimum or maximum diameter, but not more than 5 percent shall be allowed for either of the requirements for size.

UNCLASSIFIED

§ 51.1632 *Unclassified.* Unclassified shall consist of shallots which are not graded in conformity with 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.

SIZE; BUNCHES

§ 51.1633 *Size.* The following terms and definitions are provided for describing the diameters of any lot:

"Small" means less than ⅜ inch.
"Medium" means ⅜ to ¾ inch, inclusive.
"Large" means over ¾ inch.

§ 51.1634 *Standard bunches.* (a) Bunches shall be fairly uniform in size and the shallots in the individual bunches shall also be of fairly uniform size. The weight of the bunches shall be not less than 4 pounds per dozen bunches. The weight of the bunched shallots shall be determined after they have been wet and shaken or drained to remove excess water.

(b) In order to allow for variations incident to proper bunching, not more than 10 percent, by count, of the bunches in any lot may fail to meet the requirements for standard bunches.

APPLICATION OF TOLERANCES

§ 51.1635 *Application of tolerances.* (a) The contents of individual containers 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:

(1) When a tolerance is 10 percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any container.

(2) When a tolerance is less than 10 percent, individual containers 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 container.

DEFINITIONS

§ 51.1636 *Similar varietal characteristics.* "Similar varietal characteristics" means that the shallots shall be generally of one type, as stiff-leaved or broad-leaved type.

§ 51.1637 *Fairly well formed.* "Fairly well formed" means that the shallot is not more than slightly curved, crooked, or otherwise slightly misshapen and does not show more than slight bulb formation.

§ 51.1638 *Firm.* "Firm" means that the edible portion of the shallot is not soft.

§ 51.1639 *Well trimmed.* "Well trimmed" means that the shallots are separated so that not more than two are attached together; that the individual bulbs are not broken above the point of root attachment and are practically free from dead, discolored or slick outer skins. Fresh, clean, loose skins which do not materially affect the appearance of the individual shallot or the bunch are permitted. The tops of shallots are sometimes clipped (pinched) back to remove discolored or otherwise injured leaves. An individual plant shall be considered as well trimmed when only the tips of the leaves have been clipped back. However, a plant or a lot shall not be considered as well trimmed when more than half of the leaves have been clipped back to the extent that the appearance of the plant, or the lot as a whole is materially injured.

§ 51.1640 *Fairly clean.* "Fairly clean" means that the appearance of the shallot is not materially injured by dirt.

§ 51.1641 *Damage.* "Damage" means any injury or defect which materially affects the appearance or edible or shipping quality.

(a) Seedstems. A shallot with a seedstem shall be considered as damaged if the seedstem has been broken at a point other than at the top, or is coarse, fibrous, hollow or soft, or has separated naturally from the sheath or skin. Shallots often show flower buds while the seedstem is still tender. Such shallots are not objectionable if the flower buds have been removed, or if present, are not noticeably protruding; however, a shallot with a seedstem which, after the flower bud has been removed, exceeds the length of the longest leaves of the plant, shall be considered as damaged.

§ 51.1642 *Fresh.* "Fresh" means that the tops are not withered or badly wilted.

§ 51.1643 *Good green color.* "Good green color" means that the tops have a normal green color characteristic of healthy plants. A slight discoloration of the extreme tips is not objectionable.

§ 51.1644 *Diameter.* "Diameter" means the greatest dimension of the shallot taken at right angles to the longitudinal axis. If the shallots are attached together only at the base (not enclosed in a single parchment-like sheath or skin) they shall be considered as separate shallots when determining size.

§ 51.1645 *Not badly misshapen.* "Not badly misshapen" means that the shallot is not badly curved or crooked and does not show excessive bulb formation.

§ 51.1646 *Fairly firm.* "Fairly firm" means that the edible portion of the shallot is not more than slightly soft.

§ 51.1647 *Fairly young and tender.* "Fairly young and tender" means that the shallot is not tough, stringy, or advanced to the stage where the neck is flabby.

§ 51.1648 *Fairly well trimmed.* "Fairly well trimmed" means that the shallots are separated so that not more than three are attached together; that the individual bulbs are not broken above the point of root attachment and are reasonably free from dead, discolored, or slick outer skins. Fresh, fairly clean, loose skins which do not seriously affect the appearance of the individual shallot or the bunch are permitted. An individual plant with all the tops clipped (pinched) back shall be considered as "fairly well trimmed" provided that not more than half of the leaves have been clipped (pinched) back to less than 8 inches in length.

§ 51.1649 *Serious damage.* "Serious damage" means any injury or defect which seriously affects the appearance, or the edible or shipping quality.

(a) Seedstems which are excessively coarse or fibrous shall be considered as serious damage.

(b) Badly broken or badly bruised tops shall be considered as serious damage.

§ 51.1650 *Fairly good green color.* "Fairly good green color" means that the tops are pale or yellowish green or otherwise slightly discolored.

SUBPART—UNITED STATES STANDARDS FOR SWEETPOTATOES FOR CANNING

GRADES

§ 51.1660 *U. S. No. 1.* U. S. No. 1 consists of sweetpotatoes of similar type which are firm, fairly well shaped, free from soft rot, black rot, cull material, freezing injury, scald, cork or other internal discoloration, and free from damage caused by dry rot other than black rot, other diseases, bruises, cuts, growth cracks, pithiness, wireworm, weevil, other insects, stringiness, sunburn, mechanical or other means.

(a) Unless otherwise specified, each sweetpotato shall be not more than 5 inches in length, or more than 2 inches in diameter or less than 1½ inches in diameter. (See § 51.1663.)

§ 51.1661 *U. S. No. 2.* U. S. No. 2 consists of sweetpotatoes of similar type which are firm, not badly misshapen, free from soft rot, black rot, cull material, freezing injury, scald, and free from serious damage caused by dry rot other than black rot, other diseases, bruises, cuts, cork or other internal discoloration, growth cracks, pithiness, wireworm, weevil, other insects, stringiness, sunburn, mechanical or other means.

(a) Unless otherwise specified, each sweetpotato shall be not more than 9 inches in length, or more than 2¼ inches in diameter or less than 1¼ inches in diameter. (See § 51.1663.)

CULLS

§ 51.1662 *Culls.* Culls consists of sweetpotatoes which fail to meet the requirements of either U. S. No. 1 or U. S. No. 2 grades.

TOLERANCES

§ 51.1663 *Tolerances.* In the application of these standards, it is assumed that in most instances sellers will not sort their sweetpotatoes into separate lots of U. S. No. 1 and U. S. No. 2 grades before delivery to the buyer. In such cases there is no need for tolerances. If the contract between the buyer and seller calls for the delivery of lots containing only one grade, such as U. S. No. 1 or U. S. No. 2, or a combination of U. S. No. 1 and U. S. No. 2 grades, then unless otherwise specified, a tolerance of 10 percent, by weight, shall be allowed for sweetpotatoes which fail to meet the requirements of the grade, other than for size and cull material: *Provided,* That, not more than one-fifth of this amount, or 2 percent, shall be allowed for sweetpotatoes affected by soft rot or black rot. In addition, not more than 2 percent, by weight, shall be allowed for cull material. An additional tolerance of 10 percent, by weight, shall be allowed for sweetpotatoes which fail to meet the specified size requirements: *Provided,* That, not more than one-half of this amount, or 5 percent, shall be allowed for sweetpotatoes below the specified minimum diameter.

DEFINITIONS

§ 51.1664 *Similar type.* "Similar type" means that the sweetpotatoes have the same type of flesh and that the flesh of the sweetpotatoes does not show material variation in color. For example, dry type shall not be mixed with moist type and white fleshed varieties shall not be mixed with yellow- or orange-fleshed varieties.

§ 51.1665 *Firm.* "Firm" means that the sweetpotato is not soft, flabby or excessively shriveled.

§ 51.1666 *Fairly well shaped.* "Fairly well shaped" means that the sweetpotato is not materially curved, crooked, constricted, grooved, flattened, or otherwise materially misshapen for canning purposes.

§ 51.1667 *Cull material.* "Cull material" means pieces of sweetpotatoes, vines, root crowns, sprouts, secondary rootlets, loose dirt, adhering caked dirt or other foreign matter. Sweetpotatoes with attached vines, root crowns, sprouts, secondary rootlets, and adhering caked dirt shall not be scored against U. S. No. 1 or U. S. No. 2 grades, but such vines, root crowns, sprouts, secondary rootlets, and adhering caked dirt shall be removed from the sweetpotato and scored as cull material.

§ 51.1668 *Damage.* "Damage" means any injury or defect which materially affects the edible or canning quality, or which cannot be removed in the ordinary process of trimming without a loss of more than 5 percent of the total weight of the sweetpotato, including peel covering the defective area.

§ 51.1669 *Badly misshapen.* "Badly misshapen" means that the sweetpotato is so curved, crooked, grooved, constricted, flattened, or otherwise misshapen that, in the ordinary process of trimming, a waste of over 10 percent, by weight, is incurred in excess of that which would occur if the sweetpotato were perfect.

§ 51.1670 *Serious damage.* "Serious damage" means any injury or defect which seriously affects the edible or canning quality, or which cannot be removed in the ordinary process of trimming without a loss of more than 10 percent of the total weight of the sweetpotato, including peel covering the defective area.

§ 51.1671 *Diameter.* "Diameter" means the greatest dimension of the sweetpotato measured at right angles to the longitudinal axis.

SUBPART—UNITED STATES STANDARDS FOR SWEETPOTATOES FOR DICING OR PULPING

GRADES

§ 51.1685 *U. S. No. 1.* U. S. No. 1 consists of sweetpotatoes of similar type which are firm, not badly misshapen, free from soft rot, black rot, cull material, freezing injury, scald, cork or other internal discoloration, and free from damage, caused by dry rot other than black rot, other diseases, bruises, cuts, growth cracks, pithiness, wireworm, weevil, other insects, stringiness, sunburn, mechanical or other means. (See §§ 51.1688 and 51.1689.)

§ 51.1686 *U. S. No. 2.* U. S. No. 2 consists of sweetpotatoes of similar type which are firm, free from soft rot, black rot, cull material, freezing injury, and free from serious damage caused by dry rot other than black rot, other diseases, bruises, cuts, cork or other internal discoloration, growth cracks, pithiness, scald, wireworm, weevil, other insects, stringiness, sunburn, mechanical or other means. (See §§ 51.1688 and 51.1689.)

CULLS

§ 51.1687 *Culls.* Culls consists of sweetpotatoes which fail to meet the requirements of either U. S. No. 1 or U. S. No. 2 grades.

SIZE

§ 51.1688 *Size.* The minimum or the minimum and maximum sizes for the foregoing grades may be specified by agreement between buyer and seller. Size shall be stated in terms of diameter.

TOLERANCES

§ 51.1689 *Tolerances.* In the application of these standards, it is assumed that in most instances sellers will not sort their sweetpotatoes into separate lots of U. S. No. 1 and U. S. No. 2 grades before delivery to the buyer. In such cases there is no need for tolerances. If the contract between buyer and seller calls for the delivery of lots containing only one grade, such as U. S. No. 1 or U. S. No. 2, or a combination of U. S. No. 1 and U. S. No. 2 grades, then unless otherwise specified, a tolerance of 10 percent, by weight, shall be allowed for sweetpotatoes which fail to meet the requirements of the grade, other than for size and cull material: *Provided,* That, not more than one-fifth of this amount or 2 percent, shall be allowed for sweetpotatoes affected by soft rot or black rot. In addition, not more than 2 percent, by weight, shall be allowed for cull material. An additional tolerance of 15 percent, by weight, shall be allowed for sweetpotatoes which fail to meet the specified size requirements: *Provided,* That, not more than one-third of this amount, or 5 percent, shall be allowed for sweetpotatoes below the specified minimum diameter.

DEFINITIONS

§ 51.1690 *Similar type.* "Similar type" means that the sweetpotatoes have the same type of flesh and that the flesh of the sweetpotatoes does not show material variation in color. For example, dry type shall not be mixed with moist type and white-fleshed varieties shall not be mixed with yellow- or orange-fleshed varieties.

§ 51.1691 *Firm.* "Firm" means that the sweetpotato is not soft, flabby or excessively shriveled.

§ 51.1692 *Badly misshapen.* "Badly misshapen" means that the sweetpotato is so curved, crooked, grooved, constricted, flattened, or otherwise misshapen that, in the ordinary process of trimming, a waste of over 10 percent, by weight, is incurred in excess of that which would occur if the sweetpotato were perfect.

§ 51.1693 *Cull material.* "Cull material" means pieces of sweetpotatoes, vines, root crowns, sprouts, secondary rootlets, loose dirt, adhering caked dirt or other foreign matter. Sweetpotatoes

with attached vines, root crowns, sprouts, secondary rootlets, and adhering caked dirt shall not be scored against U. S. No. 1 or U. S. No. 2 grades, but such vines, root crowns, sprouts, secondary rootlets, and adhering caked dirt shall be removed from the sweetpotato and scored as cull material.

§ 51.1694 *Damage.* "Damage" means any injury or defect which materially affects the edible or processing quality, or which cannot be removed in the ordinary process of trimming without a loss of more than 10 percent of the total weight of the sweetpotato, including peel covering the defective area.

§ 51.1695 *Serious damage.* "Serious damage" means any injury or defect which seriously affects the edible or processing quality, or which cannot be removed in the ordinary process of trimming without a loss of more than 25 percent of the total weight of the sweetpotato, including peel covering the defective area.

§ 51.1696 *Diameter.* "Diameter" means the greatest dimension of the sweetpotato measured at right angles to the longitudinal axis.

SUBPART—UNITED STATES STANDARDS FOR RASPBERRIES FOR PROCESSING

GRADES

§ 51.1710 *U. S. No. 1.* U. S. No. 1 consists of raspberries of similar varietal characteristics which are well colored and which are free from cores, mold or decay, and from dried and distinctly immature berries and from damage caused by overmaturity, crushing, shriveling, dirt, or other foreign matter, hail, sunscald, wind-whips and other scars, moisture, birds, disease, insects, discoloration, mechanical or other means.

(a) In order to allow for variations incident to proper handling, not more than a total of 5 percent, by weight, of the raspberries in any lot may fail to meet the requirements of this grade: *Provided,* That, not more than one-fifth of this amount, or 1 percent, shall be allowed for raspberries affected by mold or decay, or which are seriously damaged by insects.

§ 51.1711 *U. S. No. 2.* U. S. No. 2 consists of raspberries which meet the requirements for U. S. No. 1 grade except for the increased tolerances for defects specified as follows:

(a) In order to allow for variations incident to proper handling, not more than a total of 10 percent, by weight, of the raspberries in any lot may fail to meet the requirements of this grade: *Provided,* That, not more than one-fifth of this amount, or 2 percent, shall be allowed for raspberries affected by mold or decay, or which are seriously damaged by insects.

UNCLASSIFIED

§ 51.1712 *Unclassified.* Unclassified consists of raspberries which have not been classified in accordance with 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

§ 51.1713 *Similar varietal characteristics.* "Similar varietal characteristics" means that the raspberries are of the same general color. For example, black raspberries shall not be mixed with red or purple raspberries and red raspberries shall not be mixed with black or purple raspberries.

§ 51.1714 *Well colored.* "Well colored" means that the whole surface of the berry has a bright, practically uniform, typical color characteristic of a mature berry for the variety.

§ 51.1715 *Mold.* "Mold" means any surface mold that is plainly visible to the naked eye.

§ 51.1716 *Dried.* "Dried" means appreciably lacking in juice. Dried berries are excessively seedy and often shriveled.

§ 51.1717 *Distinctly immature.* "Distinctly immature" means that the berries are red, whitish, or green in the case of types or varieties which are characteristically purple or black, when well ripened; and that the berries are pinkish, whitish or green in the case of types or varieties which are characteristically red, when well ripened.

§ 51.1718 *Damage.* "Damage" means any injury or defect which materially affects the appearance or the processing quality of the raspberries. The following shall be considered as damage:

(a) Overmaturity, when the berry is leaking; when collapse or softness of the entire berry occurs; when a noticeable number of the drupelets of the berry have lost the bright luster characteristic of well colored berries; or when the epidermal hairs between the drupelets have become discolored.

(b) Crushing, when more than one-fourth of the drupelets of the berry have been crushed.

(c) Shriveling, when the berry is materially shriveled as evidenced by drying or undevelopment of more than one-fourth of the drupelets of the berry.

(d) Dirt, when it cannot be removed from the berry in the ordinary washing process.

§ 51.1719 *Seriously damaged by insects.* "Seriously damaged by insects" means the presence of one or more insects on the raspberry.

SUBPART—UNITED STATES STANDARDS FOR SPINACH LEAVES (FRESH)

GRADES

§ 51.1730 *U. S. Extra No. 1.* "U. S. Extra No. 1" shall consist of spinach leaves of similar varietal characteristics which are fairly clean, well trimmed, free from coarse stalks, seedstems, seedbuds, crowns and roots, sandburs or other kinds of burs, decay, and from damage caused by clusters of leaves, wilting, discoloration, freezing, foreign material, disease, insects, mechanical or other means.

(a) In order to allow for variations incident to proper grading and handling, not more than 5 percent, by count, of any lot may fail to meet the requirements of this grade, including not more than 1 percent for spinach leaves which are affected by decay.

§ 51.1731 *U. S. No. 1.* "U. S. No. 1" shall consist of spinach leaves of similar varietal characteristics which are well trimmed, free from coarse stalks, seedstems, seedbuds, crowns and roots, sandburs, or other kinds of burs, decay, and from damage caused by clusters of leaves, wilting, discoloration, freezing, dirt, or other foreign material, disease, insects, mechanical or other means.

(a) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of any lot may fail to meet the requirements of this grade, including not more than 1 percent for spinach leaves which are affected by decay.

§ 51.1732 *U. S. Commercial.* "U. S. Commercial" shall consist of spinach leaves of similar varietal characteristics which are well trimmed, free from coarse stalks, seedstems, seedbuds, crowns and roots, sandburs, or other kinds of burs, decay, and from damage caused by clusters of leaves, wilting, discoloration, freezing, dirt or other foreign material, disease, insects, mechanical or other means.

(a) In order to allow for variations incident to proper grading and handling, not more than 20 percent, by count, of any lot may fail to meet the requirements of this grade, including not more than 1 percent for spinach leaves which are affected by decay.

APPLICATION OF TOLERANCES

§ 51.1733 *Application of tolerances.* The contents of individual containers 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:

(a) When a tolerance is 10 percent, or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified.

(b) When a tolerance is less than 10 percent, individual containers in any lot shall have not more than double the tolerance specified.

DEFINITIONS

§ 51.1734 *Similar varietal characteristics.* "Similar varietal characteristics" means that the spinach shall be generally of one type, as crinkly leaf type, or flat leaf type. No mixture of varieties shall be permitted which materially affects the appearance of the lot.

§ 51.1735 *Well trimmed.* "Well-trimmed" means that the leafstems or petioles are not excessively long in relation to the size of the leafblades.

§ 51.1736 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the individual leaves or of the lot as a whole.

SUBPART—UNITED STATES CONSUMER STANDARDS FOR FRESH SPINACH LEAVES

GRADES

§ 51.1750 *U. S. Grade A.* U. S. Grade A shall consist of spinach leaves of sim-

ilar varietal characteristics which are fresh, clean, well trimmed, and of reasonably good green color, and which are free from coarse stalks, seedstems, seedbuds, crowns and roots, sandburs or other kinds of burs, soft rot and from damage caused by clusters of leaves, leaf stems without blades, discoloration, freezing, foreign material, disease, insects, mechanical or other means. Spinach on the shown face shall be reasonably representative in size and quality of the contents of the container.

(a) Incident to proper grading and handling not more than 5 percent, by weight, of the spinach in any lot may be small pieces of leaves, not more than 5 percent of the spinach leaves may be damaged by clusters, and not more than 3 percent may fail to meet the remaining requirements of the grade, including not more than 1 percent for serious damage: *Provided,* That no tolerance shall be permitted for sandburs or other kinds of burs.

§ 51.1751 *U. S. Grade B.* U. S. Grade B shall consist of spinach leaves which meet the requirements for U. S. Grade A, except that they shall be reasonably clean, and except for the increased tolerances for defects specified in paragraph (a) of this section.

(a) Incident to proper grading and handling, not more than 10 percent, by weight, of the spinach in any lot may be small pieces, not more than 10 percent of the spinach leaves may be damaged by clusters, and not more than 5 percent may fail to meet the remaining requirements of the grade, including not more than 2 percent for serious damage: *Provided,* That no tolerance shall be permitted for sandburs or other kinds of burs.

OFF-GRADE

§ 51.1752 *Off-Grade spinach leaves.* Spinach leaves which fail to meet the requirements of either of the grades in §§ 51.1750 and 51.1751 shall be Off-Grade spinach leaves.

DEFINITIONS

§ 51.1753 *Similar varietal characteristics.* "Similar varietal characteristics" means that the spinach leaves shall be generally of one type, as crinkly leaf type or flat leaf type. No mixture of varieties shall be permitted which materially affects the appearance of the lot.

§ 51.1754 *Fresh.* "Fresh" means that the leaves are not more than slightly wilted.

§ 51.1755 *Clean.* "Clean" means that the spinach does not show more than a trace of grit, sand, dirt, silt, muck or other similar water insoluble, inorganic material.

§ 51.1756 *Well trimmed.* "Well trimmed" means that the leaf stems or petioles are not excessively long in relation to the size of the leaf blades.

§ 51.1757 *Damage.* "Damage" means any injury or defect which materially affects the appearance, or the edible, shipping or keeping quality of the individual leaves or of the lot as a whole. The following defects or any combination of defects the seriousness of which exceeds the amount allowed for any one defect shall be considered as damage:

(a) Clusters, when there are more than 3 leaves attached, except that clusters of heart leaves with any number of leaves shall not be considered as damage, provided the length of the longest leaf in the cluster is not over 3 inches.

(b) Leaf stems, without blades attached, when present to such an extent as to materially affect the appearance of the lot, or when the individual stem is damaged.

(c) Discoloration, when the appearance of the leaf is materially affected. Heart leaves which are yellow or partially blanched shall not be considered as damage by discoloration.

(d) Mechanical damage, when the leaf is very badly crushed, torn or broken. (Owing to the many necessary handlings in the harvesting, icing, shipping, sorting, washing, and packing operations in preparing spinach for consumer use some leaves are crushed, torn or broken but only those leaves which are very badly crushed, torn or broken shall be considered as damaged by mechanical means.)

§ 51.1758 *Serious damage.* "Serious damage" means any injury or defect which seriously affects the appearance, or the edible, shipping or keeping quality of the individual leaves or of the lot as a whole. The following defects shall be considered as serious damage:

(a) Badly discolored leaves.

(b) Leaves severely affected by mildew or white rust.

(c) Leaves on which insects are present, or leaves which are seriously damaged by insects.

(d) Leaves which are affected by soft rot.

(e) Weeds, grass or pieces thereof, and other extraneous matter.

§ 51.1759 *Reasonably clean.* "Reasonably clean" means that the spinach is reasonably free from grit, sand, dirt, silt, muck and other similar water insoluble, inorganic material.

SUBPART—UNITED STATES STANDARDS FOR TANGERINES

GENERAL

§ 51.1770 *General.* (a) The tolerances for the standards are on a container basis. However, individual packages in any lot may vary from the specified tolerances as stated below, provided the averages for the entire lot, based on sample inspection, are within the tolerances specified.

(b) 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 decayed or very seriously damaged fruit may be permitted in any package.

(c) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects except that not more than one fruit which is decayed or very seriously damaged shall be allowed in any package.

GRADES

§ 51.1771 *U. S. Fancy.* U. S. Fancy shall consist of tangerines which are mature, firm, and well-formed; free from soft bruises, bird pecks, unhealed skin-breaks, and decay; free from damage by ammoniation, creasing, dryness or mushy condition, green spots or oil spots, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, buckskin, melanose, scars, scab, dirt or other foreign materials, disease, insects, mechanical or other means.

(a) Each fruit in this grade shall be highly colored.

(b) In this grade not more than $\frac{1}{10}$ of the surface in the aggregate of each fruit may have a light shade of brown discoloration caused by rust mite, or an equivalent in appearance to this amount when the fruit is discolored by any cause. (See § 51.1778.)

§ 51.1772 *U. S. No. 1.* U. S. No. 1 shall consist of tangerines which are mature, firm and well-formed; free from soft bruises, bird pecks, unhealed skin-breaks, and decay; free from damage by ammoniation, creasing, dryness or mushy condition, green spots or oil spots, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, buckskin, melanose, scars, scab, dirt or other foreign materials, disease, insects, mechanical or other means.

(a) Each fruit of this grade shall be fairly well colored.

(b) In this grade not more than one-third of the surface in the aggregate of each fruit may have a light shade of brown discoloration caused by rust mite, or an equivalent in appearance to this amount when the fruit is discolored by any cause. (See § 51.1778.)

§ 51.1773 *U. S. No. 1 Bronze.* The requirements for this grade are the same as for U. S. No. 1 except for discoloration. In this grade at least 75 percent, by count, of the fruit shall show some discoloration, and more than 20 percent, by count, of the fruit shall have more than one-third of the surface of each fruit affected with bronzed russeting: *Provided,* That no discoloration that exceeds the amount allowed in the U. S. No. 1 grade shall be permitted unless such discoloration is caused by thrip or wind scars, or rust mite. (See § 51.1778.)

§ 51.1774 *U. S. No. 2.* U. S. No. 2 shall consist of tangerines which are mature, fairly firm, and fairly well-formed; free from soft bruises, bird pecks, unhealed skin-breaks and decay; free from serious damage by ammoniation, creasing, dryness of mushy condition, green spots or oil spots, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, buckskin, melanose, scars, scab, dirt or other foreign materials, disease, insects, mechanical or other means.

(a) Each fruit of this grade shall be reasonably well colored.

(b) In this grade not more than two-thirds of the surface in the aggregate of each fruit may be affected with light

brown discoloration, or may have the equivalent to this amount in appearance when the fruit has lighter or darker shades of discoloration. (See § 51.1778.)

§ 51.1775 *U. S. No. 2 Russet.* The requirements for this grade are the same as for U. S. No. 2 except that more than 20 percent, by count, of the fruits shall have in excess of two-thirds of the surface in the aggregate affected with light brown discoloration. (See § 51.1778.)

§ 51.1776 *U. S. No. 3.* U. S. No. 3 shall consist of tangerines which are mature, not flabby and not seriously lumpy; which are free from unhealed bird pecks, unhealed skin-breaks and decay; free from very serious damage by bruises, ammoniation, creasing, dryness or mushy condition, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, melanose, scars, scab, dirt or other foreign materials, disease, insects, mechanical or other means. (See § 51.1779.)

TOLERANCES

§ 51.1777 *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the tolerances set forth in §§ 51.1778 and 51.1779 are provided as specified.

§ 51.1778 *U. S. Fancy; U. S. No. 1; U. S. No. 1 Bronze; U. S. No. 2 and U. S. No. 2 Russet.* Not more than a total of 10 percent, by count, of the fruit in any container may be below the requirements of the grade other than for discoloration but not more than 5 percent shall be allowed for very serious damage other than by dryness or mushy condition and not more than one-half of 1 percent shall be allowed for decay at shipping point: *Provided,* That a total tolerance of not more than 3 percent shall be allowed for decay enroute or at destination. In addition, not more than a total of 10 percent, by count, of the fruit in any container may not meet the requirements relating to discoloration but not more than 2 percent shall be allowed for serious damage by unsightly discoloration.

§ 51.1779 *U. S. No. 3.* Not more than a total of 15 percent, by count, of the fruit in any container may be below the requirements of this grade but not more than 5 percent shall be allowed for defects other than dryness or mushy condition, and not more than 1 percent shall be allowed for decay at shipping point: *Provided,* That a total tolerance of not more than 3 percent shall be allowed for decay enroute or at destination.

STANDARD PACK

§ 51.1780 *Standard pack.* (a) The tangerines in each container shall be packed in accordance with recognized methods. Each container shall be well filled and properly marked to indicate the size of the fruit. When the figures used to indicate size of the fruit vary from the actual number of tangerines in the container, as in the case of fractional parts of boxes, the figures indicating size shall be followed by the letter "s" or the word "size," as, for example, "210s," or "210 size." Containers which are not so marked shall not be regarded as meeting requirements of "standard pack."

(b) Fruit in each container shall be of a size not less than the minimum diameters specified below for the various packs. Packs other than those listed shall have a minimum size not less than that specified for the nearest count.

DIAMETER IN INCHES

Pack:	*Minimum*
100	2 15/16
120	2 11/16
150	2 7/16
176	2 5/16
210	2 1/16
246	2 1/16
294	2

(c) In order to allow for variations incident to proper sizing, not more than 10 percent, by count, of the fruit in any container may be below the minimum size for the count as specified above.

DEFINITIONS

§ 51.1781 *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.

§ 51.1782 *Well-formed.* "Well-formed" means that the fruit has the characteristic tangerine shape and is not deformed.

§ 51.1783 *Damage.* "Damage" means any defect or blemish which more than slightly affects the appearance, or edible or shipping quality of the fruit. 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) Ammoniation, when not occurring as speck-type similar to melanose: *Provided,* That no ammoniation shall be permitted that detracts from the appearance of the individual fruit to a greater extent than the amount of discoloration allowed for the grade.

(b) Creasing, when it materially affects the appearance or shipping quality of the fruit.

(c) Dryness or mushy condition, when mushy or distinctly dry to a depth of more than one-eighth inch in all segments at the stem end, or the equivalent of this amount, by volume, of mushy condition or dryness when occurring in any portion of the fruit.

(d) Green spots or oil spots, when the appearance is affected to a greater extent than 10 green spots caused by scale, each of which is approximately one-eighth inch in diameter.

(e) Pitting, when materially affecting the appearance or shipping quality of the individual fruit.

(f) Scale, when occurring as a blotch which averages more than three-eighths inch in diameter or any scale that detracts from the appearance of the individual fruit to a greater extent than a three-eighths inch blotch. "Blotch" refers to actual scale and not the discolored area caused by scale.

(g) Sprayburn, when causing the skin to become hard or when it materially affects the appearance of the fruit.

(h) Sunburn, when causing the skin to become hard or when it materially affects the appearance of the fruit.

(i) Unsightly discoloration, when the color or the pattern, or a combination of color and pattern, causes the fruit to have an unattractive appearance.

(j) Buckskin, when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade.

(k) Melanose, when not small smooth speck-type, or any speck-type that detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade. Melanose that exceeds the amount allowed in the U. S. No. 1 grade is not permitted in the U. S. No. 1 Bronze grade.

(l) Scars, when not smooth, or when causing any noticeable depression or when detracting from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade.

(m) Scab, when not smooth, or when it affects shape or when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade. Scab injury that exceeds the amount allowed in the U. S. No. 1 grade is not permitted in the U. S. No. 1 Bronze grade.

§ 51.1784 *Highly colored.* "Highly colored" means that the ground color of each fruit is a deep tangerine color with practically no trace of yellow color.

§ 51.1785 *Discoloration.* "Discoloration" includes discoloration caused by rust mite, melanose, scars, scab, or any other means. Shades of discoloration which blend with the ground color of the fruit may be allowed on a larger area than that specified in the grade for light brown discoloration, and shades of discoloration which are more in contrast with the ground color shall be restricted to a lesser area, provided no discoloration may affect the appearance to a greater extent than the amount of light brown discoloration specified for the grade. Tangerines which show discoloration caused by melanose, scab, or any cause other than by thrip, or wind scars, or by rust mite shall not be permitted in the U. S. No. 1 Bronze grade when such discoloration exceeds the amount allowed in the U. S. No. 1 grade. (See § 51.1787.)

§ 51.1786 *Fairly well colored.* "Fairly well colored" means that each fruit may have not over one inch of green color in the aggregate and the remainder of the surface shall show a good tangerine color with some portion of the surface showing a reddish tangerine blush.

§ 51.1787 *Bronzed russeting.* "Bronzed russeting" means russeting caused by thrip, or wind scars, or by rust mite or similar russeting which is not readily distinguishable from that caused by rust mite. Discolorations caused by melanose, scab, etc., are not considered as "bronzed russeting" within the meaning of these standards but are regarded as defects when they exceed the amounts permitted in the U. S. No. 1 grade and are not permitted in the U. S. No. 1 Bronze grade.

§ 51.1788 *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.

§ 51.1789 *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.

§ 51.1790 *Serious damage.* "Serious damage" means any defect or blemish which seriously affects the appearance, or edible or shipping quality of the fruit. 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) Ammoniation, when scars are cracked, or dark and aggregating more than one-half inch in diameter or when light-colored and aggregating more than 1 inch in diameter.

(b) Creasing, when it causes the skin to be seriously weakened.

(c) Dryness or mushy condition, when mushy or distinctly dry to a depth of more than one-quarter inch in all segments at the stem end, or the equivalent of this amount, by volume, of mushy condition or dryness when occurring in any portion of the fruit.

(d) Green spots or oil spots, when the appearance is affected to a greater extent than 25 green spots, caused by scale, each of which is approximately one-eighth inch in diameter.

(e) Pitting, when seriously affecting the appearance or shipping quality of the fruit.

(f) Scale, when occurring as a blotch which averages more than one-half inch in diameter, or any scale that detracts from the appearance of the fruit to a greater extent than a one-half inch blotch. "Blotch" refers to actual scale and not the discoloration caused by scale.

(g) Sprayburn, when it has caused the skin to become hard, or when it seriously affects the appearance of the fruit.

(h) Sunburn, when it has caused the skin to become hard, or when it seriously affects the appearance of the fruit.

(i) Unsightly discoloration, when the color or the pattern, or a combination of both, causes the fruit to have a distinctly unattractive appearance.

(j) Buckskin, when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade.

(k) Melanose, when badly caked and aggregating more than ½ inch in diameter or when lightly caked and aggregating more than 1 inch in diameter, or when unsightly or when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade.

(l) Scars, when not fairly smooth, or when causing any materially depressed areas, or when detracting from the appearance to a greater extent than the amount of discoloration allowed for the grade. Scars which are not fairly smooth, or which are materially depressed, are not permitted in either U. S. No. 2 or U. S. No. 2 Russet grades.

(m) Scab, when not fairly smooth, or when it materially affects the shape of the fruit, or when it detracts from the appearance to a greater extent than the maximum amount of discoloration allowed for the grade.

§ 51.1791 *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.

§ 51.1792 *Very serious damage.* "Very serious damage" means any defect or blemish which very seriously affects the appearance, or edible or shipping quality of the fruit. 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) Ammoniation, when scars are badly cracked, or when dark and aggregating more than 1 inch in diameter, or when light-colored and detracting from the appearance of the fruit to a greater extent than 1 inch of dark ammoniation.

(b) Creasing, when causing the skin to be seriously weakened.

(c) Dryness or mushy condition, when mushy or distinctly dry to a depth of more than one-quarter inch in all segments at the stem end or the equivalent of this amount, by volume, of mushy condition or dryness when occurring in any portion of the fruit.

(d) Pitting, when it very seriously affects the appearance or the shipping quality of the fruit.

(e) Scale, when it very seriously affects the appearance of the fruit.

(f) Sprayburn, when it very seriously affects the appearance of the fruit.

(g) Sunburn, when it very seriously affects the appearance of the fruit.

(h) Unsightly discoloration, when the fruit has a very objectionable appearance caused by any means. The color or the pattern of the discoloration, or a combination of both, or a combination of defects may cause the fruit to have a very unsightly appearance.

(i) Melanose, when caked to the extent that the appearance of the fruit is very seriously affected.

(j) Scars, when so deep, rough, or so unsightly that the appearance of the fruit is very seriously injured.

(k) Scab, when it causes the fruit to be very seriously injured.

§ 51.1793 *Cull.* A cull is a fruit which does not meet the requirements of U. S. No. 3 grade.

Subpart—United States Standards for Florida Tangerines

Grades

§ 51.1810 *U. S. Fancy.* U. S. Fancy consists of tangerines which are mature, firm, and well formed, and which are free from soft bruises, bird pecks, unhealed skin-breaks, and decay, and free from damage caused by ammoniation, creasing, dryness or mushy condition, green spots or oil spots, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, buckskin, melanose, scars, scab, dirt or other foreign materials, disease, insects, or mechanical or other means.

(a) Each fruit in this grade shall be highly colored.

(b) In this grade not more than one-tenth of the fruit surface, in the aggregate, may have a light shade of brown discoloration caused by rust mite, or an equivalent of this amount in appearance when the fruit is discolored by any cause. (See § 51.1819.)

§ 51.1811 *U. S. No. 1.* U. S. No. 1 consists of tangerines which are mature, firm, and well formed, and which are free from soft bruises, bird pecks, unhealed skin-breaks, and decay, and free from damage caused by ammoniation, creasing, dryness or mushy condition, green spots or oil spots, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, buckskin, melanose, scars, scab, dirt or other foreign materials, disease, insects, or mechanical or other means.

(a) Each fruit in this grade shall be fairly well colored.

(b) In this grade not more than one-third of the fruit surface, in the aggregate, may have a light shade of brown discoloration caused by rust mite, or an equivalent of this amount in appearance when the fruit is discolored by any cause. (See § 51.1819.)

§ 51.1812 *U. S. No. 1 Bronze.* The requirements for this grade are the same as for U. S. No. 1 except for discoloration. In this grade at least 75 percent, by count, of the fruits shall show some discoloration, and more than 20 percent, by count, of the fruits shall have more than one-third of their surface affected with bronzed russeting: *Provided,* That no discoloration that exceeds the amount allowed in the U. S. No. 1 grade shall be permitted unless such discoloration is caused by thrip, wind scars, or rust mite. (See § 51.1819.)

§ 51.1813 *U. S. No. 1 Russet.* The requirements for this grade are the same as for U. S. No. 1 except for discoloration. In this grade at least 75 percent, by count, of the fruits shall show some discoloration, and more than 20 percent, by count, of the fruits shall have more than one-third of their surface affected with discoloration. (See § 51.1819.)

§ 51.1814 *U. S. No. 2.* U. S. No. 2 consists of tangerines which are mature, fairly firm, and fairly well formed, and which are free from soft bruises, bird pecks, unhealed skin-breaks, and decay, and free from serious damage caused by ammoniation, creasing, dryness or mushy condition, green spots or oil spots, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, buckskin, melanose, scars, scab, dirt or other foreign materials, disease, insects, or mechanical or other means.

(a) Each fruit in this grade shall be reasonably well colored.

(b) In this grade not more than two-thirds of the fruit surface, in the aggregate, may be affected with light brown discoloration, or may have the equivalent of this amount in appearance when

the fruit has lighter or darker shades of discoloration. (See § 51.1819.)

§ 51.1815 *U. S. No. 2 Russet.* The requirements for this grade are the same as for U. S. No. 2 except that more than 20 percent, by count, of the fruits shall have in excess of two-thirds of their surface, in the aggregate, affected with light brown discoloration. (See § 51.1819.)

