

## Agricultural Marketing Service, USDA

## § 1208.16

under cover or in field operations, but not including foliage plants, floral supplies, or flowering plants.

### § 1208.6 Cut flowers and greens.

The term *cut flowers and greens* means either cut flowers or cut greens, even though the cut flowers or cut greens are sold as separate commodities by a person in the floral marketing system, or cut flowers and cut greens collectively when both commodities are sold by a person in the floral marketing system.

### § 1208.7 Department.

*Department* means the United States Department of Agriculture.

### § 1208.8 Exempt handler.

*Exempt handler* means a person who would otherwise be considered to be a qualified handler except that the person's annual sales of cut flowers and greens to retailers and other exempt handlers is less than \$750,000.

### § 1208.9 Fiscal year.

*Fiscal year* means a 12-month period recommended by the Council and approved by the Secretary.

### § 1208.10 Gross sales price.

*Gross sales price* means the total amount of the transaction in a sale of cut flowers and greens from a handler to a retailer or exempt handler including but not limited to charges such as containers, pre-cooling, packing, sleeving, delivery, freight, shipping, or other charges necessary to the protection and preservation of the cut flowers and greens.

### § 1208.11 Order.

*Order* means this subpart.

### § 1208.12 Part and subpart.

*Part* means the Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Order and all rules and regulations issued pursuant to the Act. The order itself shall be a subpart of such part.

### § 1208.13 Person.

*Person* means any individual, group of individuals, firm, partnership, cor-

poration, joint stock company, association, society, cooperative, or other legal entity.

### § 1208.14 Promotion.

*Promotion* means any action determined by the Secretary to advance the image, desirability, or marketability of cut flowers and greens, including paid advertising.

### § 1208.15 Producer that is a qualified handler.

*Producer that is a qualified handler* means an entity that is engaged: In the domestic production, for sale in commerce, of cut flowers and greens and that owns or shares in the ownership and risk of loss of the cut flowers and greens; or as a first processor of non-cultivated greens, in receiving the greens from a person who gathers the greens for handling; and is subject to assessments as a qualified handler under the order.

### § 1208.16 Qualified handler.

*Qualified handler* means a person operating in the cut flowers and greens marketing system that sells domestic or imported cut flowers and greens to retailers and exempt handlers and whose annual sales of cut flowers and greens to retailers and exempt handlers are \$750,000 or more. The term does not include a person who only physically transports or delivers cut flowers and greens. However, the term does include, but is not limited to, the following entities when they have the requisite volume of sales of cut flowers and greens as provided in §§ 1208.50 and 1208.57:

(a) A qualified wholesale handler—a person in business as a floral wholesale jobber (*i.e.*, a person who conducts a commission or other wholesale business in buying and selling cut flowers and greens) or as a floral supplier (*i.e.*, a person engaged in acquiring cut flowers and greens to be manufactured into floral articles or otherwise processed for resale) if the annual value of the qualified wholesale handlers sale of cut flowers and greens to retailers and exempt handlers is \$750,000 or more;

(b) A manufacturer of bouquets for sale to retailers if the cut flowers and