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- (viii) Heat, sprayburn, or sunburn;
 - (ix) Scale;
 - (x) Insects;
 - (xi) Other diseases; and,
 - (xii) Mechanical or other means.
- (4) Tolerances. (See § 51.2336)
- (b) "U.S. No. 1" consists of kiwifruit which meet the following requirements:
- (1) Basic Requirements:
 - (i) Similar varietal characteristics;
 - (ii) Mature;
 - (iii) Not soft, overripe, or shriveled;
 - (iv) Carefully packed;
 - (v) Clean; and,
 - (vi) Fairly well formed.
 - (2) Free From:
 - (i) Worm holes;
 - (ii) Broken skins which are not healed;
 - (iii) Sunscald;
 - (iv) Freezing injury;
 - (v) Internal breakdown; and,
 - (vi) Decay.
 - (3) Free From Damage By:
 - (i) Bruises;
 - (ii) Leaf or limbrubs;
 - (iii) Discoloration;
 - (iv) Hail;
 - (v) Growth cracks;
 - (vi) Scab;
 - (vii) Scars;
 - (viii) Heat, sprayburn, or sunburn;
 - (ix) Scale;
 - (x) Insects;
 - (xi) Other diseases; and,
 - (xii) Mechanical or other means.
 - (4) Tolerances. (See § 51.2336):
- (c) "U.S. No. 2" consists of kiwifruit which meet the following requirements:
- (1) Basic Requirements:
 - (i) Similar varietal characteristics;
 - (ii) Mature;
 - (iii) Not soft, overripe, or shriveled;
 - (iv) Carefully packed;
 - (v) Fairly clean; and,
 - (vi) Not badly misshapen.
 - (2) Free From:
 - (i) Worm holes;
 - (ii) Broken skins which are not healed;
 - (iii) Sunscald;
 - (iv) Freezing injury;
 - (v) Internal breakdown; and,
 - (vi) Decay.
 - (3) Free From Serious Damage By:
 - (i) Bruises;
 - (ii) Leaf or limbrubs;

- (iii) Discoloration;
 - (iv) Hail;
 - (v) Growth cracks;
 - (vi) Scab;
 - (vii) Scars;
 - (viii) Heat, sprayburn, or sunburn;
 - (ix) Scale;
 - (x) Insects;
 - (xi) Other diseases; and,
 - (xii) Mechanical or other means.
- (4) Tolerances. (See § 51.2336)

[47 FR 34513, Aug. 10, 1982, as amended at 51 FR 36682, Oct. 15, 1986]

§ 51.2336 Tolerances.

In order to allow for variations incident to proper grading and handling, the following tolerances by count, shall be permitted in any lot:

- (a) U.S. Fancy and U.S. No. 1.

(1) For defects at shipping point,² 8 percent for fruit which fail to meet the requirements of the specified grade: *Provided*, That included in this amount not more than 4 percent shall be allowed for defects causing serious damage, including in this latter amount not more than 1 percent for fruit affected by internal breakdown or decay.

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

- (i) 8 percent for permanent defects;
- (ii) 6 percent for defects causing serious damage, including therein not more than 4 percent for serious damage by permanent