§ 51.1816 *U. S. No. 3.* U. S. No. 3 consists of tangerines which are mature, not flabby and not seriously lumpy, and which are free from unhealed bird pecks, unhealed skin-breaks, and decay, and free from very serious damage caused by bruises, ammoniation, creasing, dryness or mushy condition, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, melanose, scars, scab, dirt or other foreign materials, disease, insects, or mechanical or other means. (See § 51.1820.)

UNCLASSIFIED

§ 51.1817 *Unclassified.* Unclassified consists of tangerines 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 definite grade has been applied to the lot.

TOLERANCES

§ 51.1818 *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the tolerances set forth in §§ 51.1819 and 51.1820 are provided as specified.

§ 51.1819 *U. S. Fancy; U. S. No. 1; U. S. No. 1 Bronze; U. S. No. 1 Russet; U. S. No. 2 and U. S. No. 2 Russet.* Not more than a total of 10 percent, by count, of the fruits in any lot may fail to meet the requirements of the grade other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of 1 percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than a total of 10 percent, by count, of the fruits in any lot may not meet the requirements relating to discoloration but not more than 2 percent shall be allowed for serious damage by unsightly discoloration.

§ 51.1820 *U. S. No. 3.* Not more than a total of 15 percent, by count, of the fruits in any lot may fail to meet the requirements of this grade, but not more than one-third of this amount, or 5 percent, shall be allowed for defects other than that caused by dryness or mushy condition, and not more than one-fifteenth of the tolerance, or 1 percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2 percent, or a total of not more than 3 percent shall be allowed for decay en route or at destination.

APPLICATION OF TOLERANCES

§ 51.1821 *Application of tolerances to individual packages.* (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 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 decayed or very seriously damaged fruit 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, except that not more than one fruit which is decayed or very seriously damaged shall be allowed in any package.

STANDARD PACK

§ 51.1822 *Standard pack.* (a) The tangerines in each container shall be packed in accordance with recognized methods. Each container shall be well filled and properly marked to indicate the size of the fruit. When the figures used to indicate size of fruit vary from the actual number of tangerines in the container, as in the case of fractional parts of boxes, the figures indicating size shall be followed by the letter "s" or the word "size", as, for example, "210's", or "210 size." Containers which are not so marked shall not be regarded as meeting requirements of "standard pack."

(1) Fruit in each container shall be of a size not less than the minimum diameters specified in Table I for the various packs. Packs other than those listed shall have a minimum diameter not less than that specified for the nearest count.

TABLE I

[Diameter in inches]

Pack:	Minimum
100	2 15/16
120	2 11/16
150	2 7/16
176	2 9/16
210	2 1/16
246	2 3/16
294	2

(2) In order to allow for variations incident to proper sizing, not more than 10 percent, by count, of the fruits in any lot may be below the minimum size for the count as specified in Table I of this paragraph.

DEFINITIONS

§ 51.1823 *Mature.* "Mature" means the same as that term is set forth for tangerines in §§ 601.21 and 601.22, chapter 26492, Florida Statutes, known as the Florida Citrus Code of 1949.

§ 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 defect which more than slightly affects the appearance, or the edible or shipping quality of the fruit. 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) Ammoniation, when it is not speck-type similar to melanose, provided that no ammoniation shall be permitted that detracts from the appearance of the individual fruit to a greater extent than the amount of discoloration allowed for the grade;

(b) Creasing, when it materially affects the appearance or shipping quality of the fruit;

(c) Dryness or mushy condition, when mushy or distinctly dry to a depth of more than one-eighth inch in all segments at the stem end, or the equivalent of this amount, by volume, of mushy condition or dryness when occurring in any portion of the fruit;

(d) Green spots or oil spots, when the appearance is affected to a greater extent than 10 green spots caused by scale, each of which is equivalent to the area of a circle one-eighth inch in diameter;

(e) Pitting, when materially affecting the appearance or shipping quality of the individual fruit;

(f) Scale, when occurring as a blotch and the aggregate area exceeds the area of a circle three-eighths inch in diameter, or any scale that detracts from the appearance of the individual fruit to a greater extent than the area permitted for a blotch. "Blotch" refers to actual scale and not the discolored area caused by scale;

(g) Sprayburn, when causing the skin to become hard or when it materially affects the appearance of the fruit;

(h) Sunburn, when causing the skin to become hard or when it materially affects the appearance of the fruit;

(i) Unsightly discoloration, when the color or the pattern, or a combination of color and pattern, causes the fruit to have an unattractive appearance;

(j) Buckskin, when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade;

(k) Melanose, when not small smooth speck-type, or any speck-type that detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade. Melanose that exceeds the amount allowed in the U. S. No. 1 grade is not permitted in the U. S. No. 1 Bronze grade;

(l) Scars, when not smooth, or when causing any noticeable depression, or when detracting from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade; and,

(m) Scab, when not smooth, or when it affects shape, or when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration

allowed for the grade. Scab injury that exceeds the amount allowed in the U. S. No. 1 grade is not permitted in the U. S. No. 1 Bronze grade.

§ 51.1827 *Highly colored.* "Highly colored" means that the ground color of each fruit is a deep tangerine color with practically no trace of yellow color.

§ 51.1828 *Discoloration.* "Discoloration" includes discoloration caused by rust mite, melanose, scars, scab, or any other means. Shades of discoloration which blend with the ground color of the fruit may be allowed on a larger area than that specified in the grade for light brown discoloration, and shades of discoloration which are more in contrast with the ground color shall be restricted to a lesser area, provided no discoloration may affect the appearance to a greater extent than the amount of light brown discoloration specified for the grade. Tangerines which show discoloration caused by melanose, scab, or any cause other than by thrip, wind scars, or by rust mite shall not be permitted in the U. S. No. 1 Bronze grade when such discoloration exceeds the amount allowed in the U. S. No. 1 grade. (See § 51.1830.)

§ 51.1829 *Fairly well colored.* "Fairly well colored" means that the fruit may have green color which does not exceed the aggregate area of a circle 1 inch in diameter and that the remainder of the surface shows a good tangerine color with some portion of the surface showing a reddish tangerine blush.

§ 51.1830 *Bronzed russeting.* "Bronzed russeting" means russeting caused by thrip, wind scars, or by rust mite, or similar russeting which is not readily distinguishable from that caused by rust mite. Discoloration caused by melanose, scab, etc. are not considered as "bronzed russeting" within the meaning of these standards but are regarded as defects when they exceed the amounts permitted in the U. S. No. 1 grade and are not permitted in the U. S. No. 1 Bronze grade.

§ 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 defect which seriously affects the appearance, or the edible or shipping quality of the fruit. 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) Ammoniation, when scars are cracked, or when dark and the aggregate area exceeds the area of a circle one-half inch in diameter, or when light colored and the aggregate area exceeds the area of a circle 1 inch in diameter;

(b) Creasing, when it causes the skin to be seriously weakened;

(c) Dryness or mushy condition, when mushy or distinctly dry to a depth of more than one-fourth inch in all segments at the stem end, or the equivalent of this amount, by volume, of mushy condition or dryness when occurring in any portion of the fruit;

(d) Green spots or oil spots, when the appearance is affected to a greater extent than 25 green spots, caused by scale, each of which is equivalent to the area of a circle one-eighth inch in diameter;

(e) Pitting, when seriously affecting the appearance or shipping quality of the fruit;

(f) Scale, when occurring as a blotch and the aggregate area exceeds the area of a circle one-half inch in diameter, or any scale that detracts from the appearance of the fruit to a greater extent than the area permitted for a blotch. "Blotch" refers to actual scale and not the discoloration caused by scale;

(g) Sprayburn, when it has caused the skin to become hard, or when it seriously affects the appearance of the fruit;

(h) Sunburn, when it has caused the skin to become hard, or when it seriously affects the appearance of the fruit;

(i) Unsightly discoloration, when the color or the pattern, or a combination of both, causes the fruit to have a distinctly unattractive appearance;

(j) Buckskin, when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade;

(k) Melanose, when badly caked and the aggregate area exceeds the area of a circle one-half inch in diameter, or when lightly caked and the aggregate area exceeds the area of a circle 1 inch in diameter, or when unsightly, or when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade;

(l) Scars, when not fairly smooth, or when causing any materially depressed areas, or when detracting from the appearance to a greater extent than the amount of discoloration allowed for the grade. Scars which are not fairly smooth, or which are materially depressed, are not permitted in either U. S. No. 2 or U. S. No. 2 Russet grades; and,

(m) Scab, when not fairly smooth, or when it materially affects the shape of the fruit, or when it detracts from the appearance to a greater extent than the maximum amount of discoloration allowed for the grade.

§ 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 defect which very seriously affects the appearance, or the edible or shipping quality of the fruit. 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) Ammoniation, when scars are badly cracked, or when dark and the aggregate area exceeds the area of a circle 1 inch in diameter, or when light colored and it detracts from the appearance of the fruit to a greater extent than the area permitted for dark ammoniation;

(b) Creasing, when causing the skin to be seriously weakened;

(c) Dryness or mushy condition, when mushy or distinctly dry to a depth of more than one-fourth inch in all segments at the stem end, or the equivalent of this amount, by volume, of mushy condition or dryness when occurring in any portion of the fruit;

(d) Pitting, when it very seriously affects the appearance or the shipping quality of the fruit;

(e) Scale, when it very seriously affects the appearance of the fruit;

(f) Sprayburn, when it very seriously affects the appearance of the fruit;

(g) Sunburn, when it very seriously affects the appearance of the fruit;

(h) Unsightly discoloration, when the fruit has a very objectionable appearance caused by any means. The color or the pattern of the discoloration, or a combination of both, or a combination of defects may cause the fruit to have a very unsightly appearance;

(i) Melanose, when caked to the extent that the appearance of the fruit is very seriously affected;

(j) Scars, when so deep, rough, or unsightly that the appearance of the fruit is very seriously injured; and,

(k) Scab, when it causes the fruit to be very seriously injured.

§ 51.1836 *Diameter.* "Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end of the fruit.

SUBPART—UNITED STATES STANDARDS FOR FRESH TOMATOES

GRADES

§ 51.1855 *U. S. No. 1.* U. S. No. 1 consists of tomatoes of similar varietal characteristics which are mature, but not overripe or soft, which are well developed, fairly well formed, fairly smooth, and which are free from decay and freezing injury, and free from damage caused by dirt, bruises, cuts, sunscald, sunburn, puffiness, catfaces, growth cracks, scars, disease, insects, hail or mechanical or other means.

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances shall be permitted:

(1) At shipping point (or in shipments from Mexico when inspected at points of entry into the United States) not more than a total of 10 percent, by count, for tomatoes in any lot, which 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 defects causing serious damage, and including in this latter amount not more than 1 percent for tomatoes which are soft or affected by decay; and,

(2) En route or at destination, not more than a total of 15 percent, by count,

for tomatoes in any lot 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 the defects listed:

5 percent for tomatoes which are soft or affected by decay;

10 percent for tomatoes which are damaged by shoulder bruises or by discolored or sunken scars on any parts of the tomatoes; and,

10 percent for tomatoes otherwise defective, except that not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage.

§ 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) Tolerances. In order to allow for variations incident to proper grading and handling the following tolerances shall be permitted:

(1) At shipping point (or in shipments from Mexico when inspected at points of entry into the United States) not more than a total of 10 percent, by count, for tomatoes in any lot, which fail to meet the requirements of the U. S. No. 2 grade: *Provided*, That not more than one-tenth of this amount, or 1 percent, shall be allowed for tomatoes which are soft or affected by decay; and,

(2) En route or at destination, not more than a total of 15 percent, by count, 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 the defects listed:

5 percent for tomatoes which are soft or affected by decay;

10 percent for tomatoes which are seriously damaged by shoulder bruises or by discolored or sunken scars on any parts of the tomatoes; and,

10 percent for tomatoes otherwise defective.

(b) No part of any tolerance shall be allowed to reduce for the lot as a whole the percentage of U. S. No. 1 tomatoes required in the combination but individual containers shall have not less than 50 percent which meet the requirements of U. S. No. 1 grade: *Provided*, That the entire lot contains not less than 60 percent U. S. No. 1 grade.

§ 51.1857 *U. S. No. 2.* U. S. No. 2 consists of tomatoes of similar varietal characteristics which are mature, but not overripe or soft, which are not badly misshapen, and which are free from decay, unhealed cuts, freezing injury, and free from serious damage caused by dirt, bruises, sunscald, sunburn, puffiness, catfaces, growth cracks, scars, disease, insects, hail or mechanical or other means.

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances shall be permitted:

(1) At shipping point (or in shipments from Mexico when inspected at points of entry into the United States) not more than a total of 10 percent, by count, for tomatoes in any lot, which fail to meet the requirements of this grade: *Provided*, That not more than one-tenth of this amount, or 1 percent, shall be allowed for tomatoes which are soft or affected by decay; and,

(2) En route or at destination, not more than a total of 15 percent, by count, for tomatoes in any lot, 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 the defects listed:

5 percent for tomatoes which are soft or affected by decay;

10 percent for tomatoes which are seriously damaged by shoulder bruises or by discolored or sunken scars on any parts of the tomatoes; and,

10 percent for tomatoes otherwise defective.

UNCLASSIFIED

§ 51.1858 *Unclassified.* Unclassified consists of tomatoes 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.

SIZE

§ 51.1859 *Size requirements.* (a) Tomatoes when packed in Los Angeles lugs, or when packed in other types of containers and the size is specified according to the size arrangements customarily used in Los Angeles lugs, shall be within the ranges of diameters specified below, except when designated as "Irregular Sizing".

Los Angeles lug size requirements [1]	Minimum diameter	Maximum diameter
	Inches	*Inches*
4 x 4	3 5/16	3 15/16
4 x 5	3	3 10/16
5 x 5	2 14/16	3 6/16
5 x 6	2 11/16	3 2/16
6 x 6	2 8/16	2 14/16
6 x 7	2 5/16	2 10/16
7 x 7	2	2 6/16
7 x 8	1 13/16	2 2/16

[1] Size arrangements not listed in the above table but which meet the diameter requirements for one of the above Los Angeles lug size arrangements may be certified as meeting Los Angeles lug size requirements for the specified size: *Provided*, That there shall not be a variation of more than 2 tomatoes in a layer between the two size arrangements, except that a variation of not more than 4 tomatoes in a layer shall be permitted in sizes smaller than 6 x 7. For example, a 4–4 x 6 offset pack has 24 tomatoes per layer and should be sized in accordance with the diameter requirements for 5 x 5 which has 25 tomatoes per layer. A 4–5 x 9 diagonal pack has 40 or 41 tomatoes per layer and should be sized in accordance with the requirements for 6 x 7 which has 42 tomatoes per layer.

(b) In determining compliance with the above size arrangements 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.

(c) In lieu of specifying size according to the Los Angeles lug size arrangements, the size of tomatoes in any type container may be specified in terms of minimum diameter or in terms of minimum and maximum diameters expressed in whole inches, or whole inches and not less than sixteenth inch fractions thereof, in accordance with the facts, without reference to Los Angeles lug size arrangements. Such minimum diameter, or minimum and maximum diameters, shall be the largest diameter of the tomato measured at right angles to a line from the stem end to the blossom end.

(d) In order to allow for variations incident to proper sizing, not more than a total of 10 percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter, or larger than the specified maximum diameter.

APPLICATION OF TOLERANCES

§ 51.1860 *Application of tolerances.* (a) The contents of individual containers 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:

(1) When a tolerance is 10 percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any container; and,

(2) When a tolerance is less than 10 percent, individual containers 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 container.

U. S. STANDARD PACKS

§ 51.1861 *U. S. Standard Packs.* "U. S. Standard Packs" apply only to tomatoes packed in Los Angeles lugs and shall be designated according to the arrangement in the top layer of the lug, as 5 x 5, 5 x 6, etc., in accordance with the facts. The tomatoes in all layers shall have a uniform type of arrangement, for example, square, offset or diagonal except as provided in the description of U. S. Straight Pack. The tomatoes shall be fairly tightly packed and, unless otherwise specified, the net weight of the tomatoes in the lug shall be not less than 30 pounds. The terms set forth in §§ 51.1862 to 51.1866 shall be used to describe U. S. Standard Packs in lugs.

§ 51.1862 *U. S. Straight Pack.* When specified as "U. S. Straight Pack" the tomatoes shall meet the size requirements for the Los Angeles lug size specified, and all layers in any lug shall have the same number of tomatoes: *Provided*, That when an offset or a diagonal arrangement of tomatoes is used, a variation of not more than one tomato shall be permitted in different layers. For example, in a 5 x 5 pack the tomatoes in each layer shall be packed 5 rows wide with 5 tomatoes in each row. In a 4–5 x 9 diagonal pack the tomatoes shall be packed alternately 4 and 5 to the row the short way of the lug with 9 such rows in the layer and with either 40 or 41 tomatoes in each layer. When designated as "U. S. Straight Square-Offset Pack" or "U. S. Straight Square-Diagonal Pack" the top layer shall be packed with a square arrangement and all lower

layers with either an offset or a diagonal arrangement and there may be a variation of not more than one tomato between the top layer and any of the lower layers. Not more than one tomato shall be placed in a wrapper.

§ 51.1863 *U. S. Extra Row Pack.* When specified as "U. S. Extra Row Pack" the tomatoes shall meet the size requirements for the Los Angeles lug size specified, and the lower layers shall not contain more than one additional row one way of the lug. For example, in a 5 x 5 pack, the tomatoes in the lower layers may be packed 5 x 6 but not 6 x 6 or 5 x 7. Not more than one tomato shall be placed in a wrapper.

§ 51.1864 *U. S. Bridge Pack.* When specified as "U. S. Bridge Pack" the tomatoes shall meet the size requirements for the Los Angeles lug size specified, and a part of one additional layer of tomatoes shall be packed in the lug and the remaining tomatoes in the lower layers shall not contain more than one additional row one way of the lug than is contained in the top layer. Not more than one tomato shall be placed in a wrapper.

§ 51.1865 *U. S. Double Wrap Pack.* When specified as "U. S. Double Wrap Pack" the tomatoes shall meet the size requirements for the Los Angeles lug size specified, and the tomatoes in the top layer shall be packed with not more than one tomato in a wrapper and the lower layer or layers shall be packed with not more than two tomatoes in a wrapper.

§ 51.1866 *U. S. Double Wrap Bridge Pack.* When specified as "U. S. Double Wrap Bridge Pack" the tomatoes shall meet the size requirements for the Los Angeles lug size specified, and the tomatoes in the top layer shall be packed with not more than one tomato in a wrapper and the lower layer or layers shall be packed with not more than two tomatoes in a wrapper: *Provided,* That part of one additional layer which may have either one or two tomatoes in a wrapper shall be packed in the lug.

§ 51.1867 *Tolerances for pack.* In order to allow for variations incident to proper packing, not more than 10 percent, by count, of the containers in any lot may not meet the requirements for Standard Pack: *Provided,* That when there are two or more size arrangements in any lot, not more than 20 percent of the lugs in any one size arrangement may not meet the requirements for Standard Pack: *Provided further,* That the average for the lot does not exceed 10 percent.

§ 51.1868 *Irregular pack.* Lugs of tomatoes which are not packed in accordance with any of the foregoing methods of packing may be designated as "Irregular Pack."

DEFINITIONS

§ 51.1869 *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).

§ 51.1870 *Mature.* "Mature" means that in two or more seed cavities the contents have developed a jelly-like consistency and the seeds are well developed.

§ 51.1871 *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.

§ 51.1872 *Fairly well formed.* "Fairly well formed" means that the tomato is not decidedly kidney-shaped, lopsided, elongated, angular or otherwise deformed.

§ 51.1873 *Fairly smooth.* "Fairly smooth" means that the tomato is not conspicuously ridged or rough.

§ 51.1874 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the fruit. 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 which are not shallow, not well healed or more than ½ inch in length;

(b) Puffy tomatoes: These tomatoes are usually angular and flat sided. They are damaged 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 the area exceeds that of a circle ½ 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 (ruptures or cracks radiating from or concentric to the stem scar) when not well healed, when materially affecting the appearance of the fruit or when any one radiating crack extends more than ½ inch beyond the stem scar; and

(e) Scars (except catfaces) when the aggregate area exceeds that of a circle ⅜ inch in diameter on a tomato 2½ inches 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.

§ 51.1875 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit. 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) Tomatoes which are soft or affected by decay;

(b) Fresh holes or cuts, or any holes or cuts through the tomato wall;

(c) Tomatoes showing any effects of freezing;

(d) Puffiness if open space in two or more locules seriously affects the appearance when the tomato is cut through the center at right angles to a line running from stem to the blossom end; and,

(e) Fruit actually infested with worms.

§ 51.1876 *Badly misshapen.* "Badly misshapen" means that the tomato is decidedly kidney-shaped, lopsided, elongated, angular or otherwise badly deformed.

SUBPART—UNITED STATES CONSUMER STANDARDS FOR FRESH TOMATOES

GENERAL

§ 51.1900 *General.* These standards apply only to field-grown 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 Under 3 oz.	*Medium* 3 to 6 oz., inc.
Large Over 6 to 10 oz., inc.	*Very large* 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 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 dark-colored, 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—UNITED STATES STANDARDS FOR GREEN TOMATOES FOR PROCESSING

GRADES

§ 51.1930 *U. S. No. 1.* U. S. No. 1 shall consist of tomatoes which are green in color, fairly firm, free from decay, stems and worms, and are free from damage caused by growth cracks, worm holes, scars, catfaces, sunburn, sunscald, freezing, disease, or mechanical or other means. (See § 51.1933.)

§ 51.1931 *U. S. No. 2.* U. S. No. 2 shall consist of tomatoes which do not meet the requirements of the foregoing grade, but are green in color, and are free from worms, and from damage caused by worm holes, and which are free from serious damage by any cause. (See § 51.1933.)

CULLS

§ 51.1932 *Culls.* Culls are tomatoes which fail to meet the requirements of either of the foregoing grades.

SIZE

§ 51.1933 *Minimum size.* The minimum size may be fixed by agreement between buyer and seller. Tomatoes below the specified minimum size shall be classed as culls.

DEFINITIONS

§ 51.1934 *Green in color.* "Green in color" means that the surface of the tomato shows no pink or red color.

§ 51.1935 *Damage.* "Damage" means any injury which cannot be removed in the ordinary process of trimming without a loss of more than 10 percent, by weight, of the tomato in excess of that which would occur if the tomato were perfect. The following shall be considered damage:

(a) Worm holes, when the injury has penetrated beneath the outer wall of the

tomato to the extent that the injury has damaged the tomato for processing.

§ 51.1936 *Serious damage.* "Serious damage" means any injury which cannot be removed in the ordinary process of trimming without a loss of more than 20 percent, by weight, of the tomato in excess of that which would occur if the tomato were perfect.

SUBPART—UNITED STATES STANDARDS FOR CURRANTS FOR PROCESSING

GRADES

§ 51.1950 *U. S. No. 1.* U. S. No. 1 consists of currants of similar type which are not separated from the stems and which are well colored, free from mold and decay and free from damage resulting from being distinctly immature, overmature, crushed, dried and shriveled, and free from damage caused by leaves or pieces of leaves, dirt or other foreign matter, disease, insects, mechanical or other means.

(a) In order to allow for variations incident to proper handling, not more than a total of 10 percent, by weight, of the currants in any lot may fail to meet the requirements of this grade: *Provided*, That not more than one-tenth of this amount, or 1 percent, shall be allowed for currants affected by mold or decay or which are seriously damaged by insects.

§ 51.1951 *U. S. No. 2.* U. S. No. 2 consists of currants which meet the requirements for U. S. No. 1 grade except for the increased tolerances for defects specified as follows:

(a) In order to allow for variations incident to proper handling, not more than a total of 20 percent, by weight, of the currants in any lot may fail to meet the requirements of this grade: *Provided*, That not more than one-tenth of this amount, or 2 percent, shall be allowed for currants affected by mold or decay or which are seriously damaged by insects.

APPLICATION OF TOLERANCES

§ 51.1952 *Application of tolerances and determination of grade.* The tolerances for the preceding grades are to be applied to the entire lot. Scoring of defects shall be on a bunch basis except that the percentage of loose berries shall be calculated on the basis of weight and added to the percentage of other defects.

UNCLASSIFIED

§ 51.1953 *Unclassified.* Unclassified consists of currants which have not been classified in accordance with 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

§ 51.1954 *Similar type.* "Similar type" means that the currants are similar in color. For example, red varieties shall not be mixed with white varieties.

§ 51.1955. *Well colored.* "Well colored" means that the berries show the color characteristic of well ripened currants for the type or variety.

§ 51.1956 *Mold.* "Mold" means any surface mold that is plainly visible to the naked eye.

§ 51.1957 *Damage.* "Damage" means any injury or defect which materially affects the appearance or the processing quality of the currants. The following shall be considered as damage:

(a) Distinctly immature, when the currants are of a light pink, whitish, or green color in the case of varieties which are characteristically red when well ripened, or when the currants are greenish color in the case of types or varieties which are characteristically white in color when well ripened.

(b) Overmature, when the currants have advanced to the stage where the berries are soft, leaking and are dull in appearance.

(c) Dried and shriveled, when the berries are appreciably lacking in juice and are "wrinkled" and have a "raisined" appearance.

§ 51.1958 *Seriously damaged by insects.* "Seriously damaged by insects" means that there is present one or more insects on the bunch.

SUBPART—UNITED STATES STANDARDS FOR WATERMELONS

GRADES

§ 51.1970 *U. S. No. 1.* U. S. No. 1 shall consist of watermelons of similar varietal characteristics which are mature but not over-ripe, fairly well formed, and free from sunscald, decay, anthracnose and from damage caused by other disease, whiteheart, sunburn, hollow heart, hail, insects, or mechanical or other means. (See § 51.1975.)

(a) In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, may be below the requirements of this grade but not more than one-half of this tolerance, or 5 percent, may be badly misshapen or seriously damaged by any means, and not more than 1 percent shall be allowed for decay.

§ 51.1971 *U. S. Commercial.* U. S. Commercial shall consist of watermelons which meet all requirements of U. S. No. 1 except for anthracnose spots. In this grade each watermelon shall be free from damage by anthracnose. (See § 51.1975.)

(a) In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, may be below the requirements of this grade but not more than one-half of this tolerance, or 5 percent, may be badly misshapen or seriously damaged by any means, and not more than 1 percent shall be allowed for decay.

§ 51.1972 *U. S. No. 2.* U. S. No. 2 shall consist of watermelons of similar varietal characteristics which are mature but not over-ripe; which are not badly misshapen and which are free from sunscald, decay, and from serious damage caused by whiteheart, sunburn, hollow heart, hail, anthracnose or other disease, insects or mechanical or other means. (See § 51.1975.)

(a) In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, may be below the requirements of this grade but not more than 1 percent shall be allowed for decay.

§ 51.1973 *U. S. No. 3.* U. S. No. 3 shall consist of watermelons of similar varietal characteristics which are mature but not over-ripe, free from sunscald, soft decay, and from serious damage by whiteheart or any other defect which seriously affects the internal quality of the watermelon. (See § 51.1975.)

(a) In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, may be below the requirements of this grade but not more than 1 percent shall be allowed for soft decay.

UNCLASSIFIED

§ 51.1974 *Unclassified.* Unclassified shall consist of watermelons 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 definite grade has been applied to the lot.

SIZE

§ 51.1975 *Size.* (a) Where the size of watermelons is stated in terms of average weight, unless otherwise specified, the melons in any lot averaging less than 30 pounds shall not vary more than 4 pounds below the stated average, and the melons in any lot averaging 30 pounds or more shall not vary more than 6 pounds below the stated average. Size may also be stated in terms of minimum weight. (See Table of Weights.)

TABLE OF WEIGHTS

Average weight	Minimum weight (unless otherwise specified)	Tolerance permitted for melons below the minimum weight
		Percent
20	16	5
22	18	5
24	20	5
26	22	5
28	24	5
30	24	5
32	26	5
34	28	5
36	30	5
38	32	5
40	34	5
42	36	5

(b) In order to allow for variations, incident to proper sizing, not more than 5 percent, by count, of the watermelons in any lot may be below the minimum size requirements.

DEFINITIONS

§ 51.1976 *Mature.* "Mature" means having reached the stage of development at which the melon is at least fairly sweet.

§ 51.1977 *Fairly well formed.* "Fairly well formed" means having the characteristic shape but not necessarily the perfect type of the variety.

§ 51.1978 *Not badly misshapen.* "Not badly misshapen" means that the melons are not bottlenecks or gourdnecks, but may be tapered at the ends or slightly constricted.

§ 51.1979 *Free from damage.* "Free from damage" means that the melons are not injured to an extent readily apparent upon examination. Melons showing a greenish yellow sunburned spot not larger than 9 square inches shall not be considered as damaged, but melons showing sunburn in excess of this amount, or which show any pronounced golden yellow color which detracts from the appearance to a greater extent than the 9 square inches of greenish yellow sunburn allowed shall be regarded as damaged.

§ 51.1980 *Free from damage by anthracnose.* "Free from damage by anthracnose" means that each melon may have not more than 5 anthracnose spots which are not cracked or sunken below the contour of the surface of the melon.

§ 51.1981 *Serious damage.* "Serious damage" means any injury which affects the edible quality of the melon or which detracts materially from its appearance. Melons showing sunscald are regarded as seriously damaged. Melons showing not more than 15 anthracnose spots which are not cracked or sunken below the regular surface contour of the melon shall not be considered as seriously damaged.

SUBPART—UNITED STATES STANDARDS FOR FILBERTS IN THE SHELL

GRADES

§ 51.1995 *U. S. No. 1.* U. S. No. 1 shall consist of filberts in the shell which are of similar type, well formed, dry, clean and bright, free from blanks, broken or split shells, and which are free from damage caused by stain, adhering husks, or other means. The kernels shall be reasonably well developed, not badly misshapen, free from rancidity, decay, mold, insect injury, and free from damage caused by shriveling, discoloration, or other means. In addition, the filberts shall meet the requirements of one of the following sizes as specified for round type and long type varieties:

(a) *Sizes for round type varieties.* (1) Jumbo means filberts which will not pass through a round opening 50/64 inch in diameter.

(2) Large means filberts which will not pass through a round opening 50/64 inch in diameter, but will pass through a round opening 50/64 inch in diameter.

(3) Medium means filberts which will not pass through a round opening 45/64 inch in diameter but will pass through a round opening 50/64 inch in diameter.

(4) Small means filberts which will pass through a round opening 45/64 inch in diameter.

(b) *Sizes for long type varieties.* (1) Jumbo means filberts which will not pass through a round opening 47/64 inch in diameter.

(2) Large means filberts which will not pass through a round opening 44/64 inch in diameter, but will pass through a round opening 48/64 inch in diameter.

(3) Medium means filberts which will not pass through a round opening 34/64 inch in diameter, but will pass through a round opening 45/64 inch in diameter.

(4) Small means filberts which will pass through a round opening 35/64 inch in diameter.

TOLERANCES

§ 51.1996 *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(a) Ten percent, by count, for filberts which fail to meet the grade requirements, other than for type and size: *Provided,* That not more than 5 percent shall be allowed for blanks, and not more than 5 percent shall be allowed for rancid, decayed, or moldy filberts, or those which have insect injury, including not more than 3 percent for insect injury;

(b) Ten percent, by count, for filberts which are of a different type;

(c) Twelve percent, by count, for filberts which fail to meet the size requirements for the size specified, but not more than five-sixths of this amount, or 10 percent shall be allowed for filberts which pass through the smallest opening required for the size specified.

§ 51.1997 *Application of the tolerances and determination of the grade.* The tolerances for the grade are 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 filberts are found to be materially inferior to those in the majority of the containers shall be considered a separate lot.

In determining the grade of a lot of filberts, all of the nuts in the sample shall first be examined for size and then for external defects. The same nuts are then cracked and examined for internal defects. The nuts must meet both size and quality requirements in order to meet the grade.

UNCLASSIFIED

§ 51.1998 *Unclassified.* Lots of filberts which have not been classified in accordance with § 51.1995 shall be designated as "unclassified." 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

§ 51.1999 *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.

§ 51.2000 *Well formed.* "Well formed" means that the filberts are not materially misshapen.

§ 51.2001 *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.

§ 51.2002 *Clean and bright.* "Clean and bright" means that the individual filbert or the lot as a whole is practically free from adhering dirt and other foreign matter and that the shells have characteristic color.

§ 51.2003 *Blank.* "Blank" means a filbert which contains no kernel or which has a kernel that fills less than one-fourth of the capacity of the shell.

§ 51.2004 *Damage.* "Damage" means any injury or defect which materially affects the appearance, or edible or shipping quality of the individual filbert 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 of these defects shall be considered as damage:

(a) Stains which are very dark and materially affect the appearance of the individual nut.

(b) Adhering husk, when covering more than 5 percent of the surface in the aggregate.

(c) Shriveling, when the kernel is materially shrunken, leathery or tough.

(d) Discoloration, when the appearance of the individual kernel is materially affected by black discoloration.

§ 51.2005 *Reasonably well developed.* "Reasonably well developed" means that the kernel fills at least one-half or more of the capacity of the shell.

§ 51.2006 *Badly misshapen.* "Badly misshapen," when the kernel is so malformed that the appearance is materially affected.

§ 51.2007 *Rancidity.* "Rancidity" means that the kernel is noticeably rancid to the taste. An oily appearance is not always an indication of rancidity. Unless the nut is noticeably rancid to the taste it shall not be considered as damaged.

§ 51.2008 "Decay" means that the kernel is putrid or decomposed.

§ 51.2009 *Moldy.* "Moldy" means any visible growth of mold either on the kernel or inside the shell.

§ 51.2010 *Insect injury.* "Insect injury" means that the insect or frass is present, or that there is visible evidence of insect damage to the kernel.

SUBPART—UNITED STATES STANDARDS FOR BLUEBERRIES FOR PROCESSING

GENERAL

§ 51.2025 *General.* These standards apply to species of the genus Vaccinium which contain numerous small seeds that are barely noticeable and not to the true huckleberries of the genus Gaylussacia which contain 10 large seeds with bony coverings.

GRADES

§ 51.2026 *U. S. No. 1.* U. S. No. 1 shall consist of blueberries which internally are free from worms, and are free from other kinds of berries, clusters, large stems, leaves and other foreign material, distinctly immature berries, and free from damage caused by visible mold and decay, shriveling, dirt, overmaturity, or other means.

(a) In order to allow for variations incident to proper handling, the following tolerances shall be permitted for grade defects in a half-pint cup sample:

(b) Not more than a total of 5 leaves and other foreign material, not more than a total of 20 distinctly immature berries, clusters and large stems, and not more than 3 berries other than blueberries. No tolerance shall be allowed for large pieces of foreign material.

§ 51.2027 *U. S. No. 2.* U. S. No. 2 shall consist of blueberries which meet all the requirements of U. S. No. 1 grade except that the blueberries shall be free from serious damage caused by shriveling, overmaturity, and except for the increased tolerances specified in this section.

(a) In order to allow for variations incident to proper handling, the following tolerances shall be permitted for grade defects in a half-pint cup sample:

(1) Not more than a total of 15 leaves and other foreign material, not more than a total of 40 distinctly immature berries, clusters and large stems, and not more than 5 berries other than blueberries. No tolerance shall be allowed for large pieces of foreign material.

§ 51.2028 *U. S. No. 3.* U. S. No. 3 shall consist of blueberries which meet all the requirements of U. S. No. 1 grade except that the blueberries shall be free from serious damage caused by overmaturity and from very serious damage caused by shriveling and except for the increased tolerances specified in this section.

(a) In order to allow for variations incident to proper handling, the following tolerances shall be permitted for grade defects in a half-pint cup sample:

(1) Not more than a total of 20 leaves and other foreign material, not more than a total of 70 distinctly immature berries, clusters and large stems, and not more than 12 berries other than blueberries. No tolerance shall be allowed for large pieces of foreign material.

UNCLASSIFIED

§ 51.2029 *Unclassified.* Unclassified shall consist of blueberries which have not been classified in accordance with 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

§ 51.2030 *Other kinds of berries.* "Other kinds of berries" means bunchberries, cranberries, or any other berries not of the genus Vaccinium.

§ 51.2031 *Clusters.* "Clusters" means three or more cap-stems, with or without berries, attached to a main stem. Cap-stems are those small stems by means of which the individual berry is attached to the main stem.

§ 51.2032 *Large stems.* "Large stems" means stems other than cap-stems which are over ¼ inch in length.

§ 51.2033 *Other foreign material.* "Other foreign material" means sticks, stones, moss or other extraneous material except dirt and leaves.

§ 51.2034 *Distinctly immature berries.* "Distinctly immature berries" means that the berries are green, or whitish due to immaturity.

§ 51.2035 *Damage.* "Damage" means any injury or defect which materially affects the appearance, or the processing quality of the blueberries. The following shall be considered as damage:

(a) Shriveling, when more than one-fourth of the blueberries in any lot, by volume, are badly wilted, withered or shriveled.

(b) Dirt, when it cannot be removed from the blueberries in the ordinary washing process.

(c) Overmaturity, when the appearance and processing quality of the lot of blueberries is materially affected by berries which have a dull appearance and are sticky from leaking berries.

§ 51.2036 *Serious damage.* "Serious damage" means any injury or defect which seriously affects the appearance, or the processing quality of the blueberries. The following shall be considered as serious damage:

(a) Shriveling, when more than one-third of the blueberries in any lot, by volume, are badly wilted, withered or shriveled.

(b) Overmaturity, when the appearance and processing quality of the lot of blueberries is seriously affected by blueberries which have a dull appearance and are sticky from leaking berries.

§ 51.2037 *Very serious damage caused by shriveling.* "Very serious damage caused by shriveling" means that more than one-half of the blueberries in any lot, by volume, are badly wilted, withered or shriveled.

SUBPART—UNITED STATES CONSUMER STANDARDS FOR BRUSSELS SPROUTS

GRADES

§ 51.2050 *U. S. Grade A.* U. S. Grade A shall consist of Brussels sprouts which are well colored and not withered or burst and which are firm, clean, well trimmed, and free from soft rot and seedstems, and free from damage caused by discoloration, freezing, disease, insects, or mechanical or other means. Brussels sprouts on the shown face shall be reasonably representative in size and quality of the contents of the container.

(a) The diameter of each Brussels sprout shall be not less than 1 inch.

(b) Incident to proper grading and handling, not more than 5 percent, by weight, of the Brussels sprouts in any lot may be smaller than the specified minimum diameter. In addition, not more than 5 percent, by weight, of the Brussels sprouts may fail to meet the remaining requirements of the grade, including not more than 1 percent for Brussels sprouts affected by soft rot.

§ 51.2051 *U. S. Grade B.* U. S. Grade B shall consist of Brussels sprouts which are fairly well colored and not withered, puffy or burst and which are clean, well trimmed and free from soft rot and seedstems and free from serious damage caused by discoloration, freezing, disease, insects, or mechanical or other means. Brussels sprouts on the shown face shall be reasonably representative in size and quality of the contents of the container.

(a) The diameter of each Brussels sprout shall be not less than 1 inch.

(b) Incident to proper grading and handling, not more than 5 percent, by weight, of the Brussels sprouts in any lot may be smaller than the specified minimum diameter. In addition, not more than 5 percent, by weight, of the Brussels sprouts may fail to meet the remaining requirements of the grade, including not more than 1 percent for Brussels sprouts affected by soft rot.

OFF-GRADE

§ 51.2052 *Off-Grade Brussels sprouts.* Brussels sprouts which fail to meet the requirements of either of the foregoing grades shall be Off-Grade Brussels sprouts.

DEFINITIONS

§ 51.2053 *Well colored.* "Well colored" means that the Brussels sprouts have a yellowish green or darker green color characteristic of well-grown Brussels sprouts.

§ 51.2054 *Firm.* "Firm" means that the Brussels sprout is fairly compact but may yield slightly to moderate pressure.

§ 51.2055 *Clean.* "Clean" means that the Brussels sprout is practically free from dirt and other foreign matter.

§ 51.2056 *Well trimmed.* "Well trimmed" means that the butt of the sprout is fairly smoothly and closely trimmed at the point of attachment of the outer leaves and that the sprout does not have more than 2 wrapper leaves which do not enfold the sprout fairly tightly more than two-thirds the distance from the base to the top.

§ 51.2057 *Seedstems.* "Seedstems" means Brussels sprouts which have seedstalks showing or in which the formation of seedstalks has plainly begun.

§ 51.2058 *Damage.* "Damage" means any injury or defect which materially affects the appearance, or the edible, shipping or keeping quality of the Brussels sprout.

§ 51.2059 *Diameter.* "Diameter" means the greatest dimension measured at right angles to a line running from the stem to the apex of the sprout.

§ 51.2060 *Fairly well colored.* "Fairly well colored" means that the Brussels sprouts shall not be lighter than whitish green color.

§ 51.2061 *Puffy.* "Puffy" means that the Brussels sprout is very light in weight in proportion to its size or has excessive air spaces in the central portion.

§ 51.2062 *Serious damage.* "Serious damage" means any injury or defect which seriously affects the appearance, or the edible, shipping or keeping quality of the Brussels sprout.

SUBPART—UNITED STATES STANDARDS FOR ALMONDS IN THE SHELL

GRADES

§ 51.2075 *U. S. No. 1.* U. S. No. 1 consists of almonds in the shell which are of similar varietal characteristics, clean, fairly bright, fairly uniform in color, which are free from loose hulls, pieces of shells, chaff and foreign material and free from damage caused by discoloration, adhering hulls, broken shells, or other means. The kernels shall be well dried, free from decay, rancidity, insect injury, and free from damage caused

by mold, gum, shriveling, brown spot, or other means.

(a) Unless otherwise specified, the minimum thickness of the almond shall be not less than 2/64 of an inch.

(b) In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(1) *For external defects.* Ten percent, by count (except that loose hulls, chaff, pieces of shells and foreign material shall be determined by weight), for almonds which fail to meet the requirements of the grade, other than for variety and size: *Provided,* That not more than 2 percent, by weight, shall be allowed for loose hulls, chaff, pieces of shells and foreign material, including not more than one-half of this amount, or 1 percent, that will pass through a screen with 2/64 inch round openings;

(2) *For dissimilar varieties.* Five percent, by count, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(3) *For size.* Five percent, by count, for almonds which fail to meet the size requirements; and,

(4) *For internal defects.* Ten percent, by count, for almonds which fail to meet the grade requirements: *Provided,* That, not more than one-half of this amount, or 5 percent, shall be allowed for kernels affected by decay, rancidity, insect injury and damage by mold.

§ 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 the varieties are mixed, but may include not more than 1 percent of bitter almonds mixed with sweet almonds.

§ 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 discoloration.

§ 51.2078 *U. S. No. 2 Mixed.* U. S. No. 2 Mixed consists of almonds in the shell which meet the requirements of the U. S. No. 2 grade, except that the varieties are mixed, but may include not more than 1 percent of bitter almonds mixed with sweet almonds.

UNCLASSIFIED

§ 51.2079 *Unclassified.* Unclassified consists of almonds 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 definite grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.2080 *Application of tolerances and determination of the grades.* The tolerances for the foregoing 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.

(a) In determining the grade of a lot of almonds, the percentage of loose hulls, pieces of shells, chaff and foreign material is first determined on the basis of weight. Then a stated number of nuts is counted out (depending upon the size of the lot) from the composite sample. These almonds are next examined for size, dissimilar varieties and external defects. The same nuts are then cracked and examined for internal defects.

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. For example, hard-shelled varieties shall not be mixed with semi-soft-shelled, soft-shelled and paper-shelled varieties; and semi-soft-shelled varieties shall not be mixed with soft-shelled and paper-shelled varieties; and soft-shelled varieties shall not be mixed with paper-shelled varieties. Likewise, bitter almonds shall not be mixed with sweet almonds.

§ 51.2082 *Clean.* "Clean" means that the individual almond is practically free from dirt and other foreign matter.

§ 51.2083 *Fairly bright.* "Fairly bright" means that the almonds show good characteristic color.

§ 51.2084 *Fairly uniform color.* "Fairly uniform color" means that the shells do not show excessive variation in color.

§ 51.2085 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the almonds. 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) Discoloration which is distinctly gray to black, when affecting more than one-eighth of the surface of the shell in the aggregate, but normal color variations, such as reddish or brown between varieties, and within some varieties, are not to be considered as discoloration;

(b) Adhering hulls, when covering more than 5 percent of the shell surface in the aggregate;

(c) Broken shells, when a portion of the shell is missing or fractured to the extent that moderate pressure will cause the kernel to become dislodged;

(d) Mold, when affecting the kernel, except when white or grayish in color and easily rubbed off with the fingers;

(e) Gum, when a film of shiny, resinous appearing substance covers more than one-eighth of the surface of the kernel;

(f) Shriveling, when the kernel is excessively thin for its size, or when materially withered, shrunken, leathery, tough or partially developed: *Provided,* That, partially developed kernels are not considered damaged if more than three-fourths of the pellicle is filled with meat; and,

(g) Brown spot on the kernel, either single or multiple, when the affected area is more than the equivalent of a circle one-eighth inch in diameter.

§ 51.2086 *Well dried.* "Well dried" means that the kernel is firm and brittle and not pliable or leathery.

§ 51.2087 *Decay.* "Decay" means that the kernel is putrid or decomposed.

§ 51.2088 *Rancidity.* "Rancidity" means that the kernel is noticeably rancid to the taste.

§ 51.2089 *Insect injury.* "Insect injury" means that the insect, web, or frass is present or there is visible evidence of insect injury.

§ 51.2090 *Thickness.* "Thickness" means the greatest distance between the two flat surfaces of the shell. The minimum thickness shall be determined by passing the almonds through slotted openings with sufficient length to permit the almonds to go through lengthwise.

SUBPART—UNITED STATES STANDARDS FOR SHELLED ALMONDS

GRADES

§ 51.2105 *U. S. Fancy.* U. S. Fancy consists of shelled almonds which are of similar varietal characteristics, whole, clean, well dried, which are free from decay, rancidity, insect injury, foreign material, doubles, split and broken kernels, particles and dust, and which are free from injury caused by chipped and scratched kernels, and free from damage caused by mold, gum, shriveling, brown spot, or other means. (See §§ 51.2114 and 51.2115.)

(a) 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.* 3 percent;

(3) *For kernels injured by chipping or scratching.* 5 percent;

(4) *For foreign material.* Two-tenths of 1 percent (0.20%);

(5) *For particles and dust.* One-tenth of 1 percent (0.10%); and,

(6) *For other defects.* 2 percent, including not more than one-half of this amount, or 1 percent, for serious damage.

§ 51.2106 *U. S. Extra No. 1.* U. S. Extra No. 1 consists of shelled almonds which are of similar varietal characteristics, whole, clean, well dried, which are free from decay, rancidity, insect injury, foreign material, doubles, split and broken kernels, particles and dust, and which are free from damage caused by chipped and scratched kernels, mold, gum, shriveling, brown spot, or other means. (See §§ 51.2114 and 51.2115.)

(a) 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.* 5 percent;

(3) *For kernels damaged by chipping or scratching.* 5 percent;

(4) *For foreign material.* Two-tenths of 1 percent (0.20%);

(5) *For particles and dust.* One-tenth of 1 percent (0.10%); and,

(6) *For other defects.* 4 percent, including not more than three-eighths of this amount, or 1½ percent, for serious damage.

§ 51.2107 *U. S. No. 1.* U. S. No. 1 consists of shelled almonds which are of similar varietal characteristics, whole, clean, well dried, which are free from decay, rancidity, insect injury, foreign material, doubles, split or broken kernels, particles and dust, and which are free from damage caused by chipped and scratched kernels, mold, gum, shriveling, brown spot, or other means. (See §§ 51.2114 and 51.2115.)

(a) 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.* 15 percent;

(3) *For kernels damaged by chipping or scratching.* 10 percent;

(4) *For foreign material.* Two-tenths of 1 percent (0.20%);

(5) *For particles and dust.* One-tenth of 1 percent (0.10%); and,

(6) *For other defects.* 5 percent, including not more than three-tenths of this amount, or 1½ percent, for serious damage.

§ 51.2108 *U. S. Select Sheller Run.* U. S. Select Sheller Run consists of shelled almonds which are of similar varietal characteristics, whole, clean, well dried, which are free from decay, rancidity, insect injury, foreign material, doubles, split and broken kernels, particles and dust, and which are free from damage caused by chipped and scratched kernels, mold, gum, shriveling, brown spot, or other means. (See §§ 51.2114 and 51.2115.)

(a) 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.* 15 percent;

(3) *For kernels damaged by chipping and scratching.* 15 percent;

(4) *For foreign material.* Two-tenths of 1 percent (0.20%);

(5) *For particles and dust.* One-tenth of 1 percent (0.10%);

(6) *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 in diameter; and,

(7) *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 which are of similar varietal characteristics, whole, clean, well dried, which are free from decay, rancidity, insect injury, foreign material, doubles, split and broken kernels, particles and dust, and which are free from damage caused by chipped and scratched kernels, mold, gum, shriveling, brown spot, or other means. (See §§ 51.2114 and 51.2115.)

(a) 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.* 25 percent;

(3) *For kernels damaged by chipping and scratching.* 20 percent;

(4) *For foreign material.* Two-tenths of 1 percent (0.20%);

(5) *For particles and dust.* One-tenth of 1 percent (0.10%);

(6) *For split and broken kernels.* 15 percent: *Provided,* That not more than one-third of this amount, or 5 percent, shall be allowed for pieces which will pass through a round opening $^{20}/_{64}$ inch in diameter; and,

(7) *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 which are of similar varietal characteristics, clean, well dried, which are free from decay, rancidity, insect injury, foreign material, doubles, particles and dust, and which are 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. (See §§ 51.2114 and 51.2115.)

(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.* Three-tenths of 1 percent (0.30%);

(4) *For particles and dust.* One-tenth of 1 percent (0.10%);

(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, well dried, which are free from decay, rancidity, insect injury, foreign material, particles and dust, and which are 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. (See §§ 51.2114 and 51.2115.)

(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.* Three-tenths of 1 percent (0.30%);

(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.

§ 51.2112 *Mixed varieties.* Any lot of shelled almonds consisting 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;" or "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.

UNCLASSIFIED

§ 51.2113 *Unclassified.* Unclassified consists of shelled almonds 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 definite grade has been applied to the lot.

SIZE

§ 51.2114 *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. Permissible count ranges per ounce are shown below but a narrower or wider range may be specified: *Provided,* That the kernels are fairly uniform in size.

Count range per ounce

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.
36 to 40, inclusive.
40 to 50, inclusive.
50 and smaller.

TOLERANCES

§ 51.2115 *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.

(1) When the minimum, or minimum and maximum, diameters 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.

§ 51.2116 *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

§ 51.2117 *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 color of kernels of the same variety.

§ 51.2118 *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.

§ 51.2119 *Clean.* "Clean" means that the kernel is practically free from dirt and other foreign substance.

§ 51.2120 *Well dried.* "Well dried" means that the kernel is firm and brittle, and not pliable or leathery.

§ 51.2121 *Decay.* "Decay" means that the kernel is putrid or decomposed.

§ 51.2122 *Rancidity.* "Rancidity" means that the kernel is noticeably rancid to the taste.

§ 51.2123 *Insect injury.* "Insect injury" means that the insect, web, or frass is present or there is visible evidence of insect injury.

§ 51.2124 *Foreign material.* "Foreign material" means pieces of shell, hulls or other foreign matter.

§ 51.2125 *Doubles.* "Doubles" means kernels that develop in shells containing two kernels. One side of a double kernel is flat or concave.

§ 51.2126 *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 in diameter.

§ 51.2127 *Particles and dust.* "Particles and dust" means fragments of almond kernels or other material which will pass through a round opening $^{5}/_{64}$ of an inch in diameter.

§ 51.2128 *Injury.* "Injury" means any defect which more than slightly affects the appearance of the individual almond, or the general appearance of the lot. The following shall be considered as injury:

(a) Chipped and scratched kernels, when the general appearance of the lot is more than slightly affected, or when the affected area or an individual kernel aggregates more than the equivalent of a circle one-eighth inch in diameter.

§ 51.2129 *Damage.* "Damage" means any defect which materially affects the appearance of the individual kernel, or the general appearance of the lot, 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 general appearance of the lot is materially affected, or when the affected area on an individual kernel aggregates more than the equivalent of a circle one-quarter inch in diameter;

(b) Mold, when affecting the kernel, except when white or grayish in color and easily rubbed off with the fingers;

(c) Gum, when a film of shiny, resinous appearing substance covers more than one-eighth of the surface of the kernel;

(d) Shriveling, when the kernel is excessively thin for its size, or when materially withered, shrunken, leathery, tough or partially developed, provided that partially developed kernels are not considered damaged if more than three-fourths of the pellicle is filled with meat; and,

(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 in diameter.

§ 51.2130 *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.

§ 51.2131 *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.

§ 51.2132 *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—UNITED STATES STANDARDS FOR SAWDUST PACK GRAPES (EUROPEAN OR VINIFERA TYPE)[1]

GRADES

§ 51.2150 *U. S. Fancy Sawdust Pack Grapes.* U. S. Fancy Sawdust Pack Grapes consists of bunches of well developed grapes of one variety which are well matured, fairly uniform in appearance and well colored. The berries shall be firm, firmly attached to capstems and shall not be weak, shriveled at capstems, shattered, split, crushed or wet, and shall be free from decay, waterberry, sunburn and Almeria Spot, and free from damage caused by scarring, discoloration, heat, mildew, other diseases, freezing, insects or mechanical or other means.

(a) *Bunches.* The bunches shall be fairly well filled but not excessively tight. They shall also be free from injury caused by shot berries, dried berries or other defective berries or by the trimming away of defective berries and they shall weigh not less than one-half pound.

(b) *Stems.* The stems shall be mature, well developed and strong, shall not be dry and brittle, shall be free from mold and free from damage caused by mildew or freezing. The Emperor variety shall have stems which are distinctly yellowish-green or yellow at time of packing.

(c) *Size of berries.* Not less than 90 percent, by count, of the berries, exclusive of shot berries and dried berries, on each bunch shall have a minimum diameter as indicated by varieties as follows:

Ribier and Cardinal: $^{13}/_{16}$ of an inch.
Tokay: $^{11}/_{16}$ of an inch.
Almeria: $^{9}/_{16}$ of an inch.
Thompson Seedless and Black Monukka; $^{7}/_{16}$ of an inch.
Other varieties: $^{19}/_{16}$ of an inch.

(d) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 5 percent for bunches which fail to meet the requirements for minimum diameter of berries;

(2) 5 percent for bunches which weigh less than one-half pound;

(3) 10 percent for bunches which fail to meet the color requirements;

(4) 5 percent for bunches which fail to meet the requirements for maturity of stems and color of stems; and,

(5) 5 percent for bunches and berries which fail to meet the remaining requirements of this grade, other than for maturity and uniformity of appearance, including therein not more than 3 percent for shattered berries and also including therein not more than one-half of 1 percent for berries which are seriously damaged or affected by decay.

(e) There is no tolerance specified in this grade for grapes which fail to meet the maturity requirements. However, no lot shall be considered as failing to meet these requirements because the sample of grapes from one container tests below the required percentage of soluble solids.

§ 51.2151 *U. S. No. 1 Sawdust Pack Grapes.* U. S. No. 1 Sawdust Pack Grapes consists of bunches of well developed grapes of one variety which are mature and fairly well colored. The berries shall be firm, firmly attached to capstems and shall not be weak, shriveled at capstems, shattered, split, crushed or wet, and shall be free from decay, waterberry, sunburn and Almeria Spot, and free from damage caused by scarring, discoloration, heat, mildew, other diseases, freezing, insects or mechanical or other means.

(a) *Bunches.* The bunches shall not be straggly. They shall be free from damage caused by shot berries, dried berries or other defective berries or by the trimming away of defective berries and they shall weigh not less than one-half pound.

[1] These standards shall be applicable only to grapes properly packed in sawdust or granulated cork, and not to so-called "semi-sawdust packs" which are cushioned and/or covered with sawdust.

(b) *Stems.* The stems shall be well developed and strong, shall not be dry and brittle and shall be free from mold and free from damage caused by mildew or freezing.

(c) *Size of berries.* Not less than 90 percent, by count, of the berries, exclusive of shot berries and dried berries, on each bunch shall have a minimum diameter as indicated by varieties as follows:

Ribier, Tokay, and Cardinal: 11/16 of an inch.
Almeria: 9/16 of an inch.
Thompson Seedless and Black Monukka: 7/16 of an inch.
Other varieties: 19/16 of an inch.

(d) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 5 percent for bunches which fail to meet the requirements for minimum diameter of berries;

(2) 10 percent for bunches which weigh less than one-half pound;

(3) 10 percent for bunches which fail to meet the color requirements; and,

(4) 5 percent for bunches and berries which fail to meet the remaining requirements of this grade, other than for maturity, including therein not more than one-half of 1 percent for berries which are seriously damaged or affected by decay.

(e) There is no tolerance specified in this grade for grapes which fail to meet the maturity requirements. However, no lot shall be considered as failing to meet these requirements because the sample of grapes from one container tests below the required percentage of soluble solids.

UNCLASSIFIED

§ 51.2152 *Unclassified.* Unclassified consists of grapes which have not been classified in accordance with 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 grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.2153 *Application of tolerances to individual packages.* (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 a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified; and,

(2) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, except that for shattered berries and wet berries not more than one-tenth of the packages may contain more than double the tolerance specified.

DEFINITIONS

§ 51.2154 *Well developed grapes.* "Well developed grapes" means grapes which are not abnormally small for the variety.

§ 51.2155 *One variety.* "One variety" means that the grapes show similar varietal characteristics.

§ 51.2156 *Well matured.* "Well matured" means that the juice from 10 percent, by weight, of whole bunches of grapes in the container, which appear to be least mature, shall test not less than 17 percent soluble solids, as determined by the Balling or Brix scale hydrometer, except that the Tokay variety shall test not less than 18 percent, the Thompson Seedless variety shall test not less than 19 percent and the Malaga and Muscat varieties shall test not less than 20 percent.

§ 51.2157 *Fairly uniform in appearance.* "Fairly uniform in appearance" means that not more than one-tenth of the containers in any lot may show sufficient variation in color or size of berries to materially detract from the appearance of the contents of the individual container.

§ 51.2158 *Well colored.* "Well colored" means in the case of:

(a) "Black varieties" that each bunch shall have not less than 95 percent, by count, of berries showing characteristic color. Purple to black shall be considered characteristic color for the varieties Malvoise, Rose of Peru, Black Prince and Black Hamburg; reddish-purple to black shall be considered characteristic color for Cornichon and Black Monukka. Ribier grape berries shall be considered as showing characteristic color when at least 60 percent of the surface is purple to black color, not reddish-purple;

(b) "Red varieties" that each bunch of the Tokay variety shall have not less than 60 percent, by count, and other red varieties shall have not less than 75 percent, by count, of berries which show at least 60 percent of the surface with good characteristic color: *Provided,* That the appearance of the bunch shall not be appreciably injured by very dark berries. Light or cherry red and dark red, but not light pink or very dark or purplish-red, are considered good characteristic color for the red varieties, excepting that any color ranging from light red through purple shall be considered good characteristic color for the Cardinal variety; and,

(c) White varieties: There are no color requirements for the white varieties.

§ 51.2159 *Firm.* "Firm" means that the berry is reasonably turgid and does not yield more than slightly to moderate pressure.

§ 51.2160 *Weak.* "Weak" means that the berry is relatively low in sugar content, has inferior flavor and usually is watery, translucent and somewhat soft to the touch.

§ 51.2161 *Shriveled at capstem.* "Shriveled at capstem" means that the berry shows more than slight wrinkling of the skin surrounding the capstem.

§ 51.2162 *Shattered.* "Shattered" means that the berry is separated from the bunch and may or may not have the capstem attached.

§ 51.2163 *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.

§ 51.2164 *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.

§ 51.2165 *Waterberry.* "Waterberry" means a watery, soft or flabby condition of the berries. 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."

§ 51.2166 *Sunburn.* "Sunburn" means injury to the berry caused by direct exposure to the sun, including "sulphur burn", occurring as a sunken and usually discolored and dried area on the exposed surface.

§ 51.2167 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the individual berry, the appearance of the bunch as a whole, or the shipping quality of the stems.

(a) 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 to the individual berry:

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

(2) Discoloration when any light brown, tan or darker discoloration of the skin materially affects 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) Mildew when active powdery mildew is present;

(5) Freezing when the berry is frozen or when the flesh of the berry is affected by freezing; and,

(6) Insects when any insect is present or there is visible evidence of insect injury, when mealybug residue or aphis honeydew are present, or when the appearance is materially affected by the presence of leafhopper residue.

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

(1) Mildew when active powdery mildew is present on the stems, or when scars caused by this 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.

§ 51.2168 *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.

§ 51.2169 *Excessively tight.* "Excessively tight" means that the berries are so closely wedged together that when the stem is fresh, the bunch is solid and the appearance is materially affected by berries on the lower portions being distinctly distorted from normal shape.

§ 51.2170 *Injury to the bunch.* "Injury to the bunch" means any defect which more than slightly affects the appearance of the bunch.

§ 51.2171 *Shot berries.* "Shot berries" means very small berries resulting from insufficient pollination, usually seedless in those varieties which normally develop seeds. These berries may be entirely green and hard and are designated as "immature shot berries". They may mature and color uniformly with the normal berries on the bunch and are then designated as "mature shot berries".

§ 51.2172 *Dried berries.* "Dried berries" means berries which are dry and shriveled to the extent that practically no moisture is present.

§ 51.2173 *Well developed and strong.* "Well developed and strong" means that the main and lateral stems are firm, fibrous and pliable, and are not distinctly immature or spindly or threadlike at time of packing.

§ 51.2174 *Diameter.* "Diameter" means the greatest dimension of the berry measured at right angles to a line running from the stem to the blossom end.

§ 51.2175 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the grapes and includes berries which are split, crushed, wet, affected by decay or waterberry, or damaged by heat or freezing, except that raisining grapes that are cracked or split, and grapes which show healed cracks at the blossom end shall not be considered as seriously damaged.

§ 51.2176 *Mature.* "Mature" means that the juice from 10 percent, by weight, of whole bunches of grapes in the container, which appear to be least mature, shall test not less than 17 percent soluble solids, as determined by the Balling or Brix scale hydrometer, except that the varieties Emperor, Gros Colman, Pierce Isabella, Olivette Blanche, Rish Baba, Red Malaga, Cardinal, Ribier, Khalili, Dizmar and varieties similar to or synonymous with the above, shall test not less than 16 percent, and except that Muscat varieties shall test not less than 18 percent.

§ 51.2177 *Fairly well colored.* "Fairly well colored" means in the case of:

(a) "Black varieties" that each bunch shall have not less than 85 percent, by count, of berries showing characteristic color, except that in the varieties Ribier, Rose of Peru, Black Prince, Black Hamburg, and Black Monukka each bunch shall have not less than 75 percent, by count, of berries showing characteristic color. Purple to black shall be considered characteristic color for the varieties Malvoise, Rose of Peru, Black Prince and Black Hamburg; reddish-purple to black shall be considered characteristic color for Cornichon and Black Monukka. Ribier grape berries shall be considered as showing characteristic color when at least 60 percent of the surface is purple to black color, not reddish-purple;

(b) "Red varieties" that each bunch of the Tokay variety shall have not less than 45 percent, by count, and other red varieties shall have not less than 60 percent, by count, of berries which show at least 60 percent of the surface with characteristic color. Light pink, red, dark red or purple are considered characteristic color for the red varieties. (There are no color requirements for the Pink Thompson Seedless variety, Sultanina Rose); and,

(c) White varieties: There are no color requirements for the white varieties.

§ 51.2178 *Straggly.* "Straggly" means that the berries are so widely spaced on main and lateral stems that the bunch is distinctly open or very stemmy or stringy in structure.

Subpart—United States Standards for Eggplant

GRADES

§ 51.2190 *U. S. Fancy.* U. S. Fancy consists of eggplants of similar varietal characteristics, which are well colored, firm, clean, well shaped, and which are free from decay and worm holes and free from injury caused by scars, freezing, disease, insects, or mechanical or other means.

§ 51.2191 *U. S. No. 1.* U. S. No. 1 consists of eggplants of similar varietal characteristics, which are fairly well colored, firm, clean, fairly well shaped, and which are free from decay and worm holes and free from damage caused by scars, freezing, disease, insects, or mechanical or other means.

§ 51.2192 *U. S. No. 2.* U. S. No. 2 consists of eggplants which are firm and which are free from decay and free from serious damage caused by freezing, disease, insects, or mechanical, or other means.

UNCLASSIFIED

§ 51.2193 *Unclassified.* Unclassified consists of eggplants 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

§ 51.2194 *Tolerances.* In order to allow for variations incident to proper grading and handling, other than for size, not more than 10 percent, by count, in any lot shall be permitted for eggplants which fail to meet the requirements of the grade, including therein not more than 1 percent for decay.

APPLICATION OF TOLERANCES

§ 51.2195 *Application of tolerances to individual packages.* (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 a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that when the package contains 15 specimens or less, individual packages may contain not more than double the tolerance specified; and,

(2) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified: *Provided,* That at least one specimen which does not meet the requirements shall be allowed in any one package.

SIZE REQUIREMENTS

§ 51.2196 *Size requirements.* (a) The size of eggplants may be specified in terms of count, minimum diameter, or a range in diameter in the container. Eggplants packed as U. S. Fancy or U. S. No. 1 grade shall be reasonably uniform in size, except when a range in diameter is specified.

(1) In order to allow for variations incident to proper sizing, not more than 5 percent, by count, of the eggplants in any lot may be below any specified minimum diameter and not more than 5 percent may be above any specified maximum diameter.

DEFINITIONS

§ 51.2197 *Similar varietal characteristics.* "Similar varietal characteristics" means that the eggplants in any lot are similar in type, color, and character of growth.

§ 51.2198 *Well colored.* "Well colored" means that the eggplant has a uniform good color characteristic for the variety over practically the entire surface.

§ 51.2199 *Firm.* "Firm" means that the eggplant is not soft, flabby or shriveled.

§ 51.2200 *Clean.* "Clean" means that the eggplant is practically free from dirt or other foreign matter.

§ 51.2201 *Well shaped.* "Well shaped" means that the eggplant has the normal shape characteristic of the variety, except that the shape may be slightly irregular, provided the appearance of the eggplant is not more than slightly affected.

§ 51.2202 *Injury.* "Injury" means any defect which more than slightly affects the appearance, or the edible or shipping quality of the eggplant. The following defect, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(a) Scars when they are slightly rough or when they are fairly smooth and more than slightly affect the appearance, shape or color of the eggplant.

§ 51.2203 *Fairly well colored.* "Fairly well colored" means that the eggplant has a fairly good color characteristic for the variety, except that streaks of green

color which do not materially affect the appearance shall be permitted.

§ 51.2204 *Fairly well shaped.* "Fairly well shaped" means that the eggplant may be slightly abnormal in shape but not to an extent that the appearance is materially affected.

§ 51.2205 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the eggplant. The following defect, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Scars when they are rough or materially cracked, or when they materially affect the appearance, shape or color of the eggplant.

§ 51.2206 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the eggplant.

§ 51.2207 *Diameter.* "Diameter" means the greatest dimension of the eggplant measured at right angles to the longitudinal axis.

SUBPART—UNITED STATES STANDARDS FOR CUCUMBERS

GRADES

§ 51.2220 *U. S. Fancy.* U. S. Fancy consists of cucumbers which are well colored, well formed, not overgrown and which are fresh, firm, and free from decay, sunscald and from injury caused by scars and from damage caused by yellowing, sunburn, dirt or other foreign material, freezing, mosaic or other disease, insects, mechanical or other means. (See § 51.2226.)

(a) The maximum diameter of each cucumber shall be not more than 2⅜ inches and the length of each cucumber shall be not less than 6 inches. (See § 51.2226.)

§ 51.2221 *U. S. No. 1.* U. S. No. 1 consists of cucumbers which are fairly well colored, fairly well formed, not overgrown and which are fresh, firm, and free from decay, sunscald and from damage caused by scars, yellowing, sunburn, dirt or other foreign material, freezing, mosaic or other disease, insects, mechanical or other means. (See § 51.2226.)

(a) Unless otherwise specified, the maximum diameter of each cucumber shall be not more than 2⅜ inches and the length of each cucumber shall be not less than 6 inches. (See § 51.2226.)

§ 51.2222 *U. S. No. 1 Small.* U. S. No. 1 Small consists of cucumbers which meet all requirements for the U. S. No. 1 grade except for size. The diameter of each cucumber shall be not less than 1½ inches or larger than 2 inches. There are no requirements for length. (See § 51.2226.)

§ 51.2223 *U. S. No. 1 Large.* U. S. No. 1 Large consists of cucumbers which meet all requirements for the U. S. No. 1 grade except for size. The minimum diameter of each cucumber shall be not less than 2¼ inches and unless otherwise specified, the length of each cucumber shall be not less than 6 inches. There are no requirements for maximum diameter or maximum length. (See § 51.2226.)

§ 51.2224 *U. S. No. 2.* U. S. No. 2 consists of cucumbers which are moderately colored, not badly deformed, not overgrown and which are fresh, firm, free from decay and free from damage caused by freezing, sunscald and from serious damage caused by scarring, yellowing, sunburn, dirt or other foreign material, mosaic or other disease, insects, mechanical or other means. (See § 51.2226.)

(a) Unless otherwise specified, the maximum diameter of each cucumber shall be not more than 2⅜ inches and the length of each cucumber shall be not less than 5 inches. (See § 51.2226.)

UNCLASSIFIED

§ 51.2225 *Unclassified.* Unclassified consists of cucumbers 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

§ 51.2226 *Tolerances.* (a) In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(1) *For defects.* 10 percent, by count, in any lot, for cucumbers which fail to meet the requirements of the grade, including therein not more than 1 percent for decay; and

(2) *For off-size.* 10 percent, by count, in any lot, for cucumbers which fail to meet the length and diameter requirements, including therein not more than one-half thereof, or 5 percent, for cucumbers which fail to meet the requirements for minimum diameter, and not more than one-half thereof, or 5 percent, for cucumbers which fail to meet the requirements for maximum diameter.

APPLICATION OF TOLERANCES

§ 51.2227 *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 a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that when the package contains 15 specimens or less, individual packages may contain not more than double the tolerance specified; and,

(2) For a tolerance of less than 10 percent, individual packages in any lot may contain 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

§ 51.2228 *Well colored.* "Well colored" means that not less than three-fourths of the surface of the cucumber is of a medium green or darker color, and that at least a light green color extends to the blossom end on one side of the cucumber.

§ 51.2229 *Well formed.* "Well formed" means that the cucumber is practically straight and not more than very slightly constricted or more than moderately tapered or pointed.

§ 51.2230 *Overgrown.* "Overgrown" means that the cucumber has developed beyond the best stage for slicing. It usually yields to slight pressure of the thumb. The seeds are tough and fibrous, and the pulp in the seed cavity is usually watery or jellylike. In more advanced cases, pithy streaks may be found in the flesh of the cucumber.

§ 51.2231 *Injury caused by scars.* "Injury caused by scars" means scars which aggregate more than the area of a circle ⅜ inch in diameter on a cucumber 6 inches in length. Larger cucumbers may have greater areas, provided that such scars do not affect the appearance of the cucumber to a greater extent than that caused by scars which are permitted on a 6 inch cucumber.

§ 51.2232 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the cucumbers. The following defect, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Scars when aggregating more than the area of a circle ⅝ inch in diameter on a cucumber 6 inches in length. Smaller cucumbers shall have lesser areas of scars and larger cucumbers may have greater areas, provided that such scars do not affect the appearance of the cucumbers to a greater extent than that caused by scars which are permitted on a 6 inch cucumber.

§ 51.2233 *Diameter.* "Diameter" means the greatest dimension of the cucumber measured at right angles to the longitudinal axis, exclusive of "warts."

§ 51.2234 *Fairly well colored.* "Fairly well colored" means that not less than two-thirds of the surface of the cucumber is of a medium green or darker color, and that at least a light green color extends to within one-half inch of the blossom end. White color shall be permitted over the blossom end of the cucumber.

§ 51.2235 *Fairly well formed.* "Fairly well formed" means that the cucumber may be moderately curved but not deeply constricted, not extremely tapered or pointed and not otherwise misshapen.

§ 51.2236 *Moderately colored.* "Moderately colored" means that at least one-half of the surface of the cucumber is of a light green or darker color.

§ 51.2237 *Badly deformed.* "Badly deformed" means that the cucumber is so badly curved, constricted, tapered or otherwise so badly misshapen that the appearance is seriously affected.

§ 51.2238 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the cucumbers.

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

SUBPART B—UNITED STATES STANDARDS[1]

GRADES OF CONCENTRATED ORANGE JUICE FOR MANUFACTURING[2]

On July 4, 1953, a notice of proposed rule making was published in the FEDERAL REGISTER (18 F. R. 3912) regarding the issuance of proposed United States Standards for Grades of Concentrated Orange Juice for Manufacturing. After consideration of all data, views, and arguments presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Grades of Concentrated Orange Juice for Manufacturing are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953):

§ 52.490 *Concentrated orange juice for manufacturing*—(a) *Product description.* Concentrated orange juice for manufacturing is the concentrated product obtained from sound, mature fruit of the sweet orange group (Citrus sinensis) and Mandarin group (Citrus reticulata), except tangerines. The fruit is prepared by sorting and by washing prior to extraction of the juice and the extracted juice is concentrated. The concentrated orange juice is processed in accordance with good commercial practice; and may or may not require processing by heat or subsequent refrigeration to secure preservation of the product but is not the product which is considered "frozen concentrated orange juice." The finished product does not contain any additives except that cold-pressed oil to standardize flavor and chemical preservatives permissible under provisions of the Federal Food, Drug, and Cosmetic Act may have been added.

(1) The Brix value of the finished concentrate shall be not less nor more than the following for the respective dilution factor of canned concentrated orange juice for manufacturing:

Dilution factor	Brix value of the finished concentrate	
	Minimum Brix value	Maximum Brix value
	Degrees	*Degrees*
1 plus 3	41.5	44.0
1 plus 4	50.0	53.0
1 plus 5	57.8	61.2
1 plus 6	65.2	No limit

(2) Concentrated orange juice for manufacturing of other dilution factors between "1 plus 3" to "1 plus 6" or more than "1 plus 6" shall result in a Brix (upon reconstitution as prescribed by the processor or as prescribed by the label on the container, if labeled) of not less than 11.7 degrees.

(b) *Grades of concentrated orange juice for manufacturing.* (1) "U. S. Grade A for Manufacturing" or "U. S. Fancy for Manufacturing" is the quality of concentrated orange juice which reconstitutes properly and of which the reconstituted juice possesses a reasonably good color; is practically free from defects; possesses a reasonably good flavor; and scores not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade C for Manufacturing" or "U. S. Standard for Manufacturing" is the quality of concentrated orange juice which reconstitutes properly and of which the reconstituted juice possesses a fairly good color; is fairly free from defects; possesses a fairly good flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "Substandard for Manufacturing" is the quality of concentrated orange juice that fails to meet the requirements of U. S. Grade C for Manufacturing or U. S. Standard for Manufacturing.

(c) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be filled with concentrated orange juice as full as practicable without impairment of quality.

(d) *Ascertaining the grade.* The grade of concentrated orange juice for manufacturing is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and flavor. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	*Points*
(1) Color	20
(2) Absence of defects	40
(3) Flavor	40
Total score	100

(e) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Color.* (i) Concentrated orange juice of which the reconstituted juice possesses a reasonably good color may be given a score of 17 to 20 points. "Reasonably good color" means that the color is a reasonably good yellow to yellow-orange color typical of properly processed and properly concentrated orange juice and is reasonably free from browning due to scorching, oxidation, caramelization, or other causes.

(ii) If the reconstituted juice possesses a fairly good color, a score of 14 to 16 points may be given. Concentrated orange juice that falls into this classification shall not be graded above U. S. Grade C for Manufacturing or U. S. Standard for Manufacturing, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the orange juice may be slightly amber or very light in color and may show evidence of slight browning but is not off-color.

(iii) Concentrated orange juice that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above Substandard for Manufacturing, regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from seeds and portions thereof, from excessive juice cells, from pulp, and from other defects.

(i) "Pulp" means particles of membrane, core, and peel.

(ii) Concentrated orange juice of which the reconstituted juice is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that there may be present:

(*a*) Small seeds or portions thereof that are of such size that they could pass through round perforations not exceeding ⅛ inch in diameter, provided such seeds or portions thereof do not materially affect the appearance or drinking quality of the juice;

(*b*) Juice cells and pulp that do not materially affect the appearance or drinking quality of the juice; and

(*c*) Other defects that are not more than slightly objectionable.

(iii) If the reconstituted juice is fairly free from defects, a score of 28 to 33 points may be given. Concentrated orange juice that falls into this classification shall not be graded above U. S. Grade C for Manufacturing or U. S. Standard for Manufacturing, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that there may be present:

(*a*) Small seeds or portions thereof that are of such size that they could pass through round perforations not exceeding ⅛ inch in diameter, provided such seeds or portions thereof do not seriously affect the appearance or drinking quality of the juice;

(*b*) Juice cells and pulp that do not seriously affect the appearance or drinking quality of the juice; and

(*c*) Other defects that are not materially objectionable.

(iv) Concentrated orange juice that fails to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above Substandard for Manufacturing, regardless of the total score for the product (this is a limiting rule).

(3) *Flavor.* (i) Concentrated orange juice of which the reconstituted juice possesses a reasonably good flavor may be given a score of 34 to 40 points. "Reasonably good flavor" means that the flavor is typical of reconstituted concen-

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] The requirements of these standards shall not excuse failure to comply with applicable State laws and regulations.

trated orange juice from properly processed and concentrated orange juice; that the flavor may range from high acidity to low acidity; is practically free from traces of scorching, caramelization, oxidation, or terpene; and is free from off-flavors of any kind. To score not less than 34 points the concentrated orange juice shall meet the following requirement: The ratio of the Brix value to acid is not less than 8 to 1 nor more than 18 to 1.

(ii) If the reconstituted juice possesses a fairly good flavor, a score of 28 to 33 points may be given. Concentrated orange juice that falls into this classification shall not be graded above U. S. Grade C for Manufacturing or U. S. Standard for Manufacturing, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor" means a normal flavor for reconstituted concentrated orange juice; and that the flavor may range from high acidity to low acidity, may have a slightly caramelized or slightly oxidized flavor or may possess traces of terpene but is free from off-flavors of any kind. To score not less than 28 points concentrated orange juice shall meet the following requirement: the ratio of the Brix value to acid is not less than 8 to 1 nor more than 21 to 1.

(iii) If the concentrated orange juice fails to meet the requirements of subdivision (ii) of this subparagraph, a score of 0 to 27 points may be given. Concentrated orange juice that falls into this classification shall not be graded above Substandard for Manufacturing, regardless of the total score for the product (this is a limiting rule).

(f) *Explanation of terms and analyses.* (1) "Reconstituted juice" means the product obtained by mixing thoroughly one part by volume of the canned concentrated orange juice with a stated volume of water. For example, a dilution factor of "1 plus 6" means that to one part by volume of concentrated orange juice 6 parts by volume of water are added to produce a reconstituted juice. Distilled water is used in reconstituting the product for testing flavor.

(2) "Reconstitution as d e c l a r e d" means any defined reconstitution, such as in labeling: For example, "this can (46 oz.) made up to 10 quarts" means a "1 plus 5.95" concentrate.

(3) "Reconstitutes properly" means that the reconstituted juice shows no material separation of colloidal or suspended matter after standing four (4) hours at a temperature of not less than 68 degrees Fahrenheit in a clear glass tube or cylinder (such as a 50 ml. graduated cylinder).

(4) "Acid" means the percent by weight of acid (calculated as anhydrous citric acid) in concentrated orange juice and is determined by titration with standard sodium hydroxide solution using phenolphthalein as indicator.

(5) "Brix value" of the concentrate is the refractometric sucrose value determined in accordance with the International Scale of Refractive Indices of Sucrose Solutions and to which the applicable correction for acid is added. (See Table I for corrections.)

TABLE I—CORRECTIONS FOR OBTAINING BRIX VALUE [1]

Citric acid, anhydrous (percent by weight)	Correction to be added to refractometer sucrose value to obtain degree Brix value	Citric acid, anhydrous (percent by weight)	Correction to be added to refractometer sucrose value to obtain degree Brix value
2.0	0.39	3.6	0.70
2.2	.43	3.8	.74
2.4	.47	4.0	.78
2.6	.51	4.2	.81
2.8	.54	4.4	.85
3.0	.58	4.6	.89
3.2	.62	4.8	.93
3.4	.66	5.0	.97

[1] Source: "Refractometric Determination of Soluble Solids in Citrus Juices," by J. W. Stevens and W. E. Baier, from the Analytical Edition of Industrial and Engineering Chemistry, vol. II, p. 447, Aug. 15, 1939.

(6) The "Brix" of reconstituted juice, as applicable, means the degree Brix of the properly reconstituted juice when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.). If used in testing juice at a temperature other than 20 degrees C. (68 degrees F.) the applicable temperature correction shall be made to the reading of the scale as prescribed in the Official Methods of Analysis of the Association of Official Agricultural Chemists. The degrees Brix of the reconstituted juice may be determined by any other method which gives equivalent results.

(g) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of concentrated orange juice for manufacturing the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, with respect to those factors which are scored:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores;

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample; and

(2) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(h) *Score sheet for concentrated orange juice for manufacturing.*

Size and kind of container	----
Container mark or identification	----
Label (including reconstitution factor)	----
Liquid measure (fluid ounces)	----
Net weight	----
Brix value of concentrate (corrected for acid)	----
Anhydrous citric acid in concentrate (percent by weight)	----
Brix value to acid ratio	----
Recoverable oil (ml./100 grams)	----
Reconstitutes properly: (Yes) (No)	----

Factors		Score points	
I. Color	20	(A-Mfg)	17-20
		(C-Mfg)	[1]14-16
		(SStd-Mfg)	[1]0-13
II. Absence of defects	40	(A-Mfg)	34-40
		(C-Mfg)	[1]28-33
		(SStd-Mfg)	[1]0-27
III. Flavor	40	(A-Mfg)	34-40
		C-Mfg)	[1]28-33
		(SStd-Mfg)	[1]0-27
Total score	100		
Grade for manufacturing			

[1] Indicates limiting rule.

Effective time. The United States Standards for Grades of Concentrated Orange Juice for Manufacturing (which is the first issue) contained in this section will become effective thirty days after the date of publication of these standards in the FEDERAL REGISTER.

(Sec. 205, 60 Stat. 1090, Pub. Law 156, 83d Cong., 7 U. S. C. 1624)

Issued at Washington, D. C., this 6th day of November 1953.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 53-9548; Filed, Nov. 10, 1953; 8:53 a. m.]

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

SUBPART B—UNITED STATES STANDARDS [1]

GRADES OF CANNED CONCENTRATED ORANGE JUICE [2]

On July 4, 1953, a notice of proposed rule making was published in the FEDERAL REGISTER (18 F. R. 3914) regarding a proposed revision of the United States Standards for Grades of Canned Concentrated Orange Juice. After consideration of all data, views, and arguments including the proposals set forth in the aforesaid notice, the following revised United States Standards for Grades of Canned Concentrated Orange Juice are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953):

§ 52.491 *Canned concentrated orange juice.* Canned concentrated orange juice is the concentrated product obtained from sound, mature fruit of the sweet orange group (Citrus sinensis) and Mandarin group (Citrus reticulata), except tangerines. The fruit is prepared by sorting and by washing prior to extraction of the juice; the extracted juice is concentrated; and single strength

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] The requirements of these standards shall not excuse failure to comply with applicable State laws and regulations.

orange juice extracted from sorted and washed fruit may or may not be admixed to the concentrate. The canned concentrated orange juice is processed in accordance with good commercial practice and is sufficiently processed by heat to assure preservation of the product in hermetically sealed containers.

(a) *Styles of canned concentrated orange juice*—(1) *Style I, without sweetening ingredient added.* (i) The Brix value of the finished concentrate shall be not less nor more than the following for the respective dilution factor of canned concentrated orange juice:

Dilution factor	Brix value of the finished concentrate	
	Minimum Brix value	Maximum Brix value
	Degrees	*Degrees*
1 plus 1	22.5	24.0
1 plus 2	32.4	34.4
1 plus 3	41.5	44.0
1 plus 4	50.0	53.0
1 plus 5	57.8	61.2
1 plus 6	65.2	68.8

(ii) Canned concentrated orange juice of any other dilution factors between "1 plus 1" to less than "1 plus 6," shall result in a Brix (upon reconstitution as prescribed by the processor or as prescribed by the label on the container, if labeled) of not less than 11.7 degrees.

(2) *Style II, with sweetening ingredient added.* (i) The Brix value of the finished concentrate exclusive of added sweetening ingredient and the Brix value of the finished concentrate including added sweetening ingredient shall be not less nor more than the following, as applicable, for the respective dilution factor of canned concentrated orange juice:

Dilution factor	Brix value of the finished concentrate exclusive of added sweetening ingredients	Brix value of the finished concentrate including added sweetening ingredients	
	Minimum Brix value	Minimum Brix value	Maximum Brix value
	Degrees	*Degrees*	*Degrees*
1 plus 1	21.6	22.7	26.9
1 plus 2	31.1	32.7	38.4
1 plus 3	40.0	42.0	49.0
1 plus 4	48.1	50.5	58.6
1 plus 5	55.8	58.3	67.5
1 plus 6	63.0	65.8	75.7

(ii) Canned concentrated orange juice of any other dilution factors between "1 plus 1" to less than "1 plus 6" shall have had a Brix exclusive of any added sweetening ingredient (upon reconstitution as prescribed by the processor or as prescribed by the label on the container, if labeled) of not less than 11.3 degrees; and the finished canned concentrated orange juice shall result in a Brix including any added sweetening ingredient (upon reconstitution as prescribed by the processor or as prescribed by the label on the container, if labeled) of not less than 11.9 degrees nor more than 14.2 degrees.

(b) *Grades of canned concentrated orange juice.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned concentrated orange juice which reconstitutes properly and of which the reconstituted juice possesses an appearance reasonably characteristic of fresh orange juice; possesses a good color; is practically free from defects; possesses a good flavor; and scores not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade C" or "U. S. Standard" is the quality of canned concentrated orange juice which reconstitutes properly and of which the reconstituted juice possesses a fairly good color; is fairly free from defects; possesses a fairly good flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "Substandard" is the quality of canned concentrated orange juice that fails to meet the requirements of U. S. Grade C or U. S. Standard.

(c) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be filled with concentrated orange juice as full as practicable without impairment of quality.

(d) *Ascertaining the grade.* The grade of canned concentrated orange juice is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and flavor. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	*Points*
(1) Color	20
(2) Absence of defects	40
(3) Flavor	40
Total score	100

(e) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Color.* (i) Canned concentrated orange juice of which the reconstituted juice possesses a good color may be given a score of 17 to 20 points. "Good color" means that the color is a good yellow to yellow-orange color typical of properly processed orange juice and is free from browning due to scorching, oxidation, caramelization, or other causes.

(ii) If the reconstituted juice possesses a fairly good color, a score of 14 to 16 points may be given. Canned concentrated orange juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the orange juice may be slightly amber or very light in color and may show evidence of slight browning, but is not off-color.

(iii) Canned concentrated orange juice that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from seeds and portions thereof, from excessive juice cells, from pulp, from recoverable oil, and from other defects.

(i) "Pulp" means particles of membrane, core and peel.

(ii) Canned concentrated orange juice of which the reconstituted juice is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that there may be present:

(*a*) Small seeds or portions thereof that are of such size that they could pass through round perforations not exceeding ⅛ inch in diameter, provided such seeds or portions thereof do not materially affect the appearance or drinking quality of the juice;

(*b*) Juice cells and pulp that do not materially affect the appearance or drinking quality of the juice; and

(*c*) Other defects that are not more than slightly objectionable. To score in this classification the canned concentrated orange juice shall contain at least a trace of recoverable oil but not more than 0.0024 milliliter per degree Brix value per 100 grams of the concentrate.

(iii) If the reconstituted juice is fairly free from defects, a score of 28 to 33 points may be given. Canned concentrated orange juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that there may be present:

(*a*) Small seeds or portions thereof that are of such size that they could pass through round perforations not exceeding ⅛ inch in diameter, provided such seeds or portions thereof do not seriously affect the appearance or drinking quality of the juice;

(*b*) Juice cells and pulp that do not seriously affect the appearance or drinking quality of the juice; and

(*c*) Other defects that are not materially objectionable. To score in this classification the canned concentrated orange juice may contain recoverable oil of not more than 0.003 milliliter per degree Brix value per 100 grams of the concentrate.

(iv) Canned concentrated orange juice that fails to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Flavor.* (i) Canned concentrated orange juice of which the reconstituted juice possesses a good flavor may be given a score of 34 to 40 points. "Good

flavor" means that the flavor is a distinct orange juice flavor typical of reconstituted orange juice from properly processed and concentrated orange juice; is free from traces of scorching, caramelization, oxidation, or terpene; and is free from off-flavors of any kind. To score not less than 34 points the canned concentrated orange juice shall meet the following requirements for the respective style:

Style I, without sweetening ingredient added. The ratio of the Brix value to acid is not less than 11.5 to 1 nor more than 18 to 1.

Style II, with sweetening ingredient added. The ratio of the Brix value to acid is not less than 12 to 1 nor more than 15 to 1.

(ii) If the reconstituted juice possesses a fairly good flavor, a score of 28 to 33 points may be given. Canned concentrated orange juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor" means that the flavor is a normal flavor for reconstituted canned concentrated orange juice and may have a slightly caramelized or slightly oxidized flavor but is free from off-flavors of any kind. To score not less than 28 points canned concentrated orange juice shall meet the following requirements for the respective style:

Style I, without sweetening ingredient added. The ratio of Brix value to acid is not less than 9.5 to 1 nor more than 20 to 1.

Style II, with sweetening ingredient added. The ratio of Brix value to acid is not less than 10 to 1 nor more than 15 to 1.

(iii) If the canned concentrated orange juice fails to meet the requirements of subdivision (ii) of this subparagraph, a score of 0 to 27 points may be given. Canned concentrated orange juice that falls into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(f) *Explanation of terms and analyses.* (1) "Reconstituted juice" means the product obtained by mixing thoroughly one part by volume of the canned concentrated orange juice with a stated volume of water. For example, a dilution factor of "1 plus 3" means that to 1 part by volume of canned concentrated orange juice 3 parts by volume of water are added to produce a reconstituted juice. Distilled water is used in reconstituting the product for testing flavor.

(2) "Reconstitution as declared" means any defined reconstitution, such as in labeling: for example, "6 fluid ounces—makes 1 quart" means a "1 plus 4.33" concentrate.

(3) "Reconstitutes properly" means that the reconstituted juice shows no material separation of colloidal or suspended matter after standing four (4) hours at a temperature of not less than 68 degrees Fahrenheit in a clear glass tube or cylinder (such as a 50 ml. graduated cylinder).

(4) "Acid" means the percent by weight of acid (calculated as anhydrous citric acid) in canned concentrated orange juice and is determined by titration with standard sodium hydroxide solution using phenolphthalein as indicator.

(5) "Brix value" of the concentrate is the refractometricsucrose value determined in accordance with the International Scale of Refractive Indices of Sucrose Solutions and to which the applicable correction for acid is added. (See Table I for corrections.)

TABLE I—CORRECTIONS FOR OBTAINING BRIX VALUE [1]

Citric acid, anhydrous (percent by weight)	Correction to be added to refractometer sucrose value to obtain degree Brix value	Citric acid, anhydrous (percent by weight)	Correction to be added to refractometer sucrose value to obtain degree Brix value
2.0	0.39	3.6	0.70
2.2	.43	3.8	.74
2.4	.47	4.0	.78
2.6	.51	4.2	.81
2.8	.54	4.4	.85
3.0	.58	4.6	.89
3.2	.62	4.8	.93
3.4	.66	5.0	.97

[1] Source: "Refractometric Determination of Soluble Solids in Citrus Juices," by J. W. Stevens and W. E. Baier, from the Analytical Edition of Industrial and Engineering Chemistry, vol. II, p. 447, Aug. 15, 1939.

(6) The "Brix" of reconstituted juice, as applicable, means the degrees Brix of the properly reconstituted juice when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.). If used in testing juice at a temperature other than 20 degrees C. (68 degrees F.) the applicable temperature correction shall be made to the reading of the scale as prescribed in the Official Methods of Analysis of the Association of Official Agricultural Chemists. The degrees Brix of the reconstituted juice may be determined by any other method which gives equivalent results.

(7) "Recoverable oil" is determined by the following method:

(i) *Equipment.* Oil separatory trap similar to either of those illustrated in Figure 1 [1] or Figure 2.[1]

Gas burner or hotplate.
Ringstand and clamps.
Rubber tubing.
3-liter narrow-neck flask.

(ii) *Procedure.* Exactly 400 grams of the concentrate mixed with water to approximately two liters are placed in a 3-liter flask. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from the bottom to top, and bring the solution to a boil. Boiling is continued for one hour at the rate of approximately 50 drops per minute.

By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask, allow it to cool, and record the amount of oil recovered.

The number of milliliters of oil recovered divided by 4 equals the volume of recoverable oil per 100 grams of concentrate. To determine compliance with minimum or maximum allowances, as applicable, for recoverable oil, the volume of recoverable oil per 100 grams of concentrate divided by the Brix value of the concentrate equals the volume of recoverable oil per degree Brix value per 100 grams of concentrate.

(g) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned concentrated orange juice the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, with respect to those factors which are scored:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores;

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample; and

(2) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(h) *Score sheet for canned concentrated orange juice.*

Size and kind of container	----
Container mark or identification	----
Label (including dilution factor)	----
Liquid measure (fluid ounces)	----
Net weight	----
Brix value of concentrate (corrected for acid)	----
Anhydrous citric acid in concentrate (percent by weight)	----
Brix value to acid ratio	----
Recoverable oil (ml./100 grams)	----
Reconstitutes properly: (Yes) (No)	----
Appearance—reasonably characteristic of fresh juice: (Yes) (No)	----

Factors		Score points
I. Color	20	(A) 17-20 (C) [1] 14-16 (SStd) [1] 0-13
II. Absence of defects	40	(A) 34-40 (C) [1] 28-33 (SStd) [1] 0-27
III. Flavor	40	(A) 34-40 (C) [1] 28-33 (SStd) [1] 0-27
Total score	100	
Grade		----

[1] Indicates limiting rule.

Effective time and supersedure. The revised United States Standards for Grades of Canned Concentrated Orange Juice (which is the third issue) contained in this section will become effective thirty days after the date of publication of these standards in the FEDERAL REGISTER and will thereupon supersede the United States Standards for Grades of Canned Concentrated Orange Juice which have been in effect since August 16, 1943.

(Sec. 205, 60 Stat. 1090, Pub. Law 156, 83d Cong., 7 U. S. C. 1624)

[1] Filed as part of original document.

Issued at Washington, D. C., this 6th day of November 1953.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 53-9547; Filed, Nov. 10, 1953; 8:53 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 813, Amdt. 7]

PART 813—SUGAR QUOTAS AND PRORATIONS OF QUOTA DEFICITS

1953 DETERMINATION AND PRORATION OF AREA DEFICIT

Basis and purpose. This amendment is issued pursuant to the Sugar Act of 1948, as amended, for the purpose of prorating a deficit which is hereby determined in the quota for the Domestic Beet Area for sugar to be marketed in the continental United States in 1953. Section 204 (a) of the act provides that the Secretary shall from time to time determine whether any domestic area, the Republic of the Philippines, or Cuba will be unable to market its quota. If he so finds with respect to the Domestic Beet Area, the quotas for other domestic areas and Cuba are required to be revised by prorating to such areas an amount of sugar equal to any deficit so determined on the basis of their existing quotas.

The Sugar Act provides that the quota for any domestic area, the Republic of the Philippines, Cuba, or other foreign countries as established under the provisions of section 202 shall not be reduced by reason of any determination of a deficit and makes the proration of any such deficit in a domestic area and Cuba to other such areas able to supply the additional sugar a mere mathematical computation.

In order to afford sellers of sugar in affected areas an adequate opportunity to market the additional sugar authorized by this amendment, and thereby protect the interest of consumers, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective when published in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended by 65 Stat. 318, 7 U. S. C. Sup., 1100) and the Administrative Procedure Act (60 Stat. 237) paragraphs (a) and (b) of Sugar Regulation 813, as amended (17 F. R. 11158; 18 F. R. 2127, 4399, 4759, 5589, 5707, 6607) are hereby amended to read as follows:

§ 813.43 *Determination and proration of area deficits*—(a) *Deficit in quota for the Domestic Beet Sugar Area.* It is hereby determined, pursuant to subsection (a) of section 204 of the act, that for the calendar year 1953 the Domestic Beet Sugar Area will be unable by an amount of 180,000 short tons of sugar, raw value, to market the quota established for that area in § 813.41.

(b) *Proration of deficit in quota for the Domestic Beet Sugar Area.* An amount of sugar equal to the deficit determined in paragraph (a) of this section is hereby prorated, pursuant to subsection (a) of section 204 of the act, as follows:

Area:	*Additional quota, in terms of short tons, raw value*
Mainland cane sugar	17,291
Hawaii	36,382
Puerto Rico	37,351
Virgin Islands	415
Cuba	88,561

Statement of bases and considerations. The highest distribution of sugar during November and December of the last five years was 266,000 short tons, raw value. This was in 1950, out of a record crop of over 2,000,000 tons. Average 1948–52 marketings during those two months amounted to approximately 227,000 tons. Therefore, it appears that distribution of beet sugar during the calendar year 1953 will range between 1,590,000 and 1,630,000 tons. Latest data on marketings indicate that the total will probably not exceed 1,620,000 tons. This amounts to an additional quota deficit for this area of 80,000 short tons, raw value. A deficit of 100,000 tons in the quota for this area has previously been determined. This deficit is prorated to the domestic areas and Cuba in proportion to their existing quotas.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 204, as amended, 61 Stat. 925; 7 U. S. C. Sup. 1114)

Done at Washington, D. C., this 6th day of November 1953. Witness my hand and the seal of the Department of Agriculture.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 53-9551; Filed, Nov. 10, 1953; 8:54 a. m.]

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 857.6]

PART 857—SUGARCANE; PUERTO RICO

1953–54 CROP

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended (herein referred to as "act"), the following determination is hereby issued:

§ 857.6 *Proportionate shares for sugarcane farms in Puerto Rico for the 1953–54 crop*—(a) *Farm proportionate share.* A proportionate share shall be established for the farm, as constituted November 1, 1953, in terms of sugar, 96° basis, in the manner provided in this paragraph and such share shall be used on that basis until converted to its raw value equivalent in accordance with paragraph (b) of this section for the purpose of computing the payment for the farm.

(1) *Farm bases.* A base shall be established for each farm from which sugarcane was marketed (or processed) for the extraction of sugar or liquid sugar from any of the 1947–48, 1948–49, 1949–50, 1950–51, and 1951–52 crops (herein referred to as the "base period") by adding (i) 40 percent of the highest production of sugar, raw value, from sugarcane marketed (or processed) from the farm from any crop in the base period and (ii) 60 percent of the result obtained by dividing by 4 the total production of sugar, raw value, for the farm for the other 4 years of the base period.

(2) *Old farms*—(i) *Farms with bases in excess of 400 hundredweight.* The proportionate share for any farm having a farm base in excess of 400 hundredweight, as established under subparagraph (1) of paragraph (a) of this section, shall be the larger of 400 hundredweight or the amount determined by multiplying such base by the applicable percentage in the following table:

Number of crops produced in the base period:	*Percentage*
5	89
4	94
3	100
2	109
1	125

(ii) *Farms with bases not in excess of 400 hundredweight.* The proportionate share for any farm having a farm base not in excess of 400 hundredweight, as established under subparagraph (1) of paragraph (a) of this section, shall be the base: *Provided*, That for any such farm having production in only one year of the base period, the proportionate share shall be 125 percent of the base, and for any such farm having production in only two years of the base period, the proportionate share shall be 109 percent of the base.

(iii) *Farms having production in 1952–53 crop year only.* The proportionate share for any farm having production in the 1952–53 crop year only shall be 50 percent of the 1953–54 crop production on the farm, as estimated by the Caribbean Area Office of the Production and Marketing Administration.

(iv) *Minimum proportionate shares.* Notwithstanding the foregoing, the minimum proportionate share for any old farm shall be the larger of 200 hundredweight or the 1952–53 proportionate share for the farm as adjusted pursuant to the appeals provision applicable to that crop: *Provided*, That the 1952–53 adjusted share may be modified for the 1953–54 crop to the extent determined equitable by the Caribbean Area PMA Committee (herein referred to as "Committee").

(3) *New farms.* The proportionate share for any farm from which sugarcane is marketed (or processed) for the extraction of sugar or liquid sugar in the 1953–54 crop year for the first time since the 1946–47 crop year shall be 200 hundredweight.

(4) *Transfer of farm bases.* The farm base established or which would

have been established for any land which is removed from sugarcane production because of acquisition by purchase or lease by any Federal, Insular, or other agency having a right of eminent domain shall be available for use in providing an equitable farm base for land owned, purchased, or leased by the owner of the land so acquired by any of such agencies. Upon application to the Area Office, within five years from the date of such acquisition, any such owner shall be entitled to a farm base for any other land owned, purchased, or leased by him equal to the farm base which would have been established for such other land, plus the farm base which would have been established for the land so acquired: *Provided,* That neither the farm base nor the combined farm bases shall exceed the production capacity for the farm so owned, purchased, or leased as determined by the Committee.

(5) *Tolerances.* The requirements of section 301 (b) of the act with respect to the amount of sugarcane grown and marketed (or processed) from the farm shall be deemed to have been met if the amount of sugar recovered therefrom does not exceed the proportionate share for such farm by more than the applicable tolerance in the table below: *Provided,* That any amount of sugar within the applicable tolerance shall be excluded in computing the amount of sugar on which payment is made with respect to such farm under section 302 (a) of the act.

[Short tons of sugar, 96° basis]

Proportionate shares:	Tolerance
Not more than 15	1.0
More than 15 but not more than 25	1.5
More than 25 but not more than 40	2.0
More than 40 but not more than 65	2.5
More than 65 but not more than 100	3.0
More than 100 but not more than 150	3.5
More than 150 but not more than 300	4.0
More than 300 but not more than 750	4.5
More than 750	[1]

[1] 5.0 or ¼ of 1 percent of the proportionate share, whichever is larger.

(6) *Delegation.* Farm bases and farm proportionate shares shall be established by the Director of the Caribbean Area Office of the Production and Marketing Administration (herein referred to as "Director"), in accordance with this determination and instructions issued by the Assistant Administrator for Production, PMA.

(7) *Appeals.* A producer of sugarcane who believes that the proportionate share established for his farm pursuant to this determination is inequitable may, not later than 60 days after notice thereof is issued, file an appeal in writing with the Committee. The Committee may adjust such proportionate share by an amount deemed to be equitable, after consideration of the interest of such producer as related to the interests of all other producers, and shall notify such producer of its decision in writing as soon as practicable. If a producer is dissatisfied with the decision of the Committee, he may appeal in writing to the Director of the Sugar Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C., who may make such adjustment in the proportionate share as he deems necessary and his decision shall be final.

(b) *Sugar for payment.* For the purpose of determining payments pursuant to Title III of the act, the proportionate share established in accordance with this determination and the amount of sugar recoverable, 96° basis, from sugarcane of the 1953–54 crop marketed from the farm shall be converted to raw value on the basis of the average polarization of the sugar produced from 1953–54 crop sugarcane at the mill or mills where the sugarcane was processed. Such conversion shall be made in accordance with section 101 (h) of the act.

(c) *Share tenant and share cropper protection.* In addition to compliance with the proportionate share for the farm in accordance with this determination, eligibility for payment of any producer of sugarcane shall be subject to the following conditions:

(1) That the number of share tenants or share croppers engaged in the production of sugarcane of the 1953–54 crop on the farm shall not be reduced below the number so engaged with respect to the previous crop, unless such reduction is approved by the Director; and

(2) That such producer shall not have entered into any leasing or cropping agreement for the purpose of diverting to himself or any other producer any payments to which share tenants or share croppers would be entitled if their leasing or cropping agreements for the previous crop were in effect.

STATEMENT OF BASES AND CONSIDERATIONS

Sugar act requirements. Section 301 (b) of the act provides as a condition for payment to producers, that there shall not have been marketed (or processed) an amount (in terms of planted acreage, weight or recoverable sugar content) of sugarcane grown on the farm and used for the production of sugar or liquid sugar in excess of the proportionate share for the farm, as determined by the Secretary, of the total quantity of sugarcane required to be processed to enable the area to meet the quota (and provide a normal carryover inventory) as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar or liquid sugar from such crop normally would be marketed.

Section 302 (a) of the act provides that the amount of sugar with respect to which payment may be made shall be the amount of sugar commercially recoverable from the sugarcane grown on the farm and marketed (or processed) not in excess of the proportionate share for the farm.

Section 302 (b) provides that in determining the proportionate share for a farm the Secretary may take into consideration the past production on the farm of sugarcane marketed (or processed) for the extraction of sugar or liquid sugar and the ability to produce such sugarcane, and that the Secretary shall, insofar as practicable, protect the interests of new producers and small producers, and the interests of producers who are cash tenants, share tenants, or share croppers.

General. Pursuant to the foregoing provisions of the act, compliance with proportionate shares is required as one of the conditions for payment. Restrictive proportionate shares are authorized when the indicated sugar supply of an area exceeds the quantities needed to fill the quotas and provide a normal carryover inventory for such area.

In July 1952, when restrictions were imposed on the 1952–53 Puerto Rican crop, it appeared that carryover stocks into 1953 would approximate 335,000 tons. Due primarily to proration of deficits from other domestic areas during the latter part of 1952, the carryover was 250,000 tons. This carryover, together with the 1952–53 crop production of 1,182,000 tons, resulted in total 1953 supplies of 1,432,000 tons. Marketings under the increased mainland quota effective in 1953 and a deficit proration from the beet sugar area, and the sale of approximately 70,000 tons for use under foreign assistance programs of the U. S. Government leaves a prospective carryover into 1954 of 150,000 tons. Although a smaller carryover would be advantageous, it is not believed that a reduction should be accomplished by reducing the 1953–54 production below the sum of the mainland and anticipated local quotas.

Situation indicated for 1954. In light of the production prospects in other domestic areas, it now appears that deficit prorations to Puerto Rico in 1954, if any, will be small. Therefore, Puerto Rico's marketing opportunities for 1954 will closely approximate the sum of its mainland and local consumption quotas. Accordingly, this determination is designed to restrict the 1953–54 production to such sum. This production, together with the carryover into 1954, will enable the area to meet its 1954 quotas and provide a normal carryover into 1955.

Public hearing. In view of the importance of sugar production to the Puerto Rican economy and the effect of marketing restrictions, an informal public hearing was held in San Juan on August 12, 1953, to obtain the views of interested persons. In announcing the hearing on July 17, 1953, the Department suggested a method for establishing 1953–54 proportionate shares. This plan was presented and explained at the hearing by Department representatives. The hearing was attended by approximately 100 persons, eight of whom presented testimony. In addition, several briefs were submitted subsequently. While there was general concurrence with the method suggested by the Department, recommendations to modify certain provisions were presented. These related to small farms, minimum proportionate shares and to the proration of deficits in farm shares within mill areas. There appeared to be general agreement among those testifying at the hearing that the 1953–54 production should not be less than the sum of the Puerto Rican quotas and that the resulting carryover should be regarded as normal under the circumstances.

Determination. The basic adjustment factor of 0.89 was determined by subtracting the estimated 1953–54 production of sugar, raw value, resulting from the provisions relating to small farms, new farms, minimum shares and appeal adjustments from the total of the 1953–54 mainland and local quotas plus an allowance for probable deficits of marketings within individual farm shares, dividing the result by the total bases of the farms subject to the adjustment factor, and by converting the quotient to a 96° sugar basis.

The base period and the formula for establishing farm bases for the 1953–54 crop are the same as for the 1952–53 crop. The proportionate share for any new farm will be 200.0 hundredweight of sugar. The minimum proportionate share for any farm having a base will be 200.0 hundredweight. The minimum proportionate share for any farm without a base, but on which sugarcane was harvested in the 1952–53 crop season, will be the larger of 200.0 hundredweight or 50 percent of the estimated 1953–54 crop production on the farm. Moreover, if the 1952–53 proportionate share for any farm was adjusted under the appeals provision applicable to that crop, the 1953–54 proportionate share for such farm will be the same as the adjusted 1952–53 share unless other provisions result in a greater share or the Committee modifies the adjusted proportionate share.

While the proportionate shares for certain farms will be established pursuant to the minimum share provision, the shares for other old farms will be established as follows. The proportionate share for any farm having a base in excess of 400.0 hundredweight and production in all five years of the base period will be the larger of 400.0 hundredweight or the amount computed by applying the adjustment factor of 0.89 to such farm base. Since 1952–53 crop production has not been included in the base period, the adjustment factors to be applicable to farms with bases in excess of 400.0 hundredweight which did not have production in all of the years of the base period have been established so so as to give consideration to the 1952–53 production. For farms having production in only one, two, three or four years of the base period, the shares are to be computed by multiplying their farm bases (not production) by 125, 109, 100 and 94 percent, respectively. This will result in shares ranging from 50 percent of one year's production for farms having production in only one year of the base period to 94 percent of the farm bases for farms having 4 years of production in the base period. For example, for a farm having production in only one year of the base period, for which the farm base will be established at 40 percent of the one year's production and for which the proportionate share otherwise would be established at 35.6 percent of such production by use of the basic factor of 89 percent, the share will be established at 125 percent of the base, equaling 50 percent of such production. The proportionate share for any farm having a base not in excess of 400.0 hundredweight will be the farm base. For farms falling within this size group on which there was production in only one or two years of the base period, the proportionate shares will also reflect consideration for the 1952–53 crop production.

Certain persons who testified at the hearing proposed that only those farms with bases of 200.0 hundredweight or less should be exempted from adjustment and that the proposal of the Department to establish the proportionate share for any old farm at not less than 60 percent of the estimated 1953–54 production be modified substantially and made applicable only to farms on which production was started in 1952–53. The recommendations were made on the grounds that most growers should share in the restrictions and that farms with less than 5 years of production in the base period should not benefit unduly at the expense of other farms. However, almost two-thirds of the sugarcane farms in Puerto Rico produce less than 400.0 hundredweight each and they account for only about 6 percent of the total production. Accordingly, the exemption from adjustment of all farms producing less than 400.0 hundredweight will have a minor effect on the shares of the larger farms. In lieu of providing for a minimum share of 60 percent of the estimated 1953–54 production for all old farms, as originally proposed by the Department, provision has been made for the modification of the shares which would otherwise accrue to short-record farms and for minimum 50 percent shares for farms which were new farms under the 1952–53 program.

The proration of deficits in 1952–53 farm shares within mill areas resulted in inequities among producers. The 1952–53 procedure restricted the adjustments to producers within the mill area where the deficit occurred and in certain cases permitted such producers to harvest their entire crops, while producers in other mill areas were limited to their original proportionate shares. It appears that greater equity will result from an apportionment in the initial shares of an amount to offset the estimated total farm deficits for the 1953–54 crop. The increase in the basic adjustment factor from 87.65 percent for the 1952–53 crop to 89 percent for the 1953–54 crop results primarily from an allowance for such a deficit and increases proportionately the shares for farms throughout the Island.

Provision has been made for the consideration by the Committee of appeals for adjustments in proportionate shares as well as for further appeals to the Department. The provisions of the 1952–53 crop determination relating to marketing tolerances and share tenant and share cropper protection remain unchanged from the previous determination.

It is believed that this determination provides an equitable basis for establishing proportionate shares for the 1953–54 Puerto Rican sugarcane crop. Accordingly, I hereby find and conclude that the foregoing determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. Sup. 1132)

Issued this 6th day of November 1953.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 53-9552; Filed, Nov. 10, 1953; 8:54 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIFORNIA; AND IN THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1953–1954 FISCAL PERIOD

On October 14, 1953, notice of proposed rule making was published in the FEDERAL REGISTER (18 F. R. 6547) regarding the expenses and rate of assessment for the 1953–1954 fiscal period under Marketing Agreement No. 96, as amended, and Order No. 55, as amended (7 CFR Part 955) regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass. This regulatory program is effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Administrative Committee (established pursuant to the amended marketing agreement and order), it is hereby found and determined that:

§ 955.207 *Expenses and rate of assessment for the 1953–1954 fiscal period.* (a) The expenses necessary to be incurred by the Administrative Committee, established pursuant to the provisions of the amended marketing agreement and order (§§ 955.1 to 955.80), for its maintenance and functioning during the fiscal period beginning August 1, 1953, will amount to $19,000.00; and the rate of assessment to be paid by each handler who first ships grapefruit shall be one and one-quarter cents ($0.0125) per standard box of fruit shipped by such handler as the first handler thereof during the said fiscal period. Such rate of assessment is hereby fixed as each such handler's pro rata share of the aforesaid expenses.

(b) As used in this section, "handler," "ship," "fruit," "fiscal period," and "standard box" shall each have the same meaning as is given to each such term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 6th day of November 1953, to be effective 30

days after the date of publication hereof in the FEDERAL REGISTER.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 53-9546; Filed, Nov. 10, 1953; 8:52 a. m.]

PART 994—PECANS GROWN IN GEORGIA, ALABAMA, FLORIDA, MISSISSIPPI, AND SOUTH CAROLINA

GRADE AND SIZE REGULATION

Notice of proposed rule making with respect to an amendment of the existing regulation (16 F. R. 10801; 7 CFR, 1952 Rev., 994.102) on the basis of grades and sizes of unshelled pecans that may be handled pursuant to Marketing Agreement No. 111 and Order No. 94, regulating the handling of pecans grown in Georgia, Alabama, Florida, Mississippi, and South Carolina (7 CFR, 1952 Rev., Part 994), was published in the FEDERAL REGISTER of October 22, 1953 (18 F. R. 6721). Said marketing agreement and order are effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

In said notice, it was proposed to modify the presently effective grade and size regulation to permit handling for inshell distribution of lots of the Mahan variety of pecans which meet the requirements of U. S. Commercial grade, and an opportunity was afforded all interested persons to submit to the Department written data, views, or arguments for consideration prior to issuance of the final rule. The only document received in this connection, during the time specified in the notice, was a letter from a member of the pecan industry expressing the view that the proposed change should be made.

After consideration of all relevant matters, the existing grade and size regulation (16 F. R. 10801; 7 CFR, 1952 Rev., 994.102) is hereby amended to read as follows:

§ 994.102 *Grade and size regulation.* (a) In lieu of the initial grade and size regulation contained in § 994.4 (c) of the marketing agreement and order, no person shall handle, except as provided in § 994.4 (e) of the marketing agreement and order, any unshelled pecans:

(1) Unless such pecans have a count per pound of less than 91 nuts, and the 10 smallest nuts in a representative 100 nut sample weigh at least 1.5 ounces;

(2) In addition, meet requirements of the U. S. Commercial grade as established in the U. S. Standards for Pecans in the Shell (16 F. R. 5669), to read, as modified for the purposes of this grade and size regulation with respect to the minimum percentage of kernels required to meet the requirements of the U. S. No. 1 grade and the maximum tolerance for kernels which may be very seriously damaged, as set forth in subparagraph (3) of this paragraph: *Provided,* That pecans of the Mahan variety shall be required only to meet the requirements of the U. S. Commercial grade, as set forth in the aforesaid U. S. Standards for Pecans in the Shell, including the tolerances set forth therein;

(3) The pecans, other than those of the Mahan variety, shall consist of pecans in the shell which shells are free from serious damage caused by stains or adhering hulls, split, broken or punctured shells, loose hulls or other foreign material or other means. At least 75 percent, by count, of the pecans in any lot shall have kernels which meet the requirements of the U. S. No. 1 grade; and the remainder shall have kernels which are well cured, free from rancidity, mold, decay, insect injury, and from serious damage caused by shriveling, leanness, discoloration, or other means. In order to allow for variations incident to proper grading and handling, the following tolerances for pecans other than those of the Mahan variety shall be permitted:

(i) For external defects (defects of the shell) not more than 10 percent, by count, for pecans which fail to meet the requirements of the grade; and

(ii) For internal defects (defects of the kernel) not more than 15 percent, by count, for pecans which fail to meet the requirements of the grade: *Provided,* That no more than three-fifths of this amount, or 9 percent, shall be allowed for kernels which are very seriously damaged. No part of any tolerance shall be allowed to reduce, for the lot, the 75 percent of kernels required to meet the U. S. No. 1 grade.

It is hereby found that good cause exists for making this administrative rule effective upon its publication in the FEDERAL REGISTER, instead of waiting 30 days after such publication, for the reasons that: (1) It is desirable that the rule be made effective prior to, or as soon as practicable after, the handling of 1953 crop pecans begins; (2) the handling of such pecans has already begun in some districts in the five-State area covered by the regulation; and (3) compliance with this rule is a relaxation of the present regulation in respect to the Mahan variety of pecans, and will not make it necessary for handlers to make any advance preparation of a special nature.

(Sec. 5, 49 Stat. 31, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 6th day of November 1953, to become effective upon publication of this document in the FEDERAL REGISTER.

S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 53-9549; Filed, Nov. 10, 1953; 8:53 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

MISCELLANEOUS AMENDMENTS

Effective upon publication in the FEDERAL REGISTER, subparagraph (8) of § 6.323 (a) is amended, subparagraph (17) is added to § 6.312 (a), and § 6.336 (a) is added as set out below.

§ 6.312 *Department of Commerce*—(a) *Office of the Secretary.* * * *

(17) One Deputy Assistant Secretary of Commerce for Domestic Affairs.

§ 6.323 *Department of Health, Education, and Welfare*—(a) *Office of the Secretary.* * * *

(8) Two confidential secretaries to the Under Secretary.

§ 6.336 *Railroad Retirement Board*—(a) One administrative (confidential) assistant to the Chairman.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 53-9517; Filed, Nov. 10, 1953; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 2]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

OPERATING LIMITATIONS

The purpose of this supplement is to set forth CAA policies regarding performance operating limitations for aircraft in the transport category. The following policies are hereby adopted.

§ 40.70-2 *Accuracy of data (CAA policies which apply to § 40.70 (b)).* The charts and data prepared by the air carrier for use of flight and operations personnel should be prepared with sufficient accuracy and clarity that the gross weight and runway length values for specific operating conditions can be reproduced within a tolerance of one-half of one percent by an independent recheck.

§ 40.70-3 *Temperature accountability (CAA policies which apply to § 40.70 (c)).* The maximum permissible weight for a given take-off should be equal to the lowest of three values determined separately by consideration of (a) accelerate-stop, (b) take-off and climb out to a 50-foot height and (c) the obstacle clearance condition. The established temperature accountability correction factors appearing in the Airplane Flight Manuals are applied to the take-off weights determined by the accelerate-stop and climb out to a 50-foot height. These values may be used individually or in combination, i. e., if a runway is considerably longer than is required to meet the accelerate-stop and climb out to 50 foot requirements at standard temperature, then at temperatures higher than standard, take-off weight need not be reduced as long as additional runway length is available. When the temperature reaches a value at which no additional runway length remains, then a reduction in weight

would be necessary. These factors do not apply to weights determined by obstacle clearance considerations. If the take-off weight at standard temperature is limited by obstruction clearance rather than by the climb out to 50 feet or by the accelerate-stop distance, a weight reduction need not be made for temperatures higher than standard until the temperatures reach a high enough value to use up the existing runway between that used for standard temperature (limited to less than the full runway because of obstacles) and the actual length.

§ 40.71–1 *Weight limitations (CAA policies which apply to § 40.71).* The limitations imposed by § 40.71 take into account only one operating variable, i. e., the elevation of the airport to be used as it affects the weight of the aircraft during take-off or landing. Other operating variables, such as runway length, gradient, wind and temperature, are considered in other sections of this part. Compliance with this section does not present a particular problem since the Airplane Flight Manual provides performance data for airports over a wide range of elevations. However, most manuals do not provide data for operations at airports below sea level. Section 40.71 should not be construed as prohibiting operations from airports below sea level, since sea level data in the Airplane Flight Manual, being conservative, may be applied to such airports.

§ 40.72–1 *Take-off limitations to provide for engine failure (CAA policies which apply to § 40.72)*—(a) *Take-off flight path.* Figure 1 is a pictorial representation of the relationship required between the dimensions of an airport and its surroundings, and the performance of the airplane. It illustrates the take-off flight path defined by the airworthiness requirements.

(b) *Airport data.* Complete data concerning the airport dimensions and characteristics, such as runway lengths, runway gradients, obstruction heights and location, airport elevation, and the nature and condition of airport areas other than paved runways from which take-offs might be made, are necessary for the determination of permissible take-off weights. The most nearly complete and satisfactory source of such data is the series of Airport Obstruction Plans prepared by the U. S. Department of Commerce Coast and Geodetic Survey. However, their Airport Obstruction Plan series does not yet completely cover the airports used by air carrier operators of Transport Category airplanes, and in addition, the Obstruction Plans do not present any data showing the nature or condition of runway surfaces or other airport areas suitable for use in take-off and landing. Furthermore, the Obstruction Plans necessarily contain data which may be several months old and which may not completely conform to the existing obstructions. Therefore, it may be necessary, for the air carrier operator, to supplement its data with information obtained from other sources. However, gross weight data calculated on the basis of such data should be rechecked or recalculated as soon as appropriate data from the Coast and Geodetic Survey becomes available.

(c) *Runways.* (1) Normally, only paved runways will be approved for use in take-off. However, in some cases there may be a defined rectangular area hereinafter designated as a stopway at the end of a runway in the direction of take-off, selected and approved as a suitable area, in which the aircraft can be stopped after an interrupted take-off. The stopway should have the same width as the runway it augments. The stopway should be so prepared or constructed as to enable the aircraft to come to a stop on it without hazard at the operating speeds that might be expected in this area after an interrupted take-off. If it is desired to use a stopway to meet the "climb to a 50-foot height" requirement, the stopway should be suitable for the aircraft to traverse it at take-off speeds without hazard.

(2) In all cases the take-off should be assumed to begin on the paved runway and not on an unpaved area. No allowance need be made for the length of the airplane in determining what should be considered to be the proper point for beginning the take-off. Limitations established by the airport operator may make it necessary to stipulate that the beginning of the take-off area be at some point down the runway from the actual end of the paving.

(d) *Turns to avoid obstructions.* (1) Section 40.72 provides that after reaching a height of 50 feet, the aircraft may be turned with a bank not exceeding 15° to comply with the obstruction clearance criteria. Only one turn to a definite heading should be considered in detailing the take-off path.

(2) The radius of turn resulting from a banked turn of 15° may be determined from the following formula:

Radius of turn $= V^2 \times 0.25$ feet
where V = climb speed in m. p. h., TAS

For example: At a climb speed of 120 m. p. h., the radius of turn for a 15° banked turn would be,

$$120 \times 120 \times 0.25 = 3600 \text{ feet}$$

The effects of wind in altering a flight path need not be considered unless they are large (¼ climb speed) and the angle of turn is more than 45° from the runway heading.

(e) *Effects of runway gradient.* (1) The gradient effect on the ground run may be calculated from the following formula:

$$S_G = S\left[\frac{1}{1-\left(\frac{2\,S\,g\,\sin\,a}{V_2^2}\right)}\right]$$

where

S_G = length of ground run with gradient.
S = length of ground run without gradient.
g = acceleration of gravity = 32.2 (ft./sec.²).
V_2 = climb out speed, feet per second, True Air Speed.
a = angle of grade with horizontal, uphill +, downhill −.

(2) The above formula is based on several simplifying assumptions, i. e., that a uniform grade exists, that the airplane is accelerated uniformly throughout the ground run, and that the speed V_2 may be used where the difference between V_1 and V_2 is not large. None of these assumptions may be exactly correct, but the errors introduced by making such assumptions are small provided the airplane acceleration and the actual point-to-point grade do not depart from the average values of those quantities by any great amount.

(3) The effect of gradient during the climb-out should be determined by comparing the airplane rate of climb with the change in runway elevation, to determine first the weight or wind condition at which the airplane clears the end of the runway and all obstacles by an actual 50 feet and second, that the airplane clears all points on the runway after take-off.

(4) For purposes of simplification in calculating the effect of runway gradient on the take-off flight path, an average gradient consisting of the difference in elevation of the two ends of the runway divided by the runway length may be used, provided that no intervening point on the runway lies more than 5 feet above or below a straight line joining the two ends of the runway. In this case, the gradient effects on the acceleration portion of the take-off flight path and for the accelerate-stop portion may be presented together in simple chart form without introducing excessive errors. However, the actual gradient should be used for the climb-out segments of the flight path and in no case should the gradient be greater than the first segment climb.

(5) In those cases in which intermediate points on the runway depart more than five feet from the mean line, the gradient effects on the acceleration portions, the deceleration portion, and the climb portion of the flight path should be computed separately. An average gradient may be assumed for the ground run portion of the problem because the error resulting therefrom is so small that a more rigorous treatment is not justified, provided a truly representative gradient is chosen. Where there are no reversals or significant changes in the runway slope during the ground run, the average may be taken to be the difference in elevation between the starting point and the point of attaining take-off climb speed, V_2, divided by the distance between the two points. However, if the gradient is not essentially constant, an average gradient should be assumed that more nearly parallels the high-speed portion of the acceleration run, since the gradient has a greater effect on the distance traversed at high speed. The average gradient selected in this way will usually serve for determining gradient effects on the acceleration distance in either the take-off flight path or the accelerate-stop distance. An average gradient should be determined in the same way in determining the gradient effects on the stopping distance, while the actual gradient should be determined in checking the climb segment to the 50-foot point.

(6) The operator may take advantage of the favorable effect of a downhill gradient on the take-off flight path, if he wishes, but the unfavorable effect of such a gradient on the stopping distance should be accounted for in all cases.

(f) *Effects of wind.* (1) Section 40.72 permits the use of 50 percent of the headwind component and requires consideration of 150 percent of any tailwind component. The effect of wind on runway requirements can be determined by use of the following equation:

(i) For all headwind components, and tailwind components of 10 m. p. h. or less.

$$S_w = S\left(\frac{V_2 - V_w}{V_2}\right)^{1.85}$$

where

S_w = runway required with wind
S = runway required, zero wind
V_2 = take-off safety speed (m. p. h.)
V_w = +(0.5 × headwind component) or, −(1.5 × tailwind component)

(ii) If tailwind components in excess of 10 m. p. h. are approved, the equation will be:

$$S_w = S\left(\frac{V_2 - V_w}{V_2}\right)^2$$

Alternately, the exponent can be that which is determined to be appropriate to the separation of deceleration characteristics of the airplane type, as applicable.

(2) For steady wind conditions, the wind velocity and direction will be used in computing the effective headwind and tailwind components, and the maximum gust velocity and most unfavorable direction will be used in computing the crosswind component.

§ 40.76–1 *Special en route limitations (CAA policies which apply to § 40.76).* No attempt is made to classify specific types of navigational facilities as acceptable or unacceptable for the purposes of § 40.76, but each case will be examined on its own merits. In general, however, the facility should be of a type that gives the pilot a continuous fix of his position with an error of not more than two miles, or a continuous on-course indication with an error of not more than two miles, or a continuous indication of the bearing and distance of the obstacle from the airplane, with an accuracy adequate to allow the pilot to turn away from the obstacle with ample clearance. Any mechanical or electrical facilities that are to be acceptable should be thoroughly reliable regardless of weather or other operating conditions. Such considerations apply only for IFR operations.

§ 40.77–1 *Landing distance limitations; airport of destination (CAA policies which apply to § 40.77).* (a) Section 40.77 establishes two major considerations in determining the permissible landing weight at the airport of destination. The first is that the aircraft weight will be such on arrival that it can be landed within 60 percent of the effective landing length of the most favorable (normally the longest) runway in still air. This maximum weight for an airport/aircraft configuration, once established, remains constant and cannot be exceeded, regardless of wind conditions.

(b) The second is that consideration be given to the maximum weight that will be permitted due to the necessity of using another runway because of the probable wind condition, ground handling characteristics of the aircraft, landing aids, etc. This consideration may result in a lower gross weight than permitted in paragraph (a) of this section, in which case, dispatch must be based on this lesser weight.

(c) The probable wind referred to in paragraph (b) of this section, is the wind forecasted to exist at the time of arrival.

(d) If the forecast conditions are such that consideration of the requirements in § 40.77 (b) would preclude a landing at the intended destination, the aircraft may be dispatched if an alternate airport is designated which permits compliance with § 40.78.

(e) (1) If a flight has been properly dispatched, but arrives at the destination with a weight higher than anticipated due to unexpected wind conditions or fuel consumption, § 40.77 (b) should not be construed as prohibiting a landing at the overweight condition, provided the crosswind and/or tailwind operating limitations are not exceeded.

(2) If conditions are such that the crosswind and/or tailwind limitations will be exceeded, the flight must proceed to its alternate, if one has been named to meet the requirements of § 40.77 (b). However, if an alternate was not provided, and upon arrival the wind conditions were such that the crosswind and/or tailwind limitations would be exceeded, the pilot should exercise the authority granted him in § 40.360 (a).

(f) For application of the wind components as allowed in § 40.77 (b), refer to § 40.72–1 (g).

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, 49 U. S. C. 551, 554)

This supplement shall become effective January 1, 1954. However, under Special Regulation 393A, published on October 1, 1953, in 18 F. R. 6258, the Administrator may, upon application, amend the operations specifications of an air carrier coming under the provisions of Part 40, effective January 1, 1954, to authorize such air carrier to operate, prior to January 1, 1954, in compliance with selected provisions of Part 40, effective January 1, 1954, in lieu of the equivalent provision of presently effective Parts 40 and 61.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 53–9507; Filed, Nov. 10, 1953; 8:45 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 65]

PART 608—DANGER AREAS

ALTERATION

The danger area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

In § 608.29, an Otis Air Force Base, Falmouth, Massachusetts, temporary area is added to read:

Name and location	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
OTIS AIR FORCE BASE (Falmouth).	Within a 250 nautical mile radius of Otis Air Force Base, Falmouth, Mass., excluding that portion lying outside the boundary of the United States, and excluding that portion lying beyond the 3 nautical mile limit of the shoreline.	26,000 feet MSL to unlimited. (NOTE: Military aircraft will be operating without lights between such altitudes.)	Dusk to dawn, commencing on the following dates: Nov. 7, 8, 11, 13, 14, 16, 17, 19, 20, 24, 30, 1953.	Otis AFB, Falmouth, Mass.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on November 7, 1953.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 53–9508; Filed, Nov. 6, 1953; 4:10 p. m.]

[Amdt. 49]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows:

1. Section 610.102 *Amber civil airway No. 2* is amended to eliminate:

From—	To—	Minimum altitude
Umiat, Alaska (LFR)	Point Barrow, Alaska (LFR).[1]	2,500

[1] 1,000'—Minimum crossing altitude at Point Barrow (LFR), Southeast-bound.

2. Section 610.237 *Red civil airway No. 37* is amended to eliminate:

From—	To—	Minimum altitude
Int. E crs. Huntington, W. Va. (LFR), and W crs. Charleston, W. Va. (VAR).	Charleston, W. Va. (VAR).	2,500

3. Section 610.267 *Red civil airway No. 67* is amended by adding:

From—	To—	Minimum altitude
Columbus, Ga. (LFR)	Madras (INT), Ga.	2,400

4. Section 610.284 *Red civil airway No. 84* is amended to eliminate:

From—	To—	Minimum altitude
Columbus (Lawson AFB), Ga. (LFR).	Int. SW crs. Atlanta, Ga. (LFR), and S crs. Campbellton, Ga. (LFR).	2,400

5. Section 610.302 *Red civil airway No. 102* is added to read:

From—	To—	Minimum altitude
Int. S crs. Louisville, Ky. (LFR), and 88°-268° mag. brg. Lexington, Ky. (LF/RBN).	Lexington, Ky. (LF/RBN).	2,200
Lexington, Ky. (LF/RBN).	Int. E crs. Louisville, Ky. (LFR), and SW crs. Huntington, W. Va. (LFR).	2,500

6. Section 610.602 *Blue civil airway No. 2* is amended to read in part:

From—	To—	Minimum altitude
Pittsburgh, Pa. (LFR)	Butler, Pa. (LF/RBN).	3,000
Butler, Pa. (LF/RBN)	Pardoe (INT), Pa.	2,600
Pardoe (INT), Pa.	Erie, Pa. (LFR)	3,000

7. Section 610.621 *Blue civil airway No. 21* is amended to eliminate:

From—	To—	Minimum altitude
Shephardsville (INT), Ky.	Lexington, Ky. (LF/RBN).	2,200
Lexington, Ky. (LF/RBN).	Int. W crs. Huntington, W. Va. (LFR), and E crs. Louisville, Ky. (LFR).	2,500

8. Section 610.628 *Blue civil airway No. 28* is amended by adding:

From—	To—	Minimum altitude
Spartanburg, S. C. (LFR).	Int. 50°-238° mag. brg. Ashville, N.C. (LF/RBN) and NW crs. Spartanburg, S. C. (LFR).	6,300
Int. 58°-238° mag. brg. Ashville, N. C. (LF/RBN), and NW crs. Spartanburg, S. C. (LFR).	Int. NW crs. Spartanburg, S. C. (LFR), and NE crs. Knoxville, Tenn. (LFR).	8,000

9. Section 610.6038 *VOR civil airway No. 38* is amended by adding:

From—	To—	Minimum altitude
Elkins, W. Va. (VOR)	Montebello, Va. (VOR).	6,600

10. Section 610.6040 *VOR civil airway No. 40* is amended to read in part:

From—	To—	Minimum altitude
Medina (INT), Ohio	Bergholz (INT), Ohio	2,500

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective November 17, 1953.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 53-9506; Filed, Nov. 10, 1953; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 6047]

PART 7—TAXATION PURSUANT TO TREATIES

SUBPART—CANADA

WITHHOLDING REGULATIONS WITH RESPECT TO U. S.-CANADA INCOME TAX CONVENTION

Release or refund of excess tax withheld, and exemption from, or reduction in rate of, withholding under sections 143 and 144 of the Internal Revenue Code in the case of residents of Canada and of corporations organized under the laws of Canada, as affected by the income tax convention and protocol between the United States and Canada proclaimed by the President of the United States of America on June 17, 1942, and amended by the supplementary convention between such Governments proclaimed by the President on November 29, 1951.

On August 6, 1953, there was published in the FEDERAL REGISTER (18 F. R. 4620) a notice of proposed rule making containing withholding regulations with respect to the income tax convention between the United States and Canada, signed March 4, 1942, as modified and supplemented by the supplementary convention between such Governments, signed June 12, 1950. No objection to the rules proposed having been received, the regulations set forth below are hereby adopted:

Sec.
7.45 Introductory.
7.46 Dividends.
7.47 Interest.
7.48 Copyright royalties.
7.49 Natural resource royalties, real property rentals, salaries, wages, emoluments, etc.
7.50 Pensions and life annuities.
7.51 Exempt organizations.
7.52 Release of excess tax withheld at source.
7.53 Addressee not actual owner.
7.54 Return of tax withheld and information to be furnished in ordinary course.
7.55 Beneficiaries of a domestic estate or trust.
7.56 Refund of excess tax withheld prior to 1954.
7.57 Prior regulations.

AUTHORITY: §§ 7.45 to 7.57 issued under 53 Stat. 32, 467; 26 U. S. C. 62, 3791.

§ 7.45 *Introductory.* (a) The income tax convention and protocol between the United States and Canada, signed March 4, 1942, and proclaimed by the President of the United States on June 17, 1942, as modified and supplemented by the supplementary convention between such Governments, signed June 12, 1950, and proclaimed by the President on November 29, 1951, referred to in this subpart as the convention, provides in part as follows, effective for taxable years beginning on or after January 1, 1951:

* * * * *

ARTICLE VI A

Pensions (including Government pensions) and life annuities derived from within one of the contracting States by a resident of the other contracting State shall be exempt from taxation in the former State.

* * * * *

ARTICLE X

Income derived from sources within one of the contracting States by a religious, scientific, literary, educational, or charitable organization of the other contracting State shall be exempt from taxation in the State from which the income is derived if, within the meaning of the laws of both contracting States, such organization would have been exempt from income tax.

ARTICLE XI

1. The rate of income tax imposed by one of the contracting States, in respect of income derived from sources therein, upon individuals residing in, or corporations organized under the laws of, the other contracting State, and not having a permanent establishment in the former State, shall not exceed 15 percent for each taxable year.

2. Notwithstanding the provisions of paragraph 1 of this Article, income tax in excess

of 5 percent shall not be imposed by one of the contracting States in respect of dividends paid by a subsidiary corporation organized under the laws of such State, or of a political subdivision thereof, to a parent corporation organized under the laws of the other contracting State, or of a political subdivision thereof: Provided, however, That this paragraph shall not apply if the competent authority in the former State is satisfied that the corporate relationship between the two corporations has been arranged or is maintained primarily with the intention of taking advantage of this paragraph.

3. Notwithstanding the provisions of Article XXII of this Convention, paragraph 1 or paragraph 2, or both, of this Article, may be terminated without notice on or after the termination of the three-year period beginning with the effective date of this Convention by either of the contracting States imposing a rate of income tax in excess of the rate of 15 percent prescribed in paragraph 1 or in excess of the rate of 5 percent prescribed in paragraph 2.

* * * * *

ARTICLE XII

1. Dividends and interest paid by a corporation organized under the laws of Canada to a recipient, other than a citizen or resident of the United States of America or a corporation organized under the laws of the United States of America, shall be exempt from all income taxes imposed by the United States of America.

2. Dividends and interest paid by a corporation organized under the laws of the United States of America whose business is not managed and controlled in Canada to a recipient, other than a resident of Canada or a corporation whose business is managed and controlled in Canada, shall be exempt from all taxes imposed by Canada.

* * * * *

ARTICLE XIII A

1. A resident or corporation organized under the laws of Canada deriving from sources within the United States of America rentals from real property may elect for any taxable year to be subject to the tax imposed by the United States of America on a net basis as if such resident or corporation were engaged in trade or business within the United States of America through a permanent establishment therein during such taxable year.

2. Rentals from real property derived from sources within Canada by an individual or corporation resident in the United States of America shall receive tax treatment by Canada not less favorable than that accorded under Section 99, The Income Tax Act, as in effect on the date on which this Article goes into effect.

* * * * *

ARTICLE XIII C

Royalties for the right to use copyrights or in respect of the right to produce or reproduce any literary, dramatic, musical, or artistic work (but not inclusive of rents or royalties in respect of motion picture films) derived from sources within one of the contracting States by a resident or corporation or other entity of the other contracting State not engaged in trade or business in the former State through a permanent establishment shall be exempt from tax imposed by such former State.

* * * * *

ARTICLE XVIII

The competent authorities of the two contracting States may prescribe regulations to carry into effect the present Convention within the respective States and rules with respect to the exchange of information.

The competent authorities of the two contracting States may communicate with each other directly for the purpose of giving effect to the provisions of the present Convention.

* * * * *

ARTICLE XIX

With a view to the prevention of fiscal evasion, each of the contracting States undertakes to furnish to the other contracting State, as provided in the succeeding Articles of this Convention, the information which its competent authorities have at their disposal or are in a position to obtain under its revenue laws in so far as such information may be of use to the authorities of the other contracting State in the assessment of the taxes to which this Convention relates.

The information to be furnished under the first paragraph of this Article, whether in the ordinary course or on request, may be exchanged directly between the competent authorities of the two contracting States.

ARTICLE XX

1. The competent authorities of the United States of America shall forward to the competent authorities of Canada as soon as practicable after the close of each calendar year the following information relating to such calendar year:

The names and addresses of all persons whose addresses are within Canada and who derive from sources within the United States of America dividends, interest, rents, royalties, salaries, wages, pensions, annuities, or other fixed or determinable annual or periodical profits and income, showing the amount of such profits and income in the case of each addressee.

* * * * *

ARTICLE XXI

1. If the Minister in the determination of the income tax liability of any person under any of the revenue laws of Canada deems it necessary to secure the cooperation of the Commissioner, the Commissioner may, upon request, furnish the Minister such information bearing upon the matter as the Commissioner is entitled to obtain under the revenue laws of the United States of America.

* * * * *

ARTICLE XXII

This Convention and the accompanying Protocol which shall be considered to be an integral part of the Convention shall be ratified and the instruments of ratification shall be exchanged at Washington as soon as possible.

This Convention and Protocol shall become effective on the first day of January 1941. They shall continue effective for a period of three years from that date and indefinitely after that period, but may be terminated by either of the contracting States at the end of the three-year period or at any time thereafter provided that, except as otherwise specified in the case of Article XI, at least six months prior notice of termination has been given, the termination to become effective on the first day of January following the expiration of the six-month period.

* * * * *

PROTOCOL

At the moment of signing the Convention for the avoidance of double taxation, and the establishment of rules of reciprocal administrative assistance in the case of income taxes, this day concluded between the United States of America and Canada, the undersigned plenipotentiaries have agreed upon the following provisions and definitions:

1. The taxes referred to in this Convention are:

(a) For the United States of America: the Federal income taxes, including surtaxes, and excess-profits taxes.

(b) For Canada: the Dominion income taxes, including surtaxes, and excess-profits taxes.

2. In the event of appreciable changes in the fiscal laws of either of the contracting States, the Governments of the two contracting States will consult together.

3. As used in this Convention:

(a) The terms "person," "individual" and "corporation", shall have the same meanings, respectively, as they have under the revenue laws of the taxing State or the State furnishing the information, as the case may be;

(b) The term "enterprise" includes every form of undertaking, whether carried on by an individual, partnership, corporation or any other entity;

(c) The term "enterprise of one of the contracting States" means, as the case may be, "United States enterprise" or "Canadian enterprise";

(d) The term "United States enterprise" means an enterprise carried on in the United States of America by an individual resident in the United States of America, or by a corporation, partnership or other entity created or organized in or under the laws of the United States of America, or of any of the States or Territories of the United States of America;

(e) The term "Canadian enterprise" is defined in the same manner mutatis mutandis as the term "United States enterprise";

(f) The term "permanent establishment" includes branches, mines and oil wells, farms, timber lands, plantations, factories, workshops, warehouses, offices, agencies and other fixed places of business of an enterprise, but does not include a subsidiary corporation. The use of substantial equipment or machinery within one of the contracting States at any time in any taxable year by an enterprise of the other contracting State shall constitute a permanent establishment of such enterprise in the former State for such taxable year.

When an enterprise of one of the contracting States carries on business in the other contracting State through an employee or agent established there, who has general authority to contract for his employer or principal or has a stock of merchandise from which he regularly fills orders which he receives, such enterprise shall be deemed to have a permanent establishment in the latter State.

The fact that an enterprise of one of the contracting States has business dealings in the other contracting State through a commission agent, broker or other independent agent or maintains therein an office used solely for the purchase of merchandise shall not be held to mean that such enterprise has a permanent establishment in the latter State.

4. The term "Minister", as used in this Convention, means the Minister of National Revenue of Canada or his duly authorized representative. The term "Commissioner", as used in this Convention, means the Commissioner of Internal Revenue of the United States of America, or his duly authorized representative. The term "competent authority", as used in this Convention, means the Commissioner and the Minister and their duly authorized representatives.

5. The term "United States of America", when used in a geographical sense, includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia. The term "Canada" when used in a geographical sense means the Provinces, the Territories and Sable Island.

6. The term "subsidiary corporation" as used in Article XI of this Convention means a corporation 95 percent of whose shares (other than Directors' qualifying shares) having full voting rights are beneficially

owned by another corporation, provided that (except in the case of a corporation the chief business of which is the making of loans) ordinarily not more than one-quarter of the gross income of such subsidiary corporation is derived from interest and dividends other than interest and dividends received from its subsidiary corporations.

7. (a) The term "rentals and royalties" referred to in Article II of this Convention shall include rentals or royalties arising from leasing real or immovable, or personal or movable property or from any interest in such property, including rentals or royalties for the use of, or for the privilege of using, patents, copyrights, secret processes and formulae, goodwill, trade marks, trade brands, franchises and other like property;

(b) The term "interest", as used in this Convention, shall include income arising from interest-bearing securities, public obligations, mortgages, hypothecs, corporate bonds, loans, deposits and current accounts;

(c) the term "dividends", as used in this Convention, shall include all distributions of the earnings or profits of corporations.

8. The term "pensions" referred to in Article VI A of this Convention means periodic payments made in consideration for services rendered or by way of compensation for injuries received.

9. The term "life annuities" referred to in Article VI A of this Convention means a stated sum payable periodically at stated times, during life, or during a specified number of years, under an obligation to make the payments in consideration of a gross sum or sums paid by the recipient or under a contributory retirement plan.

10. The term "permanent establishment" as used in Article XI of this Convention, shall not be deemed to include an office used solely for the purchase of merchandise.

11. The provisions of the present Convention shall not be construed to restrict in any manner any exemption, deduction, credit or other allowance accorded by the laws of one of the contracting States in the determination of the tax imposed by such State.

12. The citizens of one of the contracting States residing within the other contracting State shall not be subjected to the payment of more burdensome taxes than the citizens of such other State.

* * * * *

(b) As used in this subpart, any term defined in the convention shall have the meaning so assigned to it; any term not so defined shall have the meaning which such term has under the Internal Revenue Code.

§ 7.46 *Dividends*—(a) *General.* (1) The rate of United States income tax upon dividends derived from sources within the United States and received in taxable years beginning on or after January 1, 1951, by a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) who is a resident of Canada, or by a corporation organized under the laws of Canada, shall not exceed 15 percent of the gross amount thereof for each taxable year under the provisions of Article XI of the convention if such alien or corporation at no time during the taxable year in which such dividends are derived has a permanent establishment in the United States. As to what constitutes a permanent establishment, see paragraphs (3) (f) and (10) of the protocol.

(2) Thus, if a nonresident alien individual who is a resident of Canada performs personal services within the United States during the taxable year, but has at no time during such year a permanent establishment within the United States, he is entitled to the reduced rate of tax with respect to dividends derived in that year from United States sources, as provided in Article XI of the convention, even though under the provisions of section 211 (b) of the Internal Revenue Code he has engaged in trade or business within the United States during such year by reason of his having rendered personal services therein.

(3) For provisions pertaining to dividends derived from sources within the United States by exempt organizations, see § 7.51.

(b) *Dividends paid by related corporation.* (1) Under the provisions of Article XI (2) of the convention, dividends derived from sources within the United States and paid by a corporation organized under the laws of the United States, or of a political subdivision thereof, to a parent corporation organized under the laws of Canada, or of a political subdivision thereof, which beneficially owns at the time the dividend is paid 95 percent or more of the shares (other than Directors' qualifying shares) of the paying corporation which have full voting rights are, when received in taxable years beginning on or after January 1, 1951, subject to United States income tax at a rate not in excess of 5 percent if (i) ordinarily not more than 25 percent of the gross income of the paying corporation for the three-year period immediately preceding the taxable year in which the dividend is paid consists of dividends and interest (other than dividends and interest received by such paying corporation from its own subsidiary corporations, if any), (ii) the Commissioner of Internal Revenue is satisfied that the relationship between the paying corporation and the parent corporation has not been arranged or maintained primarily with the intention of securing the reduced rate of 5 percent, and (iii) the parent corporation at no time during the taxable year in which such dividends are derived has a permanent establishment in the United States. The condition set forth under subdivision (i) of this subparagraph (relating to the character of the income) shall not apply, however, in the case of a paying corporation the chief business of which is the making of loans.

(2) Any domestic corporation which claims or contemplates claiming that dividends paid or to be paid by it are subject to such rate not in excess of 5 percent shall file the following information with the Commissioner of Internal Revenue as soon as practicable; (i) The date and place of its organization; (ii) the number of outstanding shares of stock of the domestic corporation having voting power and the voting power thereof; (iii) the person or persons beneficially owning such stock of the domestic corporation and their relationship to the Canadian corporation; (iv) the amount of the gross income by years of the domestic corporation for the three-year period immediately preceding the taxable year in which the dividend is paid; (v) the amount of interest and dividends by years included in the gross income of the domestic corporation, and the amount of interest and dividends by years received by such corporation from its own subsidiary corporations, if any; and (vi) the relationship between the domestic corporation and the Canadian corporation deriving the dividend from sources within the United States.

(3) As soon as practicable after such information is filed, the Commissioner will determine whether the dividends concerned fall within the scope of the provisions of Article XI (2) of the convention and may authorize the release or refund of excess tax withheld with respect to dividends which come within such provisions. For additional requirements respecting the refund of excess tax withheld prior to 1954, see § 7.56.

(4) In any case in which the Commissioner has notified the domestic corporation that the dividends fall within the scope of the provisions of Article XI (2) of the convention, the reduced withholding rate of 5 percent, to the extent withholding of United States income tax is required, shall apply to any dividends subsequently paid by such corporation to the Canadian corporation, unless the stock ownership of the domestic corporation, or the character of its income, materially changes; or unless the Commissioner determines that the relationship between the two corporations concerned is being maintained primarily with the intention of securing the reduced rate of tax. In such instance, if such change in stock ownership or character of income occurs, the domestic corporation shall promptly notify the Commissioner of the then existing facts with respect thereto. The continued application of the rate not in excess of 5 percent is also dependent upon the continued fulfillment of subparagraph (1) (iii) of this paragraph.

(c) *Effect of address in Canada on withholding in the case of dividends.* For the purpose of withholding of United States income tax in the case of dividends every nonresident alien (including a nonresident alien individual, fiduciary, and partnership) whose address is in Canada shall be deemed by United States withholding agents to be a nonresident alien who is a resident of Canada not having a permanent establishment in the United States; and every foreign corporation whose address is in Canada shall be deemed by such withholding agents to be a corporation organized under the laws of Canada and not having a permanent establishment in the United States.

(d) *Rate of withholding.* (1) Withholding at source in the case of dividends derived from sources within the United States and paid on or after January 1, 1954, to nonresident aliens (including a nonresident alien individual, fiduciary, and partnership) and to foreign corporations, whose addresses are in Canada, shall be at the rate of 15 percent in every case except that in which, prior to the date of payment of such dividends, (i) the Commissioner of Internal Revenue has notified (*a*) the domestic corporation (pursuant to paragraph (b) of this section) that such dividends fall within the scope of the provisions of Article XI (2) of the convention or (b) the

withholding agent that the reduced rate of withholding shall not apply, or (ii) the withholding agent has received the letter of notification prescribed in § 7.51 (b).

(2) The preceding provisions of this subpart respecting the application of the reduced withholding rate in the case of dividends paid to nonresident aliens and foreign corporations with addresses in Canada are based upon the assumption that the payee of the dividend is the actual owner of the capital stock from which the dividend is derived and consequently is the person liable to United States income tax upon such dividend. As to action by the recipient who is not the owner of the dividend, see § 7.53.

(3) The rate at which United States tax has been withheld from any dividend paid at any time after the expiration of the thirtieth day after the date on which this subpart is published in the FEDERAL REGISTER to any person whose address is in Canada at the time the dividend is paid shall be shown either in writing or by appropriate stamp on the check, draft, or other evidence of payment, or on an accompanying statement.

(4) In the case of dividends paid on or after January 1, 1951, by a corporation organized under the laws of Canada no withholding of United States income tax is required. See Article XII (1) of the convention.

(e) *Definition of dividend.* Under paragraph 7 (c) of the protocol, the term "dividends", as used in the convention, includes all distributions of the earnings or profits of corporations.

§ 7.47 *Interest*—(a) *General.* (1) The rate of United States income tax upon interest on bonds, securities, notes, debentures, or on any other form of indebtedness, including interest on obligations of the United States, obligations of instrumentalities of the United States, and mortgages and bonds secured by real property, which is derived from sources within the United States and received in taxable years beginning on or after January 1, 1951, by a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) who is a resident of Canada, or by a corporation organized under the laws of Canada, shall not exceed 15 percent of the gross amount thereof for each taxable year under the provisions of Article XI of the convention if such alien or corporation at no time during the taxable year in which such interest is derived has a permanent establishment in the United States. As to what constitutes a permanent establishment, see paragraphs 3 (f) and 10 of the protocol.

(2) For provisions pertaining to interest derived from sources within the United States by exempt organizations, see § 7.51.

(b) *Application of reduced rate at source.* (1) To secure the reduced rate of United States income tax at source in the case of coupon bond interest, the nonresident alien who is a resident of Canada or the corporation organized under the laws of Canada shall for each issue of bonds file Form 1001–C in duplicate when presenting the interest coupons for payment. This form shall be signed by the owner of the interest, trustee, or agent and shall show the name and address of the obligor, the name and address of the owner of the interest, and the amount of the interest. It shall contain a statement that the owner (i) is a resident of Canada, or is a corporation organized under the laws of Canada, and (ii) has no permanent establishment in the United States.

(2) The reduction in the rate of United States income tax contemplated by Article XI of the convention, insofar as it concerns coupon bond interest, is applicable only to the owner of the interest. The person presenting the coupon or on whose behalf it is presented shall, for the purpose of the reduction in tax, be deemed to be the owner of the interest only if he is, at the time the coupon is presented for payment, the owner of the bond from which the coupon has been detached. If the person presenting the coupon or on whose behalf it is presented is not the owner of the bond, Form 1001, and not Form 1001–C, shall be executed.

(3) The original and duplicate of Form 1001–C shall be forwarded by the withholding agent to the District Director of Internal Revenue, Audit Division, Alien Returns Section, Baltimore 2, Maryland, with the quarterly return on Form 1012. See § 39.143–7 of this chapter (Regulations 118). Form 1001–C shall be listed on Form 1012.

(4) For general provisions pertaining to the use, without reference to the provisions of the convention, of ownership certificate, Form 1001, by nonresident aliens and nonresident foreign corporations, see §§ 39.143–4 and 39.143–6 of this chapter.

(5) To secure the reduced rate of United States income tax at source in the case of interest, other than coupon bond interest, the nonresident alien who is a resident of Canada or the corporation organized under the laws of Canada shall file Form 1001–A–C in duplicate with the withholding agent in the United States. This form shall be signed by the owner of the interest, trustee, or agent and shall show the name and address of the obligor and the name and address of the owner of the interest. It shall contain a statement that the owner (i) is a resident of Canada, or is a corporation organized under the laws of Canada, and (ii) has no permanent establishment in the United States.

(6) Form 1001A–C shall be filed with the withholding agent for each successive three-calendar-year period during which such interest is paid. For this purpose, the first such period shall commence with the beginning of the calendar year in which such income is first paid on or after January 1, 1954. Each such form filed with any withholding agent shall be filed not later than 20 days preceding the date of the first payment within each successive period, or, if that is not possible because of special circumstances, as soon as possible after such first payment. Once such a form has been filed in respect of any three-calendar-year period, no additional Form 1001A–C need be filed in respect thereto unless the Commissioner of Internal Revenue notifies the withholding agent that another such form shall be filed by the taxpayer. If, after filing such form, the taxpayer ceases to be eligible for the benefit of Article XI of the convention, he shall promptly notify the withholding agent by letter in duplicate. When any change occurs in the ownership of the interest as recorded on the books of the payer, the reduction in rate of withholding of United States income tax shall no longer apply unless a Form 1001A–C is duly executed and filed with the withholding agent by the new owner of record of such interest.

(7) The duplicate of each Form 1001A–C (and letter) shall be immediately forwarded by the withholding agent to the District Director of Internal Revenue, Audit Division, Alien Returns Section, Baltimore 2, Maryland.

(8) In the case of interest paid on or after January 1, 1951, by a corporation organized under the laws of Canada no withholding of United States income tax is required. See Article XII (1) of the convention.

(c) *Definition of interest.* Under paragraph 7 (b) of the protocol, the term "interest", as used in the convention, includes income arising from interest-bearing securities, public obligations, mortgages, hypothecs, corporate bonds, loans, deposits, and current accounts.

§ 7.48 *Copyright royalties*—(a) *General.* (1) Royalties for the right to use copyrights or in respect of the right to produce or reproduce any literary, dramatic, musical, or artistic work which are derived from sources within the United States and received in taxable years beginning on or after January 1, 1951, by a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) who is a resident of Canada, or by a Canadian corporation or other entity, are exempt from United States tax under the provisions of Article XIII C of the convention if such alien, corporation, or other entity at no time during the taxable year in which such royalties are derived is engaged in trade or business within the United States through a permanent establishment situated therein. Such royalties are, therefore, not subject to the withholding of United States tax at source. As to what constitutes a permanent establishment, see paragraph 3 (f) of the protocol.

(2) The provisions of this section shall have no application to rents or royalties in respect of motion picture films. For provisions pertaining to royalties derived from sources within the United States by exempt organizations, see § 7.51.

(b) *Application of exemption from withholding.* (1) To avoid withholding of United States tax at the source in the case of the royalties to which paragraph (a) of this section is applicable, the nonresident alien who is a resident of Canada, or the Canadian corporation or other entity, shall file Form 1001A–C in duplicate with the withholding agent in the United States. The provisions of § 7.47 (b) relating to the execution, filing, and effective period of such form with respect to interest are equally ap-

plicable with respect to the income falling within the scope of this section.

(2) The duplicate of each Form 1001A–C (and letter) shall be immediately forwarded by the withholding agent to the District Director of Internal Revenue, Audit Division, Alien Returns Section, Baltimore 2, Maryland.

§ 7.49 *Natural resource royalties, real property rentals, salaries, wages, emoluments, etc.*—(a) *General.* (1) Under Article XI of the convention the rate of United States income tax imposed upon natural resource royalties, real property rentals, salaries, wages, emoluments, premiums, compensations, remunerations, and other gains, profits, and income (other than gains, profits, and income otherwise exempt from United States income tax under the convention) which are derived from sources within the United States and received in taxable years beginning on or after January 1, 1951, by a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) who is a resident of Canada, or by a corporation organized under the laws of Canada, shall not exceed 15 percent of the gross amount of such items for each taxable year if such alien or corporation at no time during the taxable year in which such items are derived has a permanent establishment in the United States. As to what constitutes a permanent establishment, see paragraphs 3 (f) and 10 of the protocol.

(2) For the application of the reduced rate of United States income tax at source with respect to dividends and interest, see §§ 7.46 and 7.47, respectively. For the application of the exemption from United States tax at source with respect to copyright royalties, pensions, and life annuities, see §§ 7.48 and 7.50, respectively. For provisions pertaining to income derived from sources within the United States by exempt organizations, see § 7.51.

(b) *Application of reduced rate at source.* (1) To secure the reduced rate of United States income tax at source in the case of the items of income to which paragraph (a) of this section is applicable, the nonresident alien who is a resident of Canada or the corporation organized under the laws of Canada shall file Form 1001A–C in duplicate with the withholding agent in the United States. The provisions of § 7.47 (b) relating to the execution, filing, and effective period of such form with respect to interest are equally applicable with respect to the income falling within the scope of this section.

(2) The provisions of this paragraph shall have no application in the case of wages paid to nonresident aliens who are residents of Canada and who enter and leave the United States at frequent intervals. See § 405.102 (g) of this chapter (Regulations 116). The provisions of § 39.143–3 of this chapter (Regulations 118) relating to the allowance of the exemptions under section 25 (b) on a prorated basis, when determining the tax to be withheld at source with respect to remuneration for labor or personal services performed within the United States by a nonresident alien, shall have no application when a Form 1001A–C has been filed with the withholding agent pursuant to this paragraph with respect to such remuneration.

(3) The duplicate of each Form 1001A–C (and letter) shall be immediately forwarded by the withholding agent to the District Director of Internal Revenue, Audit Division, Alien Returns Section, Baltimore 2, Maryland.

§ 7.50 *Pensions and life annuities*—(a) *General.* Private and government pensions, and life annuities, derived from sources within the United States and received in taxable years beginning on or after January 1, 1951, by a nonresident alien individual who is a resident of Canada are exempt from United States tax under the provisions of Article VI A of the convention. Such items of income are, therefore, not subject to the withholding of United States tax at source.

(b) *Application of exemption from withholding.* (1) To avoid withholding of United States tax at source in the case of the items of income to which paragraph (a) of this section is applicable, the nonresident alien individual who is a resident of Canada shall notify the withholding agent by letter in duplicate that such income is exempt from United States tax under the provisions of Article VI A of the convention. The letter of notification shall be signed by the owner of the income, shall show the name and address of both the payer and the owner of the income, and shall contain a statement that the owner, an individual, is neither a citizen nor a resident of the United States but is a resident of Canada.

(2) If such letter is also to be used as authorization for the release, pursuant to § 7.52 (a), of excess tax withheld from such items of income, it shall also contain a statement that the owner was, at the time when the income was received from which the excess tax was withheld, neither a citizen nor a resident of the United States but was a resident of Canada.

(3) This letter shall constitute authorization for the payment of such items of income without withholding of United States tax at source unless the Commissioner of Internal Revenue subsequently notifies the withholding agent that the tax shall be withheld with respect to payments of such items of income made after receipt of such notice. If, after filing a letter of notification, the owner of the income ceases to be eligible for the exemption from United States tax provided by the convention in respect to such income, he shall promptly notify the withholding agent by letter in duplicate. When any change occurs in the ownership of such income as recorded on the books of the payer, the exemption from withholding of United States tax shall no longer apply unless a letter of notification is duly executed and filed with the withholding agent by the new owner of record of such income.

(4) Each letter of notification, or the duplicate thereof, shall be immediately forwarded by the withholding agent to the District Director of Internal Revenue, Audit Division, Alien Returns Section, Baltimore 2, Maryland.

(c) *Definition of pensions and life annuities.* (1) Under paragraph 8 of the protocol, the term "pensions", as used in Article VI A of the convention, means periodic payments made in consideration for services rendered or by way of compensation for injuries received.

(2) Under paragraph 9 of the protocol, the term "life annuities", as used in Article VI A of the convention, means a stated sum payable periodically at stated times, during life, or during a specified number of years, under an obligation to make the payments in consideration of a gross sum or sums paid by the recipient or under a contributory retirement plan.

§ 7.51 *Exempt organizations*—(a) *General.* (1) Income derived from sources within the United States and received in taxable years beginning on or after January 1, 1951, by a religious, scientific, literary, educational, or charitable organization of Canada is exempt from United States tax under the provisions of Article X of the convention if, within the meaning of the laws of both the United States and Canada, such organization would have been exempt from income tax.

(2) Paragraph 11 of the protocol provides that the provisions of the convention shall not be construed to restrict in any manner any exemption, deduction, credit, or other allowance accorded by the laws of one of the contracting States in the determination of the tax imposed by such State. In view of the provisions of such paragraph, the provisions of section 101 of the Internal Revenue Code, relating to exemptions from tax on corporations, apply to every Canadian organization coming within the scope of that section and otherwise qualifying for the exemption granted by Article X of the convention, regardless of whether Canada recognizes such organization as exempt from income taxes imposed by its own laws.

(3) In view of the provisions of subparagraphs (1) and (2) of this paragraph, fixed or determinable annual or periodical income derived from sources within the United States by a nonresident Canadian organization which qualifies for the exemption granted by Article X of the convention is not subject to the withholding of United States tax at source.

(b) *Application of exemption from withholding.* (1) To avoid withholding of United States tax at source in the case of fixed or determinable annual or periodical income derived from sources within the United States, other than coupon bond interest, the nonresident Canadian organization which qualifies for the exemption from United States tax shall notify the withholding agent by letter in duplicate that such income is exempt from United States tax under the provisions of Article X of the convention. The letter of notification shall be signed by the owner of the income, trustee, or agent and shall show the name and address of the obligor and the name and address of the owner of the income.

It shall contain a copy of the determination of the Commissioner of Internal Revenue that such organization is exempt from taxation under Chapter 1, relating to the income tax, of the Internal Revenue Code and a statement that the owner of the income (i) is a Canadian organization and (ii) has at no time during the current taxable year been engaged in trade or business within the United States. This letter shall constitute authorization for the payment of such income to such organization without withholding of United States tax at source.

(2) The provisions of § 7.47 (b) relating to the filing and effective period of Form 1001A–C prescribed in § 7.47 (b) with respect to interest are equally applicable with respect to the letter of notification prescribed in this section.

(3) Each letter of notification, or the duplicate thereof, shall be immediately forwarded by the withholding agent to the District Director of Internal Revenue, Audit Division, Alien Returns Section, Baltimore 2, Maryland.

(4) To avoid withholding of United States tax at source in the case of coupon bond interest, the nonresident Canadian organization which qualifies for the exemption from United States tax granted by Article X of the convention shall inscribe on each copy of the Form 1001–C required by § 7.47 (b) a notation substantially as follows: "As this organization, which is not engaged in trade or business within the United States, has been held to be exempt from taxation under Chapter 1 of the Internal Revenue Code by the Commissioner of Internal Revenue under date of ----------, ---, 19---, the interest on this certificate is not subject to withholding of United States tax." The organization shall give therewith the date of the official letter in which the organization was held to be so exempt.

(5) Form 1001–C, when so used to substantiate an exemption from withholding of United States tax, need not be listed on Form 1012 when forwarded to the District Director pursuant to § 7.47 (b).

(6) To the extent not inconsistent with this section, the provisions of § 7.47 (b) relating to Form 1001 and Form 1001–C are equally applicable under this paragraph.

§ 7.52 *Release of excess tax withheld at source*—(a) *General.* (1) In order to give the convention effective application at the earliest practicable date, the exemptions from, and reductions in the rate of, withholding of United States tax at source granted by this Treasury decision are hereby made effective beginning January 1, 1954, contingent upon compliance with the applicable provisions of §§ 7.46 through 7.51.

(2) In the case of dividends derived from sources within the United States and paid to a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) or to a foreign corporation, whose address at the time of payment was in Canada, if United States income tax at the statutory rate (30 percent as of the date of approval of this subpart) has been withheld from such dividends on or after January 1, 1954, there shall be released (except as provided in paragraphs (b) and (c) of this section) by the withholding agent and paid over to the person from whom it was withheld an amount which is equal to the amount obtained by subtracting 15 percent of such dividends from the tax so withheld.

(3) In the case of every taxpayer whose address at the time of payment was in Canada and who furnishes to the withholding agent Form 1001A–C in accordance with §§ 7.47 (b), 7.48 (b) and 7.49 (b), if United States income tax at the statutory rate (30 percent as of the date of approval of this subpart) or at 15 percent has been withheld on or after January 1, 1954, from the items of income in respect of which such form is prescribed in such sections, there shall be released by the withholding agent and paid over to the person from whom it was withheld:

(i) In the case of copyright royalties and the like, an amount equal to the tax so withheld from such items; and

(ii) In the case of other items of income (other than dividends, pensions, life annuities, and coupon bond interest), an amount which is equal to the amount obtained by subtracting 15 percent of such items in the aggregate from the tax so withheld from such items.

(4) In the case of every taxpayer whose address at the time of payment was in Canada and who furnishes to the withholding agent Form 1001–C clearly marked "Substitute" and executed in accordance with § 7.47 (b), if United States income tax at the statutory rate (28 percent or 30 percent, as the case may be, as of the date of approval of this subpart) has been withheld from coupon bond interest on or after January 1, 1954, there shall be released (except as provided in paragraph (b) of this section) by the withholding agent and paid over to the person from whom it was withheld an amount which is equal to the difference between the amount of such interest multiplied by the higher of such statutory rates (30 percent as of the date of approval of this subpart) and 15 percent of such interest. One such substitute form shall be filed in duplicate with respect to each issue of bonds and will serve with respect to that issue to replace all Forms 1001 previously filed by the taxpayer in the calendar year in which the excess tax was withheld and with respect to which such excess is released.

(5) The original and duplicate of such substitute Form 1001–C shall be forwarded by the withholding agent to the District Director of Internal Revenue, Audit Division, Alien Returns Section, Baltimore 2, Maryland, with the quarterly return on Form 1012. See § 39.143–7 of this chapter. Such substitute Form 1001–C shall be listed on Form 1012.

(6) In the case of every taxpayer whose address at the time of payment was in Canada and who furnishes to the withholding agent the letter of notification prescribed in § 7.50 (b) as authorization for the release of excess tax withheld, if United States tax at the statutory rate (30 percent as of the date of approval of this subpart) or at 15 percent has been withheld on or after January 1, 1954, from government pensions, private pensions, or life annuities, there shall be released by the withholding agent and paid over to the person from whom it was withheld an amount equal to the tax so withheld from such items.

(7) The provisions of this section (other than paragraph (d)) shall have no application to excess tax withheld at source which has been paid by the withholding agent to the district director of internal revenue pursuant to § 39.143–7 of this chapter.

(b) *Exempt organizations.* (1) In the case of every exempt organization whose address at the time of payment was in Canada and which furnishes to the withholding agent a letter of notification in accordance with § 7.51 (b), if United States tax at the statutory rate (30 percent as of the date of approval of this subpart) or at 15 percent has been withheld on or after January 1, 1954, from fixed or determinable annual or periodical income derived from sources within the United States, there shall be released (except in the case of coupon bond interest) by the withholding agent and paid over to the organization from which it was withheld an amount equal to the tax so withheld, if the date on which the Commissioner of Internal Revenue has held such organization to be exempt from taxation under Chapter 1 is not subsequent to the date on which payment of such income was made.

(2) In the case of every exempt organization whose address at the time of payment was in Canada and which furnishes to the withholding agent Form 1001–C clearly marked "Substitute" and executed in accordance with §§ 7.47 (b) and 7.51 (b), if United States tax has been withheld from coupon bond interest on or after January 1, 1954, there shall be released by the withholding agent and paid over to the organization from which it was withheld an amount equal to the tax so withheld, if the date on which the Commissioner of Internal Revenue has held such organization to be exempt from taxation under Chapter 1 is not subsequent to the date on which payment of such interest was made. One such substitute form shall be filed in duplicate with respect to each issue of bonds and will serve with respect to that issue to replace all Forms 1001 previously filed by the taxpayer in the calendar year in which the excess tax was withheld and with respect to which such excess is released.

(3) The original and duplicate of such substitute Form 1001–C shall be forwarded by the withholding agent to the District Director of Internal Revenue, Audit Division, Alien Returns Section, Baltimore 2, Maryland, with the quarterly return on Form 1012. See § 39.143–7 of this chapter. Such substitute Form 1001-C need not be listed on Form 1012.

(c) *Dividends paid by related corporation.* In the case of every domestic corporation receiving notification from the Commissioner of Internal Revenue under the provisions of § 7.46 (b) that dividends paid or to be paid by it fall

within the scope of the provisions of Article XI (2) of the convention, if United States income tax in excess of the applicable rate of 5 percent has been withheld on or after January 1, 1954, from dividends which come within the scope of such provisions, the withholding agent shall, if so authorized in such notification, release and pay over to the corporation from which it was withheld the excess tax withheld with respect to such dividends.

(d) *Amounts withheld before 1954.* For provisions respecting the refund of excess tax withheld during the calendar years prior to 1954, see § 7.56.

§ 7.53 *Addressee not actual owner*—(a) *General.* (1) If the recipient in Canada of any dividend from sources within the United States, with respect to which United States income tax at the reduced rate of 15 percent has been withheld at source pursuant to § 7.46 (d), is a nominee or representative through whom such dividend flows to a person other than one described in § 7.46 (a) as being entitled to such reduced rate, such recipient in Canada shall withhold an additional amount of United States income tax equivalent to the United States income tax which would have been withheld if the convention had not been in effect (30 percent of such dividend as of the date of approval of this subpart) minus the 15 percent which has been withheld at the source.

(2) In any case in which a fiduciary or partnership with an address in Canada receives, otherwise than as a nominee or representative, a dividend from sources within the United States with respect to which United States income tax at the reduced rate of 15 percent has been withheld at source pursuant to § 7.46 (d), if a beneficiary of such fiduciary or a partner in such partnership is not entitled to the reduced rate of tax granted by Article XI of the convention, the fiduciary or partnership shall withhold an additional amount of United States income tax with respect to the portion of such dividend included in such beneficiary's share of the distributed or distributable income, or in such partner's distributive share of the income, of such fiduciary or partnership, as the case may be. The amount of the additional tax is to be calculated in the same manner as under subparagraph (1) of this paragraph.

(3) If any amount of United States income tax is released pursuant to § 7.52 (a) by the withholding agent in the United States with respect to a dividend paid to such a person (nominee, representative, fiduciary, or partnership) with an address in Canada, the latter shall also withhold from such released amount any additional amount of United States income tax, otherwise required to be withheld by the provisions of subparagraphs (1) and (2) of this paragraph in respect of such dividend, in the same manner as if at the time of payment of such dividend United States income tax at the rate of only 15 percent had been withheld at source therefrom.

(4) Nothing in this subpart shall be deemed to prevent the application of § 7.511, relating to Canadian withholding agents (Treasury Decision 5532, approved August 23, 1946).

(b) *Returns filed by Canadian withholding agents.* The amounts so withheld by such withholding agents in Canada during the year 1954 and each subsequent calendar year during which the convention is in effect shall be forwarded, after being converted into United States dollars, to the District Director of Internal Revenue, Baltimore 2, Maryland, U. S. A., on or before March 15 of the following year, together with United States return Form 1042 on which shall be listed the names, addresses, and other information required on such form in respect to the persons from whom such additional amounts have been withheld by such agents in Canada.

§ 7.54 *Return of tax withheld and information to be furnished in ordinary course*—(a) *Return of tax withheld.* (1) In addition to making the annual return on Form 1042 prescribed by § 39.143–7 of this chapter, every United States withholding agent shall make and file in duplicate with the district director of internal revenue an information return on Form 1042 Supplement, with respect to Canadian addressees, for the calendar year 1954 and each subsequent calendar year during which the convention is in effect.

(2) There shall be reported on such Form 1042 Supplement all items of fixed or determinable annual or periodical income derived from sources within the United States and paid to nonresident aliens (including nonresident alien individuals, fiduciaries, and partnerships) and to nonresident foreign corporations (including exempt organizations), whose addresses at the time of payment were in Canada, including (i) such items of income as are required to be listed on Form 1042, (ii) such items of income as constitute interest required to be listed on Form 1012, and (iii) such items of income upon which, in accordance with this subpart, no withholding of United States tax is required; except that any of such items which constitute wages subject to withholding of United States tax pursuant to section 1622, Internal Revenue Code, and interest in respect of which Form 1001–C or substitute Form 1001–C has been filed in duplicate with the withholding agent are not required to be reported on such Form 1042 Supplement.

(b) *Information to be furnished in ordinary course.* In compliance with the provisions of Article XIX and XX of the convention the Commissioner of Internal Revenue will transmit to the Minister of National Revenue of Canada, as soon as practicable after the close of the calendar year 1954 and of each subsequent calendar year during which the convention is in effect, the following information relating to such preceding calendar year:

(1) The duplicate copy of each available Form 1042 Supplement filed pursuant to paragraph (a) of this section; and

(2) The duplicate copy of each available ownership certificate, Form 1001–C, filed pursuant to § 7.47 (b) or § 7.51 (b), and substitute Form 1001–C, filed pursuant to § 7.52 (a) or § 7.52 (b), in connection with coupon bond interest.

§ 7.55 *Beneficiaries of a domestic estate or trust.* A nonresident alien who is a resident of Canada and who is a beneficiary of a domestic estate or trust shall be entitled to the exemption from, or reduction in the rate of, United States tax granted by Articles XI, XII, and XIII C of the convention with respect to dividends, interest, copyright royalties, and other gains, profits, and income to the extent such item or items are included in his share of the distributed or distributable income of such estate or trust, provided that he otherwise satisfies the requirements of these respective articles. In order to be entitled in such instance to the exemption from, or reduction in the rate of, withholding of United States tax such beneficiary must otherwise satisfy such requirements and shall, where applicable, execute and submit to the fiduciary of such estate or trust in the United States the Form 1001A–C prescribed in §§ 7.47 (b), 7.48 (b), and 7.49 (b).

§ 7.56 *Refund of excess tax withheld prior to 1954.* (a) If United States income tax withheld at the source prior to 1954 from dividends, interest, copyright royalties and the like, natural resource royalties, real property rentals, salaries, wages, pensions, life annuities, or other gains, profits, and income is in excess of the tax imposed by Chapter 1 (relating to the income tax) of the Internal Revenue Code, as modified by the convention, a claim by the taxpayer for the refund of any overpayment resulting therefrom shall be made under section 322 of the Internal Revenue Code by filing Form 843 together with Form 1040NB, Form 1040B, Form 1120, Form 1120NB, or other appropriate return, whichever is applicable, or with an amended return.

(b) The taxpayer's total gross income from sources within the United States shall be disclosed on the return. In the event that securities are held in the name of a person other than the actual or beneficial owner, the name and address of such person shall be furnished with the claim. There shall also be included in such claim for refund:

(1) A statement that, at the time when the item or items of income were derived from which the excess tax was withheld, (i) the taxpayer was neither a citizen nor a resident of the United States but was a resident of Canada, or, in the case of a corporation, (ii) that the taxpayer was a corporation organized under the laws of Canada; and

(2) A statement that the taxpayer at no time during the taxable year in which such income was derived had a permanent establishment in the United States.

(c) If, however, the taxpayer is an individual who during the taxable year derived from sources within the United States income which consists exclusively of pensions or life annuities entitled to the benefit of Article VI A of the convention, the statement specified in paragraph (b) (2) of this section shall not be required.

(d) If the taxpayer is an exempt organization claiming the benefit of Article X of the convention, the statement

specified in paragraph (b) (2) of this section shall not be required, but such organization shall include with such claim a copy of the Commissioner's determination referred to in § 7.51 (b), and shall indicate whether it was engaged in trade or business within the United States at any time during the taxable year in which the income concerned was derived.

(e) As to additional information required in the case of a Canadian corporation claiming the benefit of the 5 percent rate on dividends paid by a domestic corporation, see § 7.46 (b).

§ 7.57 *Prior regulations.* Except to the extent necessary for the application of § 7.511 (Treasury Decision 5532), the provisions of §§ 7.10 through 7.17 (Treasury Decision 5157, approved June 27, 1942), are hereby superseded as the respective provisions of this subpart become effective.

JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

Approved: November 5, 1953.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 53-9544; Filed, Nov. 10, 1953; 8:52 a. m.]

Subchapter C—Miscellaneous Excise Taxes

[T. D. 6048; Regs. 3]

PART 182—INDUSTRIAL ALCOHOL

REQUIREMENTS FOR ALTERNATE OPERATION OF INDUSTRIAL ALCOHOL PLANT AS REGISTERED DISTILLERY OR FRUIT DISTILLERY

In order to conform Regulations 3 (26 CFR Part 182) with the provisions of Regulations 4 (26 CFR Part 183) and 5 (26 CFR Part 184) regarding the procedure for the alternate operation of a registered distillery or fruit distillery as an industrial alcohol plant, Regulations 3 are hereby amended as follows:

PARAGRAPH 1. Wherever the term "supervisor" or "district supervisor" appears in the sections of the regulations revised by this Treasury decision, such term is hereby amended to read "Assistant Regional Commissioner."

PAR. 2. Sections 182.276, 182.277, 182.278 and 182.279 are revoked.

PAR. 3. There is inserted immediately following the headnote "Requirements Governing Alternate Operation of Industrial Alcohol Plant as Registered Distillery or Fruit Distillery", the following new subtitles, sections and citations:

QUALIFICATION FOR INITIAL ALTERNATING OPERATIONS

Sec.
182.279a Where no bonded warehouse or denaturing plant on premises.
182.279b When bonded warehouse or denaturing plant on premises.

SUSPENSION FOR SUBSEQUENT ALTERNATE OPERATIONS

182.279c Requirements.

RESUMPTION FOR SUBSEQUENT ALTERNATE OPERATIONS

182.279d Requirements.

ACTION BY ASSISTANT REGIONAL COMMISSIONER

Sec.
182.279e Approval and disposition of Form 1696.

AUTHORITY: §§ 182.279a to 182.279e issued under 53 Stat. 375, 467; 26 U. S. C. 3176, 3791. Interpret or apply 53 Stat. 358, 365; 26 U. S. C. 3105, 3124. Other statutory provisions interpreted or applied are cited to text in parentheses.

QUALIFICATIONS FOR INITIAL ALTERNATING OPERATIONS

§ 182.279a *Where no bonded warehouse or denaturing plant on premises.* An industrial alcohol plant may be operated alternately for the production of alcohol under this part, the production of distilled spirits under Regulations 4 (Part 183 of this chapter), or the production of brandy under Regulations 5 (Part 184 of this chapter). Where it is desired to conduct alternating operations at an industrial alcohol plant and there is no industrial alcohol bonded warehouse or denaturing plant located on the industrial alcohol plant premises, the successor (incoming) proprietor must first qualify as proprietor of the premises. At the time of the first suspension for the purpose of conducting alternate operations, the outgoing proprietor must discontinue operations and comply with the following requirements:

(a) *Amended application, Form 1431.* File with the Assistant Regional Commissioner an amended application on Form 1431, in triplicate, stating thereon the purpose of the application to be "Temporary discontinuance in order that the industrial alcohol plant may be operated as a registered distillery" (or fruit distillery, as the case may be), and give the date of discontinuance.

(b) *Consent of surety.* File with the Assistant Regional Commissioner a blanket consent of surety, Form 1533, in triplicate, to continue in effect bond Form 1432–A (and Form 1604, if required). Such blanket consent of surety may be filed to cover all such alternate operations and may be executed in the following form:

To continue in effect the said bond (or bonds), whenever operation of the industrial alcohol plant is resumed from time to time, pursuant to application on Form 1696, filed by the principal following suspension of operations as a registered distillery or fruit distillery.

(c) *Materials and unfinished alcohol.* If distilling materials are transferred to the successor, or if unfinished alcohol is to be retained in the industrial alcohol plant pending the resumption of operations as an industrial alcohol plant, comply with the requirements of §§ 182.439 to 182.441. Whenever alternate operations are to be conducted after the first suspension, the procedure prescribed by §§ 182.279c and 182.279d will be followed.

§ 182.279b *When bonded warehouse or denaturing plant on premises.* Where an industrial alcohol bonded warehouse or denaturing plant is located on the industrial alcohol plant premises, the industrial alcohol plant may be operated alternately as an industrial alcohol plant, registered distillery or a fruit distillery upon compliance with the requirements of § 182.279a. The permittee shall designate the plat on file which depicts the entire industrial alcohol plant premises, including the bonded warehouse or denaturing plant, as "Plat A," and file a new plat which will be designated as "Plat B," depicting the bonded warehouse or denaturing plant and any other portion of the industrial alcohol premises not to be operated by the incoming alternate proprietor. The permittee shall also describe in the amended application, Form 1431, the bonded warehouse or denaturing plant and any portion of the industrial alcohol plant premises not to be operated by the incoming proprietor. The description thereof must correspond with the depiction of the premises on Plat B. Whenever alternate operations are to be conducted after the first suspension, the procedure prescribed by §§ 182.279c and 182.279d will be followed.

SUSPENSION FOR SUBSEQUENT ALTERNATE OPERATIONS

§ 182.279c *Requirements.* Where a permittee desires to suspend operations of the industrial alcohol plant preparatory to resumption of operations as a registered distillery or fruit distillery, he must comply with the following requirements:

(a) *Notice of alternate operations.* File Form 1696, through the storekeeper-gauger in charge, with the Assistant Regional Commissioner, giving notice of intention to suspend operations. The form shall be executed and filed in accordance with the various lines on the form and the instructions printed thereon, or issued in respect thereto. Form 1696 shall contain or be verified by a written declaration that it is executed under the penalties of perjury. Operations will be suspended upon approval of the notice by the Assistant Regional Commissioner in accordance with § 182.279e.

(b) *Materials and unfinished alcohol.* If distilling materials are transferred to the successor or if unfinished alcohol is to be retained on the premises pending the resumption of operations as an industrial alcohol plant, comply with the requirements of §§ 182.439 to 182.441.

(63 Stat. 667; 26 U. S. C. 3809)

RESUMPTION FOR SUBSEQUENT ALTERNATE OPERATIONS

§ 182.279d *Requirements.* When a permittee desires to resume operation of the industrial alcohol plant following suspension of operations as a registered distillery or fruit distillery, he must comply with the following requirements:

(a) *Notice of alternate operations.* File Form 1696, through the storekeeper-gauger in charge, with the Assistant Regional Commissioner for authority to resume operations. The notice shall be executed in accordance with the instructions printed on the form, or issued in respect thereto, and otherwise completed as provided in § 182.279c.

(b) *Materials.* If distilling materials are received by transfer from the prede-

cessor, comply with the requirements of §§ 182.440 and 182.441.

(63 Stat. 667; 26 U. S. C. 3809)

ACTION BY ASSISTANT REGIONAL COMMISSIONER

§ 182.279 *Approval and disposition of Form 1696.* Upon receipt of Form 1696, the Assistant Regional Commissioner will, if he finds that the notice may be properly approved, execute the certificate of approval on all copies and dispose of the copies in accordance with the instructions printed on the form, or issued in respect thereto.

PAR. 4. Section 182.423 is amended by adding at the end of the second sentence of the introductory paragraph thereof the following new sentence: "Form 124 will not be required when operations are suspended pursuant to the requirements of §§ 182.279a to 182.279e."

Because the changes made are of a liberalizing character, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946.

This Treasury decision shall be effective upon the date of publication in the FEDERAL REGISTER.

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

Approved: November 5, 1953.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 53-9541; Filed, Nov. 10, 1953; 8:52 a. m.]

[T. D. 6049; Regs. 3, 4, 5, 10, 15]

PART 182—INDUSTRIAL ALCOHOL

PART 183—PRODUCTION OF DISTILLED SPIRITS

PART 184—PRODUCTION OF BRANDY

PART 185—WAREHOUSING OF DISTILLED SPIRITS

PART 190—RECTIFICATION OF SPIRITS AND WINES

QUANTITIES OF SPIRITS TO BE WEIGHED IN SCALE TANKS

In order to authorize the use of tank scales having a capacity of more than 2,000 pounds for gauging, for the purpose of taxpayment, spirits in quantities less than twenty per centum of the total capacity of the scales, the following amendments to regulations are hereby adopted:

PARAGRAPH 1. Section 182.64 of Regulations 3 (26 CFR Part 182), as amended by Treasury Decision 5801, approved August 11, 1950, is further amended by inserting immediately after the word *"Provided,"* in the last sentence, the following: "That the weighing of lesser quantities for determination of tax may be authorized by the Assistant Regional Commissioner where the beam of the scale is calibrated in ½ or 1 pound graduations and it is found by actual test that the scales break accurately at such graduations: *Provided further,"*.

PAR. 2. Section 183.92 of Regulations 4 (26 CFR Part 183) is amended by inserting immediately after the word *"Provided,"* in the fourth sentence, the following: "That the weighing of lesser quantities for determination of tax may be authorized by the Assistant Regional Commissioner where the beam of the scale is calibrated in ½ or 1 pound graduations and it is found by actual test that the scales break accurately at such graduations: *Provided further,"*.

PAR. 3. Section 184.121 of Regulations 5 (26 CFR Part 184) is amended by inserting immediately after the word "Provided," in the fourth sentence, the following: "That the weighing of lesser quantities for determination of tax may be authorized by the Assistant Regional Commissioner where the beam of the scale is calibrated in ½ or 1 pound graduations and it is found by actual test that the scales break accurately at such graduations: *Provided further,"*.

PAR. 4. Section 185.110 of Regulations 10 (26 CFR Part 185) is amended as follows:

By inserting immediately after the word *"Provided,"* in the last sentence, the following: "That the weighing of lesser quantities for determination of tax may be authorized by the Assistant Regional Commissioner where the beam of the scale is calibrated in ½ or 1 pound graduations and it is found by actual test that the scales break accurately at such graduations: *Provided further,"*.

(53 Stat. 307, 332; 26 U. S. C. 2808, 2873)

PAR. 5. Section 190.116 of Regulations 15 (26 CFR Part 190) is amended as follows:

(A) By striking the colon and the proviso following the phrase "capacity over 50,000 pounds" in the last sentence and inserting in lieu thereof a period.

(B) By adding at the end of the section a new sentence as follows: "Except in the case of scales having a capacity of 2,000 pounds or less, where spirits are to be gauged for taxpayment, not less than twenty percent of the total capacity of the gauging tank scale may be entered into the tank for gauging for determination of the tax: *Provided,* That the weighing of lesser quantities for determination of tax may be authorized by the Assistant Regional Commissioner where the beam of the scale is calibrated in ½ or 1 pound graduations and it is found by actual test that the scales break accurately at such graduations."

(53 Stat. 307, 318; 26 U. S. C. 2808, 2829)

Because the changes made are of a liberalizing character, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitations of section 4 (c) of said act.

This Treasury decision shall be effective upon the date of publication in the FEDERAL REGISTER.

(R. S. 161, 53 Stat. 375; 5 U. S. C. 22, 26 U. S. C. 3176. Interpret or apply 53 Stat. 307, 358, 364; 26 U. S. C. 2808, 3105, 3124)

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

OCTOBER 13, 1953.

Approved: November 5, 1953.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 53-9542; Filed, Nov. 10, 1953; 8:52 a. m.]

TITLE 27—INTOXICATING LIQUORS

Chapter I—Internal Revenue Service, Department of the Treasury

[Regs. 2]

PART 2—NONINDUSTRIAL USE OF DISTILLED SPIRITS AND WINE

Preamble. 1. These regulations, "Regulations No. 2, Nonindustrial Use of Distilled Spirits and Wine" (27 CFR Part 2) are a republication of Regulations No. 2, 1935 Edition (27 CFR Part 2).

2. These regulations consist only of previously approved material but the text has been rearranged and renumbered to conform to the Federal Register Regulations (13 F. R. 5929).

3. This republication of these regulations shall not affect or limit any act done or any liability previously incurred, or any suit, action, or proceeding had or commenced in any civil, administrative, or criminal cause and proceeding prior to the date of republication, nor shall this republication release, acquit, affect, or limit any offense committed in violation of these regulations prior to republication, or any penalty, liability or forfeiture incurred prior to such date.

4. It is found that compliance with the notice and public rule-making procedure of section 4 (a) and the effective date limitations of section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1001, et seq.), and the notice and public hearing requirements of the Federal Alcohol Administration Act (27 U. S. C. 201, et seq.) is unnecessary in connection with the republication of the regulations in this part for the reason that the changes made relate merely to form and not substance.

SUBPART A—SCOPE OF REGULATIONS

Sec.
2.1 Nonindustrial use of distilled spirits and wine.

SUBPART B—DEFINITIONS

2.5 Distilled spirits.
2.6 Wine.

SUBPART C—USES REGARDED AS INDUSTRIAL

2.10 Use of tax-free alcohol.
2.11 Use of denatured alcohol, distilled spirits or wine for beverage use.
2.12 Use of distilled spirits or wine for experimental purposes and in manufacture of non-beverage products.

SUBPART D—USES CLASSED AS NONINDUSTRIAL

2.15 General.
2.16 Distilled spirits in containers of a capacity of one gallon or less.

AUTHORITY: §§ 2.1 to 2.16 issued under 53 Stat. 375; 26 U. S. C. 3176.

SUBPART A—SCOPE OF REGULATIONS

§ 2.1 *Nonindustrial use of distilled spirits and wine.* The regulations in this part specify what uses of distilled spirits and wine are "nonindustrial," as that term is used in section 17 of the Federal Alcohol Administration Act. No procedural requirements are prescribed.

SUBPART B—DEFINITIONS

§ 2.5 *Distilled spirits.* Section 17 (a) of the Federal Alcohol Administration Act defines "distilled spirits" as ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof, for noindustrial use.

§ 2.6 *Wine.* Section 17 (a) of the Federal Alcohol Administration Act defines "wine" as (a) wine as defined in section 610 and section 617 of the Revenue Act of 1918 (26 U. S. C. 3036, 3044, 3045), as now in force or hereafter amended, and (b) other alcoholic beverages not so defined, but made in the manner of wine, including sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than the juice of sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, perry and sake; in each instance only if containing not less than 7 per centum and not more than 24 per centum of alcohol by volume, and if for nonindustrial use.

SUBPART C—USES REGARDED AS INDUSTRIAL

§ 2.10 *Use of tax-free alcohol.* The use of tax-free alcohol by any governmental agency, State or Federal, or any scientific university or college of learning or by any laboratory exclusively in scientific research or by any hospital or sanatorium, is regarded as "industrial," and will be excluded from any application of the term "nonindustrial use."

§ 2.11 *Use of denatured alcohol, distilled spirits or wine.* The use of alcohol or other distilled spirits or wine which has been lawfully denatured or otherwise rendered unfit for beverage use is regarded as "industrial," and will be excluded from any application of the term "nonindustrial use."

§ 2.12 *Use of distilled spirits or wine for experimental purposes and in manufacture of nonbeverage products.* The use of distilled spirits or wine for experimental purposes and in the manufacture of (a) medicinal, pharmaceutical, or antiseptic products, including prescriptions compounded by retail druggists; (b) toilet preparations; (c) flavoring extracts, syrups, or food products; or (d) scientific, chemical, mechanical, or industrial products, provided such products are unfit for beverage use, is regarded as "industrial," and will be excluded from any application of the term "nonindustrial use."

SUBPART D—USES CLASSED AS NONINDUSTRIAL

§ 2.15 *General.* All uses of distilled spirits and wines, except as provided in Subpart C of this part, are regarded as "nonindustrial." Such "nonindustrial" use shall include, but not be limited to, distilled spirits or wine used for beverage purposes, or in the manufacture, rectification, or blending of alcoholic beverages; or in the preparation of food or drink by a hotel, restaurant, tavern, or similar establishment; or for sacramental purposes; or as a medicine.

§ 2.16 *Distilled spirits in containers of a capacity of one gallon or less.* Distilled spirits in containers of a capacity of one wine gallon or less, except anhydrous alcohol and alcohol which may be withdrawn taxfree under the internal revenue laws, will be deemed to be for nonindustrial use.

5. These regulations shall be effective as of October 1, 1953.

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

Approved: November 5, 1953.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 53-9543; Filed, Nov. 10, 1953; 8:52 a. m.]

TITLE 29—LABOR

Chapter I—National Labor Relations Board

STATEMENT OF POLICY ON SPECIAL PROCESSING OF REPRESENTATION CASES INVOLVING UNIONS OF WHICH AN OFFICER HAS BEEN INDICTED FOR FILING A FALSE NON-COMMUNIST AFFIDAVIT

CROSS REFERENCE: For a document affecting a statement of policy on special processing of representation cases involving unions of which an officer has been indicted for filing a false non-Communist affidavit, see F. R. Doc. 53-9501, National Labor Relations Board, in Notices section, *infra*.

TITLE 32—NATIONAL DEFENSE

Chapter IV—Joint Regulations of the Armed Forces

Subchapter A—Armed Services Procurement Regulation

PART 406—CONTRACT CLAUSES AND FORMS

SUBPART A—CLAUSES FOR FIXED-PRICED SUPPLY CONTRACTS

MILITARY SECURITY REQUIREMENTS; UTILIZATION OF SMALL BUSINESS CONCERNS

1. Section 406.104-12 is revised, prescribing the use of a uniform Military Security Requirements Clause informing Contractors of security requirements.

§ 406.104-12 *Military security requirements.* Insert the following clause in all contracts which are classified "Top Secret," "Secret," "Confidential," or "Restricted" by a Department, and in any other contracts the performance of which will require access to such classified information or material:

MILITARY SECURITY REQUIREMENTS

(a) The provisions of this clause shall apply to the extent that this contract involves access to security information classified "Top Secret," "Secret," "Confidential," or "Restricted."

(b) The Government shall notify the Contractor of the security classification of this contract and the elements thereof, and of any subsequent revisions in such security classification, by the use of a Security Requirements Check List (DD Form 254) and Appendage thereto (DD Form 254-1).

(c) To the extent the Government has indicated as of the date of this contract, or thereafter indicates, security classification under this contract as provided in paragraph (b) above, the Contractor shall safeguard all classified elements of this contract and shall provide and maintain a system of security controls within its own organization in accordance with the requirements of (i) the Department of Defense Industrial Security Manual for Safeguarding Classified Security Information as in effect on date of this contract, which Manual is hereby incorporated by reference and made a part of this contract, (ii) any amendments to said manual required by the demands of national security as determined by the Government and made after the date of this contract notice of which has been furnished to the Contractor by the Contracting Officer, and (iii) those provisions of written agreements entered into by the parties pertaining to the adaptation of the Manual to the Contractor's business.

(d) Designated representatives of the Government responsible for inspection pertaining to industrial security shall have the right to inspect at reasonable intervals the procedures, methods and facilities utilized by the contractor in complying with the requirements of the terms and conditions of this clause. Should the Government, through its authorized representative, determine that the Contractor has not complied with such requirements, the Government shall inform the Contractor in writing of the proper actions to be taken in order to effect compliance with such requirements.

(e) If, subsequent to the date of this contract, the security classifications or requirements under this contract are changed by the Government as provided in this clause and the security costs under this contract are thereby increased or decreased, the contract price shall be subject to an equitable adjustment by reason of such increased or decreased costs. Any equitable adjustment shall be accomplished in the same manner as if such changes were directed under the clause in this contract entitled "Changes."

(f) The Contractor agrees to insert, in all subcontracts hereunder which involve access to classified security information, provisions which shall conform substantially to the language of this clause, including this paragraph (f) but excluding the last sentence of paragraph (e) of this clause.

(g) The Contractor also agrees that it shall determine that any subcontractor proposed by it for the furnishing of supplies and services which will involve access to classified security information in the Contractor's custody has been granted an appropriate facility security clearance, which is still in effect, prior to being accorded access to classified security information.

2. Section 406.104-14 changes the name of the "Subcontracting" clause to "Utilization of Small Business' Concerns." The substance of the clause is not changed.

§ 406.104-14 *Utilization of small business concerns.* Insert the clause set forth below in all fixed-price supply contracts, in amounts exceeding $5,000, except those contracts entered into with foreign contractors which are to be performed outside of the continental limits of the United States, its territories and possessions:

UTILIZATION OF SMALL BUSINESS CONCERNS

(a) It is the policy of the Government as declared by the Congress to bring about the greatest utilization of small business concerns which is consistent with efficient production.

(b) The Contractor Agrees to accomplish the maximum amount of subcontracting to small business concerns that the Contractor finds to be consistent with the efficient performance of this contract.

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. 151–161)

T. P. PIKE,
Deputy Assistant Secretary of Defense (Supply and Logistics).

[F. R. Doc. 53-9509; Filed, Nov. 10, 1953; 8:45 a. m.]

PART 407—TERMINATION OF CONTRACTS

SUBPART E—SETTLEMENT OF CONTRACTS TERMINATED FOR CONVENIENCE

AUTHORIZATION FOR SETTLEMENT OF SUBCONTRACTORS TERMINATION PROPOSALS WITHOUT APPROVAL OR RATIFICATION

Section 407.518–6 is amended to extend the authority of prime contractors to settle terminated subcontracts where settlements do not exceed $1,000.

§ 407.518–6 *Authorization for settlement of subcontractors termination proposals under $1,000 without approval or ratification.* (a) The Contracting Officer may, if satisfied with the adequacy of the procedures used by the Contractor in Settling the termination claims (including proposals for retention sale, or other disposal of termination inventory) of its immediate and lower tier sub-Contractors, upon the written request by the Contractor, authorize the Contractor to conclude settlements of his terminated subcontracts, which settlements shall thereupon be reimbursable in accordance with this part and the Termination Clause of the contract, without requiring approval or ratification by the Contracting Officer, subject however to the following conditions and requirements:

(1) The amount of any such subcontract termination settlement does not exceed $1,000, computed in accordance with § 407.202;

(2) Any termination inventory involved has been disposed of in accordance with the procedures set forth in § 407.614, except that screening is not required;

(3) Each such settlement is accompanied by a certificate in the form set forth in § 407.708.

(b) The Contracting Officer granting the above defined authorization to a Contractor shall be responsible for periodically making a selective review of settlements to determine whether the Contractor is making adequate reviews and fair settlements, and whether such authorization shall remain in effect. Whenever the Contracting Officer determines that the Contractor's procedures are not adequate or that improper settlements are being made, he may revoke the authorization by written notice to the Contractor. The revocation of the authority shall take effect only from the date of receipt of written notice by the Contractor.

(c) Any number of separate settlements of $1,000 or less may be made with a single subcontractor. Claims which would normally be included in a single settlement proposal, such as those based on a series of separate orders for the same item under one contract, should be consolidated wherever possible, and must not be divided in such a way as to bring them within the authorization provided for in this section.

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. 151–161)

T. P. PIKE,
Deputy Assistant Secretary of Defense (Supply and Logistics).

[F. R. Doc. 53-9510; Filed, Nov. 10, 1953; 8:46 a. m.]

PART 409—BONDS AND INSURANCE

Revised Subpart C of Part 409, has been considerably extended and Subparts D through G have been added. The below amendments are effective 60 days from the date of issuance of this revision; however, they may be placed in effect upon receipt hereof.

SUBPART C—INSURANCE; GENERAL

Sec.
409.300 Scope of subpart.
409.301 General.
409.302 Notice of cancellation or change.
409.303 Responsibility for loss of or damage to Government property.
409.304 Insurance against loss of or damage to Government property.
409.305 Procedures to be followed in the event of loss of or damage to Government property.

SUBPART D—INSURANCE UNDER FIXED-PRICE CONTRACTS

409.400 Scope of subpart.
409.401 Policy.
409.402 Government-furnished property.

SUBPART E—INSURANCE UNDER COST-REIMBURSEMENT TYPE CONTRACTS

409.500 Scope of subpart.
409.501 Policy.
409.501–1 Workmen's compensation and employer's liability insurance.
409.501–2 General liability insurance.
409.501–3 Automobile liability insurance.
409.501–4 Aircraft public and passenger liability insurance.
409.501–5 Vessel collision liability and protection and indemnity liability insurance.
409.502 Self-insurance.
409.503 Government property.

SUBPART F—INSURANCE IN CONNECTION WITH FACILITIES CONTRACTS

409.600 Scope of subpart.
409.601 Policy.
409.602 Responsibility for loss or damage to facilities.

SUBPART G—SPECIAL CASUALTY INSURANCE RATING PLANS

409.700 Scope of subpart.
409.701 Purpose of plans.
409.702 Description of plans.
409.703 Use and eligibility for plans.

AUTHORITY: §§ 409.300 to 409.703 issued under sec. 1, 54 Stat. 712, as amended, sec. 201, 55 Stat. 839, 62 Stat. 20; 50 U. S. C. App. 1171, 61, 41 U. S. C. Sup., 151–161. E. O. 9001, Dec. 27, 1941, 6 F. R. 6787, as amended by E. O. 9296, Jan. 30, 1943, 8 F. R. 1429; 3 CFR, 1943 Cum. Supp.

SUBPART C—INSURANCE; GENERAL

§ 409.300 *Scope of subpart.* This subpart sets forth the general principles and policy applicable to insurance under contracts of the Departments for supplies or services.

§ 409.301 *General.* Insurance will be required where (a) it is mandatory by law, (b) it is considered desirable to utilize the facilities and services of the insurance industry, or (c) in special instances it is deemed necessary or desirable in connection with the performance of a contract. The respective Departments may also authorize or require the purchase of insurance where commingling of property or the conditions of the contract make the carrying of insurance reasonably necessary for the protection of the several interests concerned.

§ 409.302 *Notice of cancellation or change.* Where insurance is required by contract provision or in writing by the approving authority, the policies evidencing such insurance shall contain an endorsement to the effect that cancellation or material change in the policies, adversely affecting the interest of the Government in such insurance, shall not be effective unless the written notice as required by the approving authority is given.

§ 409.303 *Responsibility for loss of or damage to Government property.* The responsibility of the Contractor for loss of or damage to Government property in the possession or control of Contractors is set forth in the clause in §§ 412.411, 412.502, and 412.503 of this subchapter.

§ 409.304 *Insurance against loss of or damage to Government Property.* In instances where insurance is required or approved to cover loss of or damage to Government property, such insurance may be provided either by specific insurance policies or by inclusion of such risks in the Contractor's existing insurance policies. In either event, the insurance policies shall make formal disclosure of the Government's interest in the property.

§ 409.305 *Procedures to be followed in the event of loss of or damage to Government property.* Upon the happening of loss of or damage to any Government property, concerning which the Contractor is relieved of responsibility by contract provision, the procedure shall be as prescribed in subparagraph (f) (iii) of the clause in § 412.502 or § 412.503 of this subchapter.

SUBPART D—INSURANCE UNDER FIXED-PRICE CONTRACTS

§ 409.400 *Scope of subpart.* This subpart sets forth the policy of the Departments with respect to insurance under fixed-price contracts for supplies or services.

§ 409.401 *Policy.* Ordinarily the Departments are not concerned with the insurance programs of fixed-price Contractors. However, the Departments

may be concerned with a Contractor's insurance program when special circumstances exist. Examples of special circumstances are (a) where the Contractor is engaged principally in Government work, (b) where the Contractor has a segregated operation which is engaged principally in Government work, (c) where Government-furnished property is involved, (d) where the work is performed within a Government establishment, and (e) where the Government may desire to assume risks for which the Contractor ordinarily obtains commercial insurance.

§ 409.402 *Government-furnished property.* The Contractor's responsibilities for loss of or damage to Government-furnished property under fixed-price contracts are set forth in the clause in § 412.502 of this subchapter.

SUBPART E—INSURANCE UNDER COST-REIMBURSEMENT TYPE CONTRACTS

§ 409.500 *Scope of subpart.* This subpart sets forth the policy of the Departments with respect to insurance under cost-reimbursement type contracts for supplies or services.

§ 409.501 *Policy.* The kinds of insurance listed in this subpart, with limits of liability as prescribed by each respective Department, shall ordinarily be required under cost-reimbursement type contracts and under those subcontracts where the provisions of the prime contract are extended to the subcontract. A program of self-insurance approved by the Department concerned, as provided in § 409.502, may be substituted for any of the kinds of insurance ordinarily required.

§ 409.501–1 *Workmen's compensation and employers' liability insurance.* Compliance with applicable workmen's compensation and occupational disease statutes will be required, and the insurance policy will also include employers' liability coverage, where available. In jurisdictions where all occupational diseases are not compensable under applicable law, insurance for occupational diseases will be required under the employers' liability section of the insurance policy; however, such additional insurance will not be required where contract operations are commingled with the Contractor's commercial operations so that it would be impracticable to require such coverage.

§ 409.501–2 *General liability insurance.* Bodily injury liability insurance will be required on the comprehensive form of policy. Property damage liability insurance will be required only in special circumstances as determined by the Departments concerned. Property damage liability insurance may be approved when the nature of the contract operations warrant its purchase or where they are not separable from the Contractor's commercial operations.

§ 409.501–3 *Automobile liability insurance.* This insurance will be required on the comprehensive form of policy and will provide for bodily injury liability and property damage liability covering the operation of all automobiles used in connection with the performance of the contract.

§ 409.501–4 *Aircraft public and passenger liability insurance.* Where aircraft are used in connection with the performance of the contract, such insurance ordinarily will be considered required coverage.

§ 409.501–5 *Vessel collision liability and protection and indemnity liability insurance.* Where vessels are used in connection with the performance of the contract, such insurance will be required whenever deemed necessary by the Department concerned.

§ 409.502 *Self-insurance.* Qualified programs of self-insurance may be approved where an examination of the program indicates that its application to the cost-reimbursement type contract is in the best interests of the Department.

§ 409.503 *Government property.* The Contractor's responsibilities for loss of or damage to Government property under cost-reimbursement-type contracts are set forth in the clause in § 412.503 of this subchapter.

SUBPART F—INSURANCE IN CONNECTION WITH FACILITIES CONTRACTS

§ 409.600 *Scope of subpart.* This subpart sets forth the policy of the Departments with respect to insurance under contracts for the providing of industrial facilities by the Government for use in the performance of contracts for supplies or services.

§ 409.601 *Policy.* Where industrial facilities are provided by the Government, the Contractor shall be required by the contract during the period of construction, installation, alteration, repair, or use and at any other time as directed by the respective Departments, to insure or otherwise provide approved security for liabilities to employees and third persons in accordance with the requirements set forth in §§ 409.501–1 through 409.501–5.

§ 409.602 *Responsibility for loss or damage to facilities.* Section 412.411 of this subchapter defines the responsibilities of the Contractor for loss or damage to Government facilities. Therefore, facilities contracts shall provide that the Contractor shall not include the cost of insurance in any contract except to the extent of insurance required or approved. If the facilities contract does not restrict the use of the facilities to work performed for the Departments, provision shall be made that the Contractor shall procure and maintain insurance as the Department concerned shall require against loss or damage to the industrial facilities.

SUBPART G—SPECIAL CASUALTY INSURANCE RATING PLANS

§ 409.700 *Scope of subpart.* This subpart sets forth principles and requirements for use of the National Defense Projects Rating Plan, which is available for application on both domestic and foreign contracts which meet the eligibility requirements set forth herein. This subpart likewise applies to the World War II War Department Insurance Rating Plan, also known as the War Projects Insurance Rating Plan, which is currently available for application only outside the continental United States. These plans provide a special rating formula for the purchase of the casualty insurance coverages listed in §§ 409.501–1 through 409.501–3, and are mandatory as to contracts which meet the use and eligibility standards set forth in § 409.703. Inclusion under the prime Contractor's Rating Plan policies of similar coverages for subcontractors, whose contracts with the prime Contractor provide that the insurance shall be furnished by the prime Contractor, shall be automatic if the subcontract operations are at the project site, unless the Departments specifically direct otherwise. Subcontractors whose operations are away from the projects site will not be covered under the prime Contractor's Rating Plan policies unless the prime Contractor is specifically directed by the Departments to request inclusion of such subcontractors.

§ 409.701 *Purpose of plans.* These plans are designed to utilize the services and organizations of the insurance industry for safety engineering and the handling of claims arising under eligible contracts at a minimum cost to the Government.

§ 409.702 *Description of plans.* These plans are effected by endorsements attached to standard insurance policy forms for workmen's compensation, employer's liability, general liability, and automobile liability. The Rating Plans provide for a fixed deposit premium, for a reduced rate of current premium payments, for yearly adjustments of the premium depending upon loss experience during the period, and for final adjustment of the premium based upon the experience of the entire period covered by the policies. The final adjustment may be deferred for a maximum of 68 months after expiration of the policies. The total adjusted premium is the sum of the following:

(a) A fixed charge which is a percentage of the standard premium and is to compensate the insurance company for general expenses other than those referred to hereafter;

(b) Modified losses, which are the losses paid or incurred, multiplied by a conversion factor of 1.12 to compensate the insurance company for the claim department expense;

(c) Allocated claims expenses, which are expenses for claims services not of the type ordinarily rendered by the insurer's claim department, such as actual expenditures for attorney's fees and other trial or hearing expenses in connection with litigated cases;

(d) Special assessments imposed by the applicable jurisdiction for purposes such as second injury funds, rehabilitation funds, maintenance of workmen's compensation commissions, etc.; and

(e) Actual premium taxes.

Each of the above adjustments are subject to review by authorized representatives of the Department concerned, and the total adjusted premium derived therefrom cannot exceed a maximum premium which is a percentage of the

standard premium developed by use of manual rates issued or approved by the appropriate rating organization. In general, the plans are variations of commercially available insurance rating plans, but have been specially developed to meet the requirements of the Departments.

§ 409.703 *Use and eligibility for plans.* The Rating Plans described in this subpart shall be applied to all eligible defense projects where such application is determined by the Department concerned to be in the best interests of the Government. The Rating Plans may be applied to cost-reimbursement type contracts and also, in appropriate cases, to fixed-price contracts with price redetermination provisions. A defense project is eligible for application of a plan when (a) eligible Government contracts represent, at inception of the plan, at least 90 percent of the payroll for total operations at the specific locations of the project, and (b) the annual premium for insurance is estimated to be at least $10,000. A defense project may include contracts awarded by more than one Department to the same Contractor.

T. P. PIKE,
Deputy Assistant Secretary of Defense (Supply and Logistics).

[F. R. Doc. 53-9511; Filed, Nov. 10, 1953; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 926]

ARIZONA

PARTIALLY REVOKING EXECUTIVE ORDER OF JANUARY 13, 1915, CREATING PUBLIC WATER RESERVE NO. 24, ARIZONA NO. 3

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Executive order of January 13, 1915, creating Public Water Reserve No. 24, Arizona No. 3, as construed by Department of the Interior Interpretation No. 49 of October 29, 1927, is hereby revoked so far as it affects the following-described public land:

GILA AND SALT RIVER MERIDIAN

T. 39 N., R. 6 E.,
Sec. 28, SE¼SE¼.

The area described contains 40 acres. The land is rolling to rough. The soil is sandy with rocky outcroppings. The land is not suitable for cultivation. It is chiefly suitable for disposal by private exchange. It is unlikely that it will be classified for any other disposition but any application that is filed will be considered on its merits. The land will not be subject to occupancy or disposition until it has been classified.

This order shall not become effective to change the status of the described lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (59 Stat. 747; 43 U. S. C. 279–284) as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request from the Manager of the Land Office at Phoenix, Arizona.

ORME LEWIS,
Assistant Secretary of the Interior.

NOVEMBER 5, 1953.

[F. R. Doc. 53-9513; Filed, Nov. 10, 1953; 8:46 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 24—SANITATION, HEALTH, AND QUARANTINE

DESIGNATION OF COUNTRIES WHERE FOOT-AND-MOUTH DISEASE OR RINDERPEST EXISTS; MEXICO

Pursuant to the authority vested in the Governor by Rule 119qq of Executive Order No. 4314 of September 25, 1925, as amended by Canal Zone Order No. 15 of July 15, 1948 (35 CFR 24.102), § 24.102a, as amended by Governor's Regulation of October 14, 1952, 17 F. R. 10559, is hereby further amended by adding Mexico to the list of designated countries in which it is determined that foot-and-mouth disease or rinderpest exists.

(Sec. 1, 39 Stat. 527, as amended; 2 C Z Code 371, 372, 48 U. S. C. 1310)

Issued at Balboa Heights, Canal Zone, October 15, 1953.

[SEAL] H. O. PAXSON,
Acting Governor of the Canal Zone.

[F. R. Doc. 53-9516; Filed, Nov. 10, 1953; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order 165-2]

COMMISSIONER OF CUSTOMS

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN FUNCTIONS

OCTOBER 29, 1953.

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950 (3 CFR, 1950 Supp. Ch. III), it is hereby ordered that effective January 1, 1954, there shall be transferred from the Commissioner of Internal Revenue to the Commissioner of Customs the function of refunding excess deposits of internal-revenue tax, previously collected by collectors of customs, which are found by collectors of customs upon liquidations or reliquidations made on or after January 1, 1954, to be due and the functions prescribed by 26 U. S. C. 3771(a), (b) (2) (53 Stat. 465) of determining, allowing, and paying interest in connection with such refunds.

The functions herein transferred may be delegated by the Commissioner of Customs to other officers or employees of the Customs Service in such manner as the Commissioner shall direct.

[SEAL] H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 53-9545; Filed, Nov. 10, 1953; 11:20 a. m.]

Bureau of Customs

[Customs Delegation Order No. 6; T. D. 53369]

COLLECTORS OF CUSTOMS

REDELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN FUNCTIONS

OCTOBER 29, 1953.

Delegation to collectors of customs of authority transferred by the Secretary of the Treasury to the Commissioner of Customs by Treasury Department Order No. 165-2.[1]

Pursuant to Treasury Department Order No. 165-2, published as T. D. 53368, it is hereby ordered:

The functions of refunding excess deposits of internal-revenue tax, collected by collectors of customs, and of determining, allowing, and paying interest in connection with such refunds, transferred to the Commissioner of Customs by Treasury Department Order No. 165-2, are hereby delegated to collectors of customs.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F. R. Doc. 53-9539; Filed, Nov. 10, 1953; 11:25 a. m.]

[1] See F. R. Doc. 53-9545, Office of the Secretary, *supra.*

Foreign Assets Control

IMPORTATION OF SOY BEAN SAUCE DIRECTLY FROM TAIWAN (FORMOSA)

AVAILABLE CERTIFICATIONS BY THE REPUBLIC OF CHINA

Notice is hereby given that certificates of origin issued by the Ministry of Economic Affairs of the Republic of China under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Taiwan (Formosa) of the following additional commodity:

Soy bean sauce.

[SEAL] ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F. R. Doc. 53-9515; Filed, Nov. 10, 1953; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19272, Amdt.]

ADOLPHUS BUSCH

In re: Trust under will of Adolphus Busch, deceased. File No. D 28-13164.

Vesting Order 19272 dated April 14, 1953, is hereby amended as follows and not otherwise:

1. By inserting, immediately preceding the name, Hans Philipp Geyl, appearing in paragraph "1" of said Vesting Order 19272, the name "Lilly Gronewaldt".

All other provisions of said Vesting Order 19272 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on November 6, 1953.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53-9538; Filed, Nov. 10, 1953; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARIZONA

RESTORATION ORDER UNDER FEDERAL POWER ACT

NOVEMBER 3, 1953.

Pursuant to determinations of the Federal Power Commission dated December 12, 1950 (DA-96-Arizona and DA-97-Arizona) and January 31, 1952 (DA-108-Arizona), and in accordance with Order No. 427, section 2.22 (a) of the Director, Bureau of Land Management, approved August 16, 1950 (15 F. R. 5639), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, so far as they were withdrawn or reserved for power purposes in Power Site Reserve No. 83 dated December 9, 1909, in Water Power Designation No. 4 dated February 1, 1917, and in Power Project No. 837, having been reserved on September 2, 1927, are hereby restored to disposition under any applicable public land law, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended:

GILA AND SALT RIVER MERIDIAN

T. 5 S., R. 29 E.,
Sec. 25, W½SW¼;
Sec. 26, all;
Sec. 27, S½NE¼.

The lands described aggregate 800.00 acres.

The lands are crossed by or are adjacent to the Gila River. Evidence has been furnished that Wenceslao Subia of Clifton, Arizona, claims some of these lands under the settlement laws.

The lands described shall be subject to application by the State of Arizona for a period of ninety days from the date of publication of this order in the FEDERAL REGISTER for rights-of-way for public highways or as a source of material for the construction of such highways, as provided by section 24 of the Federal Power Act, as amended.

This order shall not otherwise become effective to change the status of such land until 10:00 a. m. on the 91st day after the date of publication. At that time the said lands shall become subject to application, petition, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Information showing the period during which, and the conditions under which veterans and others may file applications on the land may be obtained on request from the U. S. Land and Survey Office, Phoenix, Arizona.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 53-9514; Filed, Nov. 10, 1953; 8:47 a. m.]

Office of the Secretary

KLAMATH TRIBE OF OREGON

FEDERAL INDIAN LIQUOR LAWS

Pursuant to the act of August 15, 1953 (Pub. Law 277, 83d Cong., 1st Sess.), I certify that the following ordinance relating to the application of the Federal Indian liquor laws on the Klamath Reservation was duly adopted by the Klamath Tribe of Oregon which has jurisdiction over the area of Indian country included in the resolution:

Whereas Public Law 277, 83d Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488 and 3618 of title 18, United States Code, commonly referred to as the Federal Indian liquor laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER.

Therefore, be it resolved that the introduction, sale or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Klamath Tribe, consisting of the Klamath, Modoc and Yahooskin Band of Snake Indians, provided, that such introduction, sale or possession is in conformity with the laws of Oregon.

Be it further resolved, That any tribal laws, resolutions or ordinances heretofore enacted which prohibit the sale, introduction or possession of intoxicating beverages are hereby repealed.

ORME LEWIS,
Assistant Secretary of the Interior.

NOVEMBER 4, 1953.

[F. R. Doc. 53-9512; Filed, Nov. 10, 1953; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NEBRASKA; SOUTH DAKOTA

SALE OF MINERAL INTERESTS; REVISED AREA DESIGNATION

Schedule A, entitled Fair Market Value Areas, and Schedule B, entitled One Dollar Areas, accompanying the Secretary's Order dated June 26, 1951 (16 F. R. 6318), are amended as follows:

1. In Schedule A, under Nebraska, in alphabetical order, add the county "Pawnee"; under South Dakota, in alphabetical order, add the county "Jerauld."

2. In Schedule B, under Nebraska, delete the county "Pawnee"; under South Dakota, delete the county "Jerauld."

(Sec. 3, Pub. Law 760, 81st Cong.)

Done at Washington, D. C., this 9th day of November 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-9575; Filed, Nov. 9, 1953; 5:08 p. m.]

Production and Marketing Administration

PEANUTS

NOTICE OF REDELEGATION OF FINAL AUTHORITY BY THE GEORGIA STATE PRODUCTION AND MARKETING ADMINISTRATION COMMITTEE

Section 729.530 of the Marketing Quota Regulations for the 1954 Crop of Peanuts (18 F. R. 6372), issued pursuant to the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301-1376), provides that any authority delegated to the State Production and Marketing Admin-

istration Committee by the regulations may be redelegated by the State committee. In accordance with section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)), which requires delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein the redelegations of final authority which have been made by the Georgia State Production and Marketing Administration Committee of authority vested in such committee by the Secretary of Agriculture in the regulations referred to above. Shown below are the sections of the regulations in which such authority appears and the person to whom the authority has been redelegated:

GEORGIA

Sections 729.511 (i) (2), 729.524 (b), and 729.524 (c)—T. R. Breedlove, Chairman, State Committee; W. H. Booth, Member, State Committee; C. F. Fleming, Administrative Officer, State PMA Office; and A. C. Jarrell, Production Adjustment Specialist, State PMA Office.

Section 729.517(b)(5)—T. R. Breedlove, Chairman, State Committee and W. H. Booth, Member, State Committee.

Sections 729.518, 729.520(a), 729.522(a), 729.525(a), 729.525(b) and 729.527—T. R. Breedlove, Chairman, State Committee; W. H. Booth, Member, State Committee; C. F. Fleming, Administrative Officer, State PMA Office; and R. H. Patat, Administrative Assistant, State PMA Office.

Sections 729.519(b) and 729.528—T. R. Breedlove, Chairman, State Committee; W. H. Booth, Member, State Committee; C. F. Fleming, Administrative Officer, State PMA Office; R. H. Patat, Administrative Assistant, State PMA Office; and the following fieldmen of the State PMA Office: E. R. Leake, P. M. Hardman, J. B. Bilderback, P. M. Nix, W. B. Suddeth, R. E. Bolton, G. W. Rountree and W. M. Phillips.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361–368, 373, 374; 52 Stat. 38, 62, 65, as amended, 55 Stat. 88, as amended; 66 Stat. 27; 7 U. S. C. 1301, 1358, 1359, 1361–1368, 1373, 1374)

Issued at Washington, D. C., this 5th day of November 1953.

[SEAL] HOWARD H. GORDON,
Administrator, Production and Marketing Administration.

[F. R. Doc. 53–9524; Filed, Nov. 10, 1953; 8:49 a. m.]

PEANUTS

NOTICE OF REDELEGATION OF FINAL AUTHORITY BY THE ARKANSAS STATE PRODUCTION AND MARKETING ADMINISTRATION COMMITTEE

Section 729.530 of the Marketing Quota Regulations for the 1954 Crop of Peanuts (18 F. R. 6372), issued pursuant to the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301–1376), provides that any authority delegated to the State Production and Marketing Administration Committee by the regulations may be redelegated by the State committee. In accordance with section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)), which requires delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein the redelegations of final authority which have been made by the Arkansas State Production and Marketing Administration Committee of authority vested in such committee by the Secretary of Agriculture in the regulations referred to above. Shown below are the sections of the regulations in which such authority appears and the person to whom the authority has been redelegated:

ARKANSAS

Sections 729.511 (i) (2), 729.517 (b) (5), 729.518, 729.520, 729.522, and 729.528—Administrative Officer, or Acting Administrative Officer of the State PMA Office.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361–368, 373, 374; 52 Stat. 38, 62, 65, as amended, 55 Stat. 88, as amended; 66 Stat. 27; 7 U. S. C. 1301, 1358, 1359, 1361–1368, 1373, 1374)

Issued at Washington, D. C., this 5th day of November 1953.

[SEAL] HOWARD H. GORDON,
Administrator, Production and Marketing Administration.

[F. R. Doc. 53–9523; Filed, Nov. 10, 1953; 8:49 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 166]

JOHANNES M. A. KLAASEN ET AL

ORDER REVOKING LICENSES AND DENYING EXPORT PRIVILEGES

In the matter of Johannes M. A. Klaasen and Antonius A. Klaasen, individually and as partners in Handelshuis J. M. A. Klaasen & Co., J. M. A. Klaasen & Co., Klaasen & Co., 41 Eendrachtsweg, Rotterdam, Netherlands; Johannes C. A. M. van Woerkom, individually and doing business as Industriele Handelsonderneming v/h Rotterdamsche Producten Maatschaprij, Maarten Dijkshoornlaan 23, Hillegersburg, Netherlands; respondents; Case No. 166.

This proceeding was commenced by the transmission of a charging letter issued to the above-named respondents by the Director of the Investigation Staff, Bureau of Foreign Commerce (formerly the Office of International Trade), United States Department of Commerce, under date of July 23, 1953. Respondents are charged therein with having violated the Export Control Act of 1949, as amended, and the regulations issued thereunder, during the period April through December 1951, by having knowingly concealed material facts, made false representations and certifications, and having submitted false and fabricated ultimate consignee statements to various United States exporters-suppliers, and through such suppliers to United States authorities, to induce the issuance of validated export licenses and to facilitate the exportation to respondents in Holland of ten shipments of antibiotics and insecticides valued in excess of $125,000.

The charges allege further that respondents unlawfully diverted and transshipped, or caused to be diverted and transshipped, all ten of said exportations to countries of ultimate destination other than those authorized, in contravention of the destination control notice contained on the shipping documents of eight of said exportations and with knowledge that all said transshipments were contrary to United States export law and regulations.

By the terms of said charging letter the validated license privileges of said respondents were temporarily suspended pending the determination of this proceeding.

After receiving said charging letter, respondents transmitted to the Bureau of Foreign Commerce a request that they be granted a delay of this proceeding of at least three months, as the principals of the respondent companies were then abroad and would require more than the ten days (to answer the charges or ask for oral hearing) allowed under the terms of the charging letter. Officials of the Bureau of Foreign Commerce felt that a prolonged delay was not warranted by the circumstances, or necessary, but nevertheless allowed respondents an extension of one month. Within the period of extension so granted respondents failed to submit an answer or to ask for hearing, notwithstanding which the Bureau of Foreign Commerce voluntarily allowed them several additional days on the proviso that they either submit an answer or ask for a hearing by a specified date, or have the evidence of the violations charged summarily submitted to the Compliance Commissioner for hearing on the basis of their default. When apprised of the additional time granted respondents declined to answer the charges or to appear in the proceeding and intimated that the pending proceeding and the outcome thereof was a matter of indifference to them.

On September 25, 1953, a default hearing was duly held before the Compliance Commissioner at Washington, D. C., at which the Bureau of Foreign Commerce was represented by counsel and through said counsel presented to the Commissioner the evidence compiled by the Investigation Staff bearing on the violations charged to the respondents in said charging letter. The Commissioner was informed by counsel of the extensions granted to respondents and of their refusal to appear in the proceeding or to file an answer to the charges, as aforesaid. On the basis thereof the Commissioner duly declared the respondents to be in default in accordance with the regulations. Notwithstanding the ruling as to respondents' default, it was stipulated that the proceeding should be kept open subject to receiving an answer from the respondents within a reasonable time and while the matter was still under consideration by the Commissioner. Respondents not having thereafter indicated any change of position or of intention to contest the proceeding, the default has been made final.

It appears from the Compliance Commissioner's report that at the time of

the violations charged respondent Johannes M. S. Klaasen and his son, respondent Antonius A. Klaasen, were, and still are, partners in the firms Handelshuis J. M. A. Klaasen & Co., J. M. A. Klaasen & Co., and Klaasen & Co. ("Klaasen"), Rotterdam, Holland, all of which firms are engaged in the import-export of diverse commodities, including chemicals and pharmaceuticals, and have been so engaged for many years. Respondent Johannes C. A. M. van Woerkom was then, and still is, an important official of Klaasen and a member of its board of directors, and is also the sole owner of Industriele Handelsonderneming v/h Rotterdamsche Producten Maatschappij ("Rotterdamsche Producten"), an inoperative concern which van Woerkom formerly conducted from his residence in Hillegersburg, a suburb of Rotterdam.

It appears further from the Compliance Commissioner's report that the Klaasens and van Woerkom are associated in various other enterprises in Holland, in some instances van Woerkom and Antonius A. Klaasen being partners in specific firms, and in another instance Johannes M. Klaasen and Antonius A. Klaasen own the stock of a company and Johannes M. A. Klaasen and van Woerkom are on the board of directors. In addition to these firms, the Klaasens have a connection with two interlocking Rotterdam firms through an employee of theirs who is a board member of one of these firms. All of the concerns under consideration are named below as being subject to the prohibitions of this order because of the relationship to the Klaasans and van Woerkom, as indicated.

On the evidence and on the entire record the salient facts are as follows:

During the period April through June 1951, the Klaasen firm ordered five shipments of United States origin DDT powder, sulfadiazine powder, and sulfadiazine tablets to be made to it in Holland. These orders were placed with various New York export concerns. All said orders, except one, were accompanied by ultimate consignee statements in which Klaasen falsely represented and certified that the given commodity was intended for ultimate consumption or resale in Holland or Belgium. One of said statements was on the letterhead of a purported Belgium ultimate consignee. Actually, the letterhead had been deviously obtained and the name of the alleged Belgium consignee placed thereon without authority.

Unaware of the falsity of the representations on the orders and ultimate consignee statements, the several exporters applied to the Bureau of Foreign Commerce for validated export licenses to ship the required commodities to Klaasen in Rotterdam, and export license were thereafter obtained authorizing such shipments. In each instance except one, shipment of the ordered commodity was made under an order bill of lading containing the required destination control notice, "These commodities licensed by U. S. for ultimate destination Holland. Diversion contrary to U. S. law prohibited." In the one exception the destination control notice was inadvertently omitted from the bill of lading.

A copy of each of the bills of lading containing the aforesaid destination control notice was furnished to Klaasen and its duly authorized forwarding agent at Rotterdam. Upon reaching Rotterdam each of the said five shipments was diverted and transshiped to Hong Kong by the said forwarding agent acting for and upon the instructions of Klaasen.

Evidently in an attempt to divert suspicion from its large scale Hong Kong transshipments, Klaasen placed five additional orders with various New York exporters for large quantities of aureomycin, chloromycetin, sulfadiazine powder, sulfathiazole powder, and DDT during the period July through October, 1951, but in each instance used the name of Rotterdamsche Producten, the inoperative company owned by van Woerkom, as the purported purchaser. Employing the same pattern used earlier, Rotterdamsche Producten issued to the exporters ultimate consignee statements falsely representing and certifying that the ordered commodities were to be used in Holland only. In two of these transactions, and probably more, the letter of credit covering the purchase price was established by Klaasen. In each instance the ultimate consignee statement, though on the letterhead of Rotterdamsche Producten, was an exact replica, in format and design, of the consignee statements issued by Klaasen, and obviously originated from the same source.

Having no reason to doubt the authenticity on the representations and certifications on the orders and ultimate consignee statements, the several exporters applied to the Bureau of Foreign Commerce for validated export licenses to ship the required commodities to Holland as the country of ultimate destination, and export licenses were thereafter issued authorizing such shipments. Again, in each instance except one, the exportations effected under order bills of lading "notify Rotterdamsche Producten and Klaasen," contained the required destination control notice, "These commodities licensed by U. S. for ultimate destination Holland. Diversion contrary to U. S. law prohibited." In the one exception the destination control notice was inadvertently omitted from the bill of lading.

Copies of each of the bills of lading containing the aforesaid destination control notice were furnished to Klaasen, Rotterdamsche Producten, and their duly authorized forwarding agents at Rotterdam. Upon reaching Rotterdam each of the said five shipments was diverted and transshipped by the forwarding agents acting for and upon the instructions of Klaasen and Rotterdamsche Producten, four of the said shipments being diverted to Hong Kong and the other being transshipped to Germany.

In his report the Compliance Commissioner has pointed out the relationship of van Woerkam to the Klaaasen firm, his close association in other Klaasen enterprises, and his participation in the instant transactions and the use of his company's name as a front, and has stated as his conclusion that van Woerkom was an integral factor in the Klaasen operations and an indistinguishable part of the Klaasen entity.

The Compliance Commissioner also refers to the record herein which shows that, in the course of an investigation by United States Foreign Service officers, Klaasen first professed no knowledge of the instant transshipments and denied having engaged therein, and in fact attempted to prove by fabricated records that in one instance they had sold the United States commodity to a French concern for consignment to Belgium. This assertion was proved false, investigation thereof showing that the firm named as the alleged purchaser in France was non-existent and that the purported Belgium consignee knew nothing of the alleged transaction.

Later, and after again denying to the authorities that the goods had been transshipped, Klaasen finally admitted that the said commodities had been diverted as shown. When it was pointed out that the goods were licensed by the United States only on condition that they be used in Holland or Belgium, and that the licenses were issued on the basis of Klaasen's sworn statements that they would be so used, Klaasen stated that United States export controls were none of their concern and that they were not bound by the laws of a foreign country.

The record also discloses that the forwarding agent acting for Klaasen and Rotterdamsche Producten in all the Hong Kong transshipments was a notorious, known transshipper of strategic American goods to Soviet areas and that its United States license privileges were denied by order of the Bureau of Foreign Commerce in September 1951 and that such deprivation of license privileges was a matter of general knowledge in Holland; but that such knowledge failed to deter Klaasen and van Woerkom from continuing to employ the services of said forwarding agent to divert the American goods to Hong Kong.

In summing up the evidence and the record, the Compliance Commissioner states in his report that the series of falsehoods, evasions, and half-truths perpetrated by respondents upon United States officials abroad, coupled with the false representations, fabricated ultimate consignee statement and deliberate transshipments under the circumstances shown, constitute a flagrant case of violation of United States export controls; and that it shows respondents' utter disregard for United States export controls and for constituted American authority here and abroad. He points out also that the admitted unlawful transshipments took place contemporaneously with and soon after the outbreak of hostilities in Korea, and at a time when United States commodities to Hong Kong were undergoing a careful selective screening.

In making his recommendations the Commissioner has based them on his conclusion that by reason of the antagonism towards United States export control law and regulations openly expressed by respondents and of the translation of this attitude into the violative acts above

shown, the instant respondents constitute a continuing threat to the integrity of the export control system and to the security of the United States.

The findings and recommendations of the Compliance Commissioner have been carefully considered, together with the charging letter, the evidentiary material, and the entire record. It appears therefrom that the Compliance Commissioner's findings are in accordance with the evidence and that such recommendations are reasonable and should be adopted.

Now, therefore, it is ordered as follows:

(1) All outstanding validated export licenses held by or issued in the names of respondents Johannes M. A. Klaasen, Antonius A. Klaasen, individually, and as Handelshuis J. M. A. Klaasen & Co., J. M. A. Klaasen & Co., and Klaasen & Co., and Johannes C. A. M. van Woerkom, individually, and as Industriele Handelsonderneming v/h Rotterdamsche Producten Maatschappij, or any of them, or in which they appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be forthwith returned to the Bureau of Foreign Commerce for cancellation.

(2) Respondents, their successors or assigns, directors, officers, associates, partners, representatives, agents, and employees, are hereby denied and declared ineligible to exercise the privileges of participating directly or indirectly in any manner or capacity in the exportation of any commodity from the United States to any foreign destination, including Canada, for the duration of export controls. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit respondents' participation (a) as a party as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control documents, (c) in the receiving in any foreign country of any exportation from the United States, and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States.

(3) Such denial of export privileges shall extend not only to the named respondents, and each of them, but also to Lindemann & Co., Holland N. V., Gold Oil Company, International Meat Company, Handel Maatschappij Blessing-Etra, and Etra Technische Ondernemming, all of Holland (companies with which the named respondents are associated) and also to any other person, firm, corporation, or business organization with which said respondents, or any of them, may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith.

(4) No person, firm, corporation, or other business organization shall knowingly apply for or obtain any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation from the United States under validated and general export licenses, or finance, service, transport, forward, or receive any commodities thereunder, to or for said respondents or any of them, or any person, firm, corporation, or other business organization covered by paragraph (3) above, without prior disclosure of such facts to, and specific authorization from, the Bureau of Foreign Commerce.

Dated: November 6, 1953.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 53-9533; Filed, Nov. 10, 1953; 8:51 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended June 2, 1952, 17 F. R. 3818).

Associated Garment Co., 18 South Popla Street, Pana, Ill., effective 11-20-53 to 11-19-54; 10 learners (dresses).

Bates Nitewear Co., Inc., 1120 East Bessemer Avenue, Greensboro, N. C., effective 11-9-53 to 11-8-54; 10 percent of the factory production force for normal labor turnover purposes (children's pajamas).

Blue Bell, Inc., Woodstock, Va., effective 10-29-53 to 4-28-54; 10 learners for expansion purposes (dungarees).

Carbondale Manufacturing Co., Inc., 33 South Main Street, Carbondale, Pa., effective 10-30-53 to 10-29-54; 10 learners for normal labor turnover purposes (dresses).

Cluett, Peabody & Co., Shamokin, Pa., effective 11-4-53 to 11-3-54; 10 percent of the factory production workers for normal labor turnover purposes (sport shirts).

Cluett, Peabody & Co., Shamokin, Pa., effective 11-4-53 to 5-3-54; 40 learners for expansion purposes (sport shirts).

Cluett, Peabody & Co., Inc., Virginia, Minn., effective 11-19-53 to 11-18-54; 10 percent of the factory production force for normal labor turnover purposes (shirts).

Duquesne Manufacturing Co., 832 Constitution Boulevard, New Kensington, Pa., effective 11-15-53 to 11-14-54; 10 learners for normal labor turnover purposes (dresses, hooverettes, etc.).

Fields Manufacturing Co., 246 Oconee Street, Athens, Ga., effective 10-29-53 to 10-28-54; 10 learners for normal labor turnover purposes (men's and boys' work and sports shirts and work pants).

Forest City Manufacturing Co., DuQuoin, Ill., effective 10-29-53 to 4-28-54; 20 learners for expansion purposes (juniors' and misses' dresses).

Forest City Manufacturing Co., Zeigler, Ill., effective 10-29-53 to 4-28-54; 10 learners for expansion purposes (juniors' and misses' dresses).

Jacqueline of Delaware, Townsend, Del., effective 10-30-53 to 10-29-54; 5 learners for normal labor turnover purposes (dresses).

Lesmar Manufacturing Co., Inc., Stark Industrial Park, Charleston, S. C., effective 11-3-53 to 11-2-54; 9 learners for labor turnover purposes (ladies' and children's pajamas).

McEwen Manufacturing Co., McEwen, Tenn., effective 11-6-53 to 11-5-54; 10 percent of the factory production force for normal labor turnover purposes (overalls, dungarees, playsuits).

Oberman Manufacturing Co., Harrison, Ark., effective 11-17-53 to 11-16-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' pants).

Pella Manufacturing Corp., 707 East 3rd Street, Pella, Iowa, effective 11-2-53 to 11-1-54; 5 learners for normal labor turnover purposes (overalls and dungarees).

Princess Peggy, Inc., Chillicothe, Ill., effective 10-28-53 to 10-27-54; 10 percent of the factory production workers for normal labor turnover purposes (dresses).

The Pyke Manufacturing Co., 154 West 2nd South Street, Salt Lake City, Utah, effective 11-2-53 to 11-1-54; 10 percent of the factory production force for normal labor turnover purposes (work pants, overalls, coveralls, pedal pushers, and shorts).

Rice Stix No. 15, Lebanon, Mo., effective 11-8-53 to 11-7-54; 10 percent of the factory production force for normal labor turnover purposes (overalls, dungarees and jumpers).

Royal Manufacturing Co., Inc., Washington, Ga., effective 10-30-53 to 10-29-54; 10 percent of the number of factory production workers engaged in the production of woven sport shirts (sport shirts).

Salant & Salant, Inc., Princeton Factory, Tennessee Avenue, Parsons, Tenn., effective 11-8-53 to 11-7-54; 10 percent of the factory production force for normal labor turnover purposes (cotton work pants).

Salant & Salant, Inc., Washington Street, Paris, Tenn., effective 11-9-53 to 11-8-54; 10 percent of the factory production force for normal labor turnover purposes (cotton work shirts and wool work shirts).

Saluda Shirt Co., Inc., Saluda, S. C., effective 10-29-53 to 10-28-54; 10 learners for normal labor turnover purposes. This certificate authorizes the employment of learners engaged in the manufacture of men's sport shirts only (sport shirts).

Sea Craft Sportswear, Inc., Grassflat, Pa., effective 10-30-53 to 10-29-54; 10 learners for normal labor turnover purposes (trousers).

Seattle Woolen Co., 2822 A Street, Tacoma, Wash., effective 11-2-53 to 11-1-54; 10 learners for normal labor turnover purposes (men's jackets and cruisers).

Shane Mfg. Co., Inc., 2015 West Maryland Street, Evansville, Ind., effective 11-16-53 to 11-15-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (cotton work clothing).

Southern Maid Garment, Inc., Winnsboro, S. C., effective 11–14–53 to 5–13–54; 20 learners for expansion purposes (children's dresses).

Standard Garments, Inc., 123 Fayette Street, Martinsville, Va., effective 10–28–53 to 10–27–54; 10 percent of the factory production force for normal labor turnover purposes (men's and boys' pants and jackets).

Summit Station Mfg. Co., 194 South Main Street, Pine Grove, Pa., effective 10–29–53 to 10–28–54; 10 learners for normal labor turnover purposes (women's dresses and blouses).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended July 13, 1953, 18 F. R. 3292).

North Star Manufacturing Co., Tacoma, Wash., effective 11–21–53 to 11–20–54; 6 learners (canton flannel gloves).

Western Glove Co., Orting, Wash., effective 11–21–53 to 11–20–54; 6 learners (canton flannel gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as amended November 19, 1951; 16 F. R. 10733).

Chancellor Hosiery Mills, Inc., Reading, Pa., effective 11–3–53 to 11–2–54; 5 percent of the total number of factory production workers for labor turnover purposes.

Dolly Hosiery Mills, Inc., Valdese, N. C., effective 11–3–53 to 11–2–54; 5 learners for labor turnover purposes.

Industrial Hosiery Mills, Inc., Summit and Chestnut Streets, Mohnton, Pa., effective 10–30–53 to 10–29–54; 4 learners.

Peerless Hosiery Co., West Jefferson, N. C., effective 11–1–53 to 6–30–54; 50 learners for expansion purposes.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950; 15 F. R. 398).

West Iowa Telephone Co., Marcus, Iowa, effective 11–17–53 to 11–16–54.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Royal Manufacturing Co., Inc., Washington, Ga., effective 10–30–53 to 10–29–54; 5 percent of the number of factory production workers engaged in the production of cotton drawers and cotton shorts (drawers, shorts).

Royal Manufacturing Co., Inc., Crawfordville, Ga., effective 10–28–53 to 10–27–54; 5 learners (drawers, shorts).

Saluda Shirt Co., Inc., Saluda, S. C., effective 10–29–53 to 10–28–54; 5 learners. This certificate authorizes the employment of learners engaged in the manufacture of men's and boys' shorts only (shorts).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Newberry Bagging & Tie Co., Caldwell Street, Newberry, S. C., effective 10–30–53 to 4–29–54; 1 learner; sewing machine operator, 160 hours at 65 cents per hour (cotton bagging).

Redwood City Knitting Mills, 120 Wilson Street, Redwood City, Calif., effective 10–28–53 to 4–27–54; 2 learners; hand embroiderers, 200 hours at 65 cents per hour (embroidery on sweaters).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Fonda Gage (Puerto Rico), Inc., Ponce, P. R., effective 10–20–53 to 3–31–54; 11 learners; millers, drill press operators, universal grinder; each 320 hours at 40 cents an hour (steel and carbide gage blocks).

Pan-Am Textiles, Inc., Caguas, P. R., effective 10–17–53 to 4–16–54; 57 learners; knitters, 240 hours at 30 cents an hour, 240 hours at 35 cent an hour; examiners, 240 hours at 30 cents an hour; seamers, menders; each 480 hours at 30 cents an hour, 480 hours at 35 cents an hour (full-fashioned hosiery).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 2d day of November 1953.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 53–9518; Filed, Nov. 10, 1953; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5628]

AEROVIAS INTERAMERICANAS DE PANAMA, S. A.; SERVICE FROM TOCUMEN, PANAMA, TO MIAMI, FLA.

NOTICE OF REOPENED HEARING

In the matter of the application of Aerovias Interamericanas de Panama, S. A., for a foreign air carrier permit under section 402 of the Civil Aeronautics Act of 1938, as amended, authorizing it to engage in scheduled or nonscheduled foreign air transportation between the terminal point Tocumen, Panama, and the terminal point Miami, Florida, with or without intermediate traffic stops in Havana, Cuba, and/or Kingston, Jamaica, and/or Nassau, Bahamas.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said act, that a hearing in the above-entitled proceeding will be reopened and resumed on November 13, 1953, at 10:00 a. m., e. s. t., in Room 2070 Temporary Building No. 5, Sixteenth Street and Constitution Avenue, NW, Washington, D. C., before Examiner Curtis C. Henderson.

Without limiting the scope of the issues presented by the applicant particular attention will be directed to the following questions:

1. Whether the proposed air transportation will be in the public interest.

2. Whether the applicant is fit, willing, and able to perform the proposed air transportation and to conform to the provisions of the act and the rules, regulations and requirements of the Board thereunder.

3. Whether the authorization of the proposed air transportation will be consistent with the obligations assumed by the United States in any treaty, convention, or agreement that may be in force between the United States and the Republic of Panama.

For further details as to the service proposed and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Notice is further given that any person, other than a party of record, desiring to be heard in this proceeding must file with the Board on or before November 13, 1953, a statement setting forth the pertinent issues of fact or law which he desires to controvert.

Dated at Washington, D. C., November 6, 1953.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 53–9537; Filed, Nov. 10, 1953; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10346]

JAMES GERITY, JR.

ORDER CONTINUING HEARING

In re application of James Gerity, Jr., Pontiac, Michigan, for construction permit; Docket No. 10346, File No. BP–8651.

The Commission having before it a petition filed by WKMH, Incorporated, on October 27, 1953, requesting that the hearing herein now scheduled for November 5, 1953, be continued "until at least 20 days after the Commission has acted upon a Petition to Amend Order and Issues filed by WKMH, Incorporated on October 26, 1953;" and

It appearing, that in its petition of October 26, 1953, WKMH, Incorporated requested that issues be added and that the burden of proceeding with the introduction of evidence and the burden of proof be placed upon James Gerity, Jr., instead of upon itself; and

It further appearing, that the Commission has not as yet acted upon the petition of October 26, 1953, and that no opposition to the instant petition for a continuance of the hearing herein has been filed;

It is ordered, This 3d day of November 1953, that the petition for continuance is granted and that the hearing herein is continued until a date to be scheduled in a later order.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53–9534; Filed, Nov. 10, 1953; 8:51 a. m.]

[Docket No. 10414]

RICHLAND BROADCASTING CORP.

ORDER CONTINUING HEARING

In re application of Richland Broadcasting Corporation, Richland, Wisconsin, for construction permit, Docket No. 10414, File No. BP-8584.

The Commission having under consideration a petition, filed on behalf of the above-entitled applicant on October 22, 1953, requesting a continuance of the hearing in this proceeding for a period of ninety days; and

It appearing, that applicant requests a continuance of the hearing in order to have more time to study other methods of improving broadcasting service in the Richland area; and

It further appearing, that the applicant's study may develop plans which do not necessitate a hearing upon this application, that no opposition to the petition has been filed, and that a continuance without date will conduce to the orderly dispatch of the Commission's business:

Now therefore, it is ordered, This 3d day of November 1953, that the petition for continuance is granted, and the hearing which is now scheduled for November 5 is continued to a date to be fixed by subsequent order.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-9535; Filed, Nov. 10, 1953; 8:51 a. m.]

[Docket No. 10745]

HENRY K. LINDSEY AND EDWIN JAMES KLEIN

ORDER DESIGNATING MATTER FOR HEARING

In the matter of a cease and desist order to be directed to Henry K. Lindsey and Edwin James Klein; Docket No. 10745.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 5th day of November 1953;

The Commission having under consideration the issuance of an order pursuant to section 312 (b) of the Communications Act of 1934, as amended, to Henry K. Lindsey and Edwin James Klein to cease and desist from operating an unlicensed television booster station on the Nawiliwilinui Range in Hawaii or any other unlicensed station;

It appearing, that Henry K. Lindsey and Edwin James Klein operated an unlicensed television booster station on Nawiliwilinui Range in Hawaii from March 25, 1953 until April 5, 1953 and from August 25, 1953 until August 31, 1953; and

It further appearing, that on March 30, 1953 the unlawful nature of this operation was explained to Henry K. Lindsey and that a letter of April 6, 1953 from Edwin James Klein to the Commission states that there was no intention on the part of Lindsey and Klein to violate any Commission regulations in their experimental operations; and

It further appearing, that, in spite of the notice to Lindsey and Klein, unlawful operation was again conducted by them in August, 1953; and

It further appearing, that said operations were in violation of section 301 of the Communications Act of 1934, as amended, and that they were wilful;

It is ordered, Pursuant to section 312 (c) of the Communications Act of 1934, as amended, that Henry K. Lindsey and Edwin James Klein are directed to show cause why an order should not be issued commanding them to cease and desist from operating any unlicensed television station; and

It is further ordered, That a hearing in this matter be held in the Commission's offices, Twelfth and Pennsylvania Avenue NW., Washington, D. C., on the 11th day of January 1954, in order to determine whether said cease and desist order should be issued, and that Henry K. Lindsey and Edwin James Klein are herewith called upon to appear at this hearing and give evidence upon the matters specified herein; and

It is further ordered, Pursuant to § 1.402 of the rules, that said Henry K. Lindsey and Edwin James Klein are directed to file with the Commission within thirty days of the receipt of this order a written appearance in triplicate, stating that they will appear and present evidence on the matter specified in this order if they desire to avail themselves of their opportunity to appear before the Commission. If they do not desire to appear before the Commission and give evidence on the matter specified herein, they shall, within thirty days of the receipt of this order, file with the Commission, in triplicate, a written waiver of hearing. Such waiver may be accompanied by a statement of reasons why Henry K. Lindsey and Edwin James Klein believe that a cease and desist order should not be issued, and

It is further ordered, That failure of said Edwin James Klein and Henry K. Lindsey timely to respond to this order or failure to appear at the hearing designated herein will be deemed a waiver of hearing.

Released: November 5, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-9536; Filed, Nov. 10, 1953; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6335]

HOUSTON LIGHTING & POWER CO.

NOTICE OF ORDER APPROVING MAINTENANCE OF PERMANENT CONNECTION FOR EMERGENCY USE ONLY

NOVEMBER 5, 1953.

Notice is hereby given that on November 4, 1953, the Federal Power Commission issued its order adopted November 4, 1953, approving maintenance of permanent connection for emergency use only in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-9526; Filed, Nov. 10, 1953; 8:49 a. m.]

[Docket No. E-6496]

WASHINGTON WATER POWER CO.

ORDER POSTPONING DATE OF HEARING

The intervening Public Utility Districts, by motion filed October 30, 1953, have requested that the hearing heretofore set for November 9, 1953, on the application of Washington Water Power Company for approval of the merger of Puget Sound Power and Light Company into Washington Water Power Company, be postponed. That hearing was set after the Washington Public Service Commission had issued its order approving the proposed merger.

In support of their motion, Intervenors assert that the order of the Washington Commission is not as yet final inasmuch as they have submitted a petition for rehearing to that Commission. Intervenors further assert that their counsel have been directed to prosecute statutory review proceedings through the courts of the State of Washington should their petition for rehearing be denied. In its answer, filed November 3, 1953, Applicant states that the aforementioned petition for rehearing was denied by the Washington Public Service Commission on November 3, 1953.

As an additional reason in support of their motion, Intervenors point out that Applicant's and Puget's Joint Agreement to Merge will, by its terms, terminate on November 19, 1953, in the event that the merger shall not have been consummated. Applicant answers that the consummation date of the merger agreement has once been extended by agreement of the parties, and may again be extended.

However, no evidence has been presented to the Commission by either Applicant or Intervenors that the termination date has, in fact, been extended, nor have any unequivocal representations been made that it will be.

In view of the fact that the transaction now could not possibly be consummated prior to the present termination date and the uncertainty that it will again be extended, there is considerable probability that the hearing now set for November 9, 1953, would prove to be unnecessary and involve a waste of time and expense.

The Commission therefore finds that it is appropriate in carrying out the provisions of the Federal Power Act to postpone the hearing in this matter presently set for November 9, 1953, as hereinafter ordered.

The Commission orders: The hearing herein previously ordered to be held on November 9, 1953 is postponed to a date

hereafter to be fixed by further order of the Commission.

Adopted: November 4, 1953.

Issued: November 5, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9529; Filed, Nov. 10, 1953; 8:50 a. m.]

[Docket No. E-6525]

GULF STATES UTILITIES CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

NOVEMBER 5, 1953.

Notice is hereby given that on November 4, 1953, the Federal Power Commission issued its order adopted November 4, 1953, authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9527; Filed, Nov. 10, 1953; 8:49 a. m.]

[Docket Nos. G-2035, G-2040, G-2048, G-2049, G-2050, G-2073, G-2091, G-2301]

PANHANDLE EASTERN PIPE LINE CO. ET AL

ORDER TO SHOW CAUSE, REOPENING AND CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

In the matters of Panhandle Eastern Pipe Line Company, Docket Nos. G-2035, G-2040, G-2048, G-2049, G-2050, G-2073, G-2301; and Panhandle Eastern Pipe Line Company, Southeastern Michigan Gas Company, Citizens Gas Fuel Company, Citizens Gas Company, Michigan Gas Utilities Company, Docket No. G-2091.

Docket Nos. G-2035, G-2040, G-2048, G-2049, and G-2050 are applications of Panhandle Eastern Pipe Line Company (Panhandle) for disclaimers of jurisdiction or authorizations relative to the delivery of natural gas to certain direct sale customers. These dockets were consolidated for hearing together with Docket Nos. G-1767 and G-2047, two other certificate applications and Docket No. G-2091, an investigation on a number of related matters. Hearings were held and decisions were issued by the Presiding Examiner in all but Docket No. G-2091. Exceptions were taken to the Presiding Examiner's Decisions by parties to the proceedings or the Staff in all instances in which decisions were issued. The Commission by its order issued October 23, 1953, affirmed the Examiner's decision in Docket Nos. G-1767 and G-2047.

From an examination of the record, the Examiner's decisions, and the exceptions thereto, two conclusions have become abundantly apparent to us as to Panhandle's proposed sales. First, Panhandle in proposing the direct sales has ignored the provisions of section 7 of its interruptible rate schedules which provide that if it has gas available in excess of that necessary to meet its firm and annual contract volume service requirements, it shall offer such gas first to its buyers which own or control storage facilities to the extent such buyers contract to take such gas for storage and then on an equitable basis to its other customers. Secondly, in at least the one instance in which there was presented the testimony of a customer utility serving the franchise area in which a direct sale was proposed to be made, Panhandle refused to make sales of natural gas to that utility under its interruptible schedule, stating that it was not selling "I" schedule gas. Instead, Panhandle entered into an arrangement with the utility whereby the utility would transport to Panhandle's direct sale customer the volume of natural gas Panhandle was proposing to sell.

Regarding the failure of Panhandle to invoke the provisions of section 7 of its interruptible schedules, we have provided in Docket No. G-2073 for a hearing encompassing the validity of a procedure by which Panhandle has sold excess gas to certain of its resale customers through an arrangement other than its interruptible schedules. Also the subject of that hearing is the question of whether the interruptible rate schedule should be revised. We believe that the hearings on Panhandle's proposed direct sales have shown that the problem of whether Panhandle should be permitted to make direct sales before offering gas under its interruptible schedules to its buyers which own or control storage, or without offering gas to its other customers on an equitable basis is integrally related to the question of possible changes in Panhandle's interruptible rate schedules and that the matters should be presented to us in a single record. With that aim in mind we are reopening the proceedings in Docket Nos. G-2035, G-2040, G-2048, G-2049, G-2050 and G-2091 and consolidating them with Docket No. G-2073.

With respect to Panhandle's proposals to make direct sales within the franchise areas of its utility customers, we believe that the necessity for such arrangements should not result from Panhandle's refusal to sell natural gas to its resale customers under its interruptible rate schedules so that it may render the service as a direct sale. To the end of permitting the resale customers a freedom of choice as to whether they or Panhandle shall serve industrial customers in their franchise areas, we are requiring Panhandle to show cause why it should not be ordered under section 7 (a) of the Natural Gas Act to sell gas to the local distributors of natural gas in the case of the service as proposed by it in Docket Nos. G-2040, G-2049, and G-2050, as well as in the instance of its deliveries to the Mueller Brass Company through the facilities of Southeastern Michigan Gas Company.

In promulgating this order we are not unmindful of the conditions which have prompted our issuance of temporary authorizations in Docket Nos. G-2040, and G-2048 and it is not the purpose of this order to indicate any disposition of these causes. The existence of these temporary authorizations during the period of the further determinations will, however, permit a continuation of that service for which the Commission has found temporary authorization was necessary.

The Commission finds:

(1) It is necessary and appropriate in the public interest, pursuant to the provisions of the Natural Gas Act, particularly sections 7 (a), 14, 15 and 16 thereof, and § 1.6 of the Commission's rules of practice and procedure, for the Commission, upon its own motion, to institute proceedings and to require Panhandle to show cause, if any there be, why it should not be required to sell gas to Citizens Gas Fuel Company, Citizens Gas Company, Michigan Gas Utilities Company, and Southeastern Michigan Gas Company so that these companies may render the service within their particular franchise areas proposed to be rendered by Panhandle at Docket Nos. G-2040, G-2049, and G-2050, and being rendered by Panhandle to the Mueller Brass Company.

(2) It is appropriate for carrying out the provisions of the Natural Gas Act and good cause exists for reopening the proceedings in Docket Nos. G-2035, G-2040, G-2048, G-2049, G-2050, and G-2091, and consolidating such proceedings with Docket Nos. G-2073 and G-2301.

The Commission orders:

(A) Panhandle show cause, if any there be, why it should not be required to sell natural gas to Citizens Gas Fuel Company, Citizens Gas Company, Michigan Gas Utilities Company, and Southeastern Michigan Gas Company so that such companies may render the service within their particular franchise areas proposed to be rendered by Panhandle at Docket Nos. G-2040, G-2049, and G-2050, and being rendered by Panhandle to the Mueller Brass Company.

(B) The proceeding instituted in Paragraph A above is to be designated as Docket No. G-2301.

(C) The proceedings in Docket Nos. G-2035, G-2040, G-2048, G-2049, G-2050, and G-2091 be and the same hereby are reopened and consolidated with Docket Nos. G-2073 and G-2301 for the purpose of hearing.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 4, 5, 7, 14, 15, and 16, and the Commission's rules of practice and procedure, a public hearing be held commencing January 5, 1954 at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in the consolidated proceedings.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: November 4, 1953.

Issued: November 5, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9530; Filed, Nov. 10, 1953; 8:50 a. m.]

[Docket No. G-2263]

LONE STAR GAS CO.

ORDER FIXING DATE FOR HEARING

Lone Star Gas Company (Applicant) filed an application on September 28, 1953, for a certificate of public convenience and necessity for authority to construct and operate 4.13 miles of 10-inch transmission pipe line, and for an order permitting and approving abandonment of 2.7 miles of existing 10-inch transmission line, all as described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition to intervene having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 15, 1953 (18 F. R. 6578).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 25, 1953, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved and the issues presented by the application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: November 4, 1953.

Issued: November 5, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9531; Filed, Nov. 10, 1953; 8:50 a. m.]

[Project No. 2086]

SOUTHERN CALIFORNIA EDISON CO.

NOTICE OF ORDER ISSUING LICENSE (MAJOR)

NOVEMBER 5, 1953.

Notice is hereby given that on September 29, 1953, the Federal Power Commission issued its order adopted September 25, 1953, issuing license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9528; Filed, Nov. 10, 1953; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28621]

COAL FROM WESTERN KENTUCKY MINES TO PADUCAH, KY.

APPLICATION FOR RELIEF

NOVEMBER 6, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Louisville and Nashville Railroad Company and the Nashville, Chattanooga & St. Louis Railway.

Commodities involved: Coal, in carloads.

From: Western Kentucky mines.

To: Paducah, Ky.

Grounds for relief: Competition with rail carriers, circuitous routes, market competition, and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1224, supp. 52.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9532; Filed, Nov. 10, 1953; 8:50 a. m.]

NATIONAL LABOR RELATIONS BOARD

SPECIAL PROCESSING OF REPRESENTATION CASES INVOLVING UNIONS OF WHICH AN OFFICER HAS BEEN INDICTED FOR FILING A FALSE NON-COMMUNIST AFFIDAVIT

STATEMENT OF POLICY

Pursuant to the provisions of section 3 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.), the National Labor Relations Board hereby separately states and currently publishes in the FEDERAL REGISTER the following statement of policy on processing of representation cases involving unions of which an officer has been indicted for filing a false non-Communist affidavit (effective October 23, 1953).

Recent indictments of union officers in connection with the filing of affidavits under section 9 (h) have raised administrative problems of case handling and practical problems of labor relations which require attention. Involved in such criminal proceedings are questions concerning the truth or falsity of the affidavits. A judicial determination in that regard will, of course, have a direct impact upon the compliance status of the labor organization involved.

While the Board, of course, draws no inference of guilt from the issuance of the indictments concerning the falsity of the affidavits or the mala fides of the compliance status of the labor organizations affected, the Board at the same time recognizes that a conviction based on such an indictment would necessarily invalidate any certifications or other official action taken by the Board in reliance on the truth of such affidavits. Moreover, collective bargaining and other rights and relationships will undoubtedly be affected or established as a result of certifications issued by the Board to the labor organizations in question, so that the status quo ante cannot be restored in the event convictions under the indictments should establish that the certifications or other official action should not have issued or been taken.

Accordingly, the Board in order to avoid such irreparable consequences so far as it is possible to do so, and the futile dissipation of its necessarily limited resources, and to avoid a possible frustration of the policies which the act is designed to achieve, has determined to hold in abeyance, pending final disposition of the foregoing indictments any official action which would necessarily result in according final and official status to a labor organization and which would have to be invalidated in the event convictions resulted from the indictments.

The Board has weighed the competing considerations of injury to the affected labor organizations and their members by holding such matters in abeyance, against the broad considerations of practicality, administrative workability and statutory policy, and has concluded that, under all the circumstances, the following procedures, to be put into effect immediately in all representation cases involving such a union, are best calculated to effectuate the policies of the act, and to threaten least unsettling disturbance to labor-management relations and collective bargaining agreements.

1. RC and RM cases in which such union is the only labor organization involved: These cases will be docketed and then held in abeyance pending the outcome of the indictment proceeding.

2. RD cases in which such union is the only labor organization involved: These cases will be processed in the usual manner up to but not including issuance of the certification. At this point, in the event the union has won the election, issuance of the final document should be held in abeyance pending the outcome of the indictment case.

3. RC cases in which such union is the Petitioner but not the only labor organization involved:

(a) In the absence of a contention by the Intervenor or employer that such action would be prejudicial to its interests, these cases should be docketed and then held in abeyance as in 1 above.

(b) Where, upon inquiry, the intervenor or employer contends that withholding further action would be prejudicial to its interests, the case should be fully processed in the usual way (with exception noted in 6) up to but not including certification. At this point, in the event the Petitioner has won the election, issuance of the certification should be held in abeyance pending the outcome of the indictment case.

4. RC cases in which such union is an intervenor: These cases will be processed in the usual manner, with the exception noted in 6, up to but not including issuance of the certification. At this point, in the event such intervenor has won the election, issuance of a certification should be held in abeyance pending the outcome of the indictment case.

5. RM cases in which such union is not the only labor organization involved: These cases should be handled in the manner outlined in 3 above, as though such union were the petitioner and the other unions involved were intervenors.

6. Consent election agreements which provide for such union to appear on the ballot should contain a proviso to Paragraph 5 of the Agreement for Consent Election or the Stipulation for Certification Upon Consent Election as follows:

It is agreed that in the event the _____ union prevails in the election, the Regional Director shall hold in abeyance issuance of the certification of representatives pending the outcome of the indictment proceedings.

Dated: Washington, D. C., October 23, 1953.

By direction of the Board.

FRANK M. KLEILER,
Executive Secretary.

[F. R. Doc. 53-9501; Filed, Nov. 10, 1953; 8:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 70-3077, 70-3078]

CITIES SERVICE CO. ET AL.

ORDER RELEASING JURISDICTION OVER LEGAL FEES AND EXPENSES

NOVEMBER 5, 1953.

In the matter of Cities Service Company, Republic Light, Heat and Power Company, Inc., Gas Advisers, Inc., File No. 70-3078; National Fuel Gas Company, File No. 70-3077.

The Commission, by order dated July 16, 1953, having authorized, among other things, the acquisition by National Fuel Gas Company ("National"), a registered holding company, of all of the common stocks of Republic Light, Heat and Power Company, Inc. and of Penn-York Natural Gas Corporation, both subsidiaries of Cities Service Company, a registered holding company; and

The Commission in said Order having reserved jurisdiction with respect to the payment of legal fees and expenses incurred or to be incurred by National in connection with said acquisition; and

The record having been completed with respect to the legal fees and expenses of National, namely (1) a fee in the amount of $6,000 to Stryker, Tams & Horner, counsel for National and expenses of said firm amounting to $105.14, (2) a fee in the amount of $6,500 to Kenefick, Bass, Letchworth, Baldy & Phillips, counsel for National and expenses of said firm amounting to $313.93, and (3) miscellaneous expenses of National amounting to $1,051.25; and

The Commission having considered the record with respect to said fees and it appearing that the same are not unreasonable;

It is ordered, That the jurisdiction heretofore reserved over fees and expenses for legal services be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-9519; Filed, Nov. 10, 1953; 8:48 a. m.]

[File No. 70-3135]

WORCESTER COUNTY ELECTRIC CO.

ORDER AUTHORIZING SALE OF PREFERRED STOCK AT COMPETITIVE BIDDING

NOVEMBER 5, 1953.

Worcester County Electric Company ("Worcester"), a subsidiary of New England Electric System ("NEES"), a registered holding company, having filed an application-declaration with this Commission pursuant to sections 6 (a) (2), 6 (b) and 7 of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42 (b) (2) and U-50 thereunder with respect to the following proposed transactions:

Worcester proposes to create a new class of capital stock, namely, 300,000 shares of $100 par value cumulative preferred stock, and proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, 75,000 shares of such stock. The dividend rate (which shall be expressed in a multiple of .04 of 1 percent and not in excess of 6 percent) and the price to be paid to Worcester (which shall not be less than $100 and shall not exceed $102.75 per share) will be determined by competitive bidding. Bids will be received up to 12 noon on a date, not less than ten days or more than thirty days after the date of the invitation for bids, which the company shall fix by giving notice at least forty-two hours in advance to each prospective bidder.

The proceeds from the proposed sale of preferred stock (exclusive of accrued dividends and the expenses of issuance) are to be applied to the payment of short-term notes payable to NEES and to banks, estimated in the aggregate of $6,500,000 and the balance, if any, of the proceeds will be used to pay for capitalizable expenditures or to reimburse the treasury therefor.

The proposed issue and sale of preferred stock has been approved by the Massachusetts Department of Public Utilities. Worcester requests that the Commission's orders entered herein become effective upon the issuance thereof.

Due notice having been given of the filing of the application-declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said application-declaration, as amended, be and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition that the proposed sale of preferred stock shall not be consummated until the results of competitive bidding with respect thereto shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

It is further ordered, That jurisdiction be, and hereby is, reserved over the payment of all fees and expenses incurred or to be incurred in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-9520; Filed, Nov. 10, 1953; 8:48 a. m.]

[File No. 70-3146]

DELAWARE POWER & LIGHT CO.

NOTICE OF FILING REGARDING ISSUE AND SALE OF SHARES OF COMMON STOCK

NOVEMBER 5, 1953.

Notice is hereby given that an application or declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("the act"), by Delaware Power & Light Company ("Delaware"), a registered holding company and a public utility operating company, designating sections 6 (a) and 7 of the act and rules thereunder as applicable to the proposed transactions which are summarized as follows:

Delaware proposes to issue and sell 232,520 shares of its Common Stock, par value $13.50 per share, and in addition to sell such shares, but not in excess of 23,252 shares, as may be purchased for the purpose of stabilizing the price of the common stock. The 232,520 shares of common stock will be offered to stockholders in accordance with their preemptive rights and upon the basis of one share for each seven shares. Transferable warrants evidencing the right to subscribe will be issued to common stockholders of record as of the close of business on November 25, 1953. Subject to

such rights of the stockholders, the stock will also be offered to employees of Delaware and its subsidiaries in an amount not exceeding 150 shares per employee. The balance, if any, of the stock not subscribed for by holders of warrants and employees will be sold to underwriters.

The Board of Directors of Delaware will, not later than 12:00 o'clock noon on November 23, 1953, determine the offering price of the stock to stockholders and to employees, which price will be specified in the bids submitted by underwriters as the price to be paid the company for any unsubscribed stock. Immediately following determination by the Board of Directors of such offering price, notice of the price will be given to prospective bidders and will be publicly announced by the company. Bids for the unsubscribed stock will specify the compensation to be paid the underwriters.

Delaware proposes that, for the purpose of stabilizing the price of its common stock, it may purchase up to 23,252 shares of its common stock on the New York Stock Exchange, the Philadelphia-Baltimore Stock Exchange, in the over-the-counter market, or otherwise. Such stabilization, if commenced, will be terminated not later than the time fixed for the acceptance of a bid for the purchase of the unsubscribed stock. Shares acquired by Delaware as a result of such stabilization will be included as part of the unsubscribed stock which will be sold to the underwriters.

Delaware requests that the period between the publication of the invitation for bids and the time of opening of bids be shortened to seven days in order that bids for the stock may be opened on November 25, 1953.

The net proceeds from the proposed sale of common stock will be used to finance a portion of the construction program of Delaware and its two subsidiaries which, it is contemplated, will require expenditures of approximately $30,000,000 in 1953 and 1954.

The issuance of the warrants and the issuance and sale of the 232,520 shares of common stock was approved by the Public Service Commission of Delaware by order dated October 15, 1953.

It is requested that the Commission issue its order herein to become effective on November 17, 1953.

Notice is further given that any interested person may, not later than November 16, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application or declaration, as filed or as amended, may be granted or permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-9521; Filed, Nov. 10, 1953; 8:48 a. m.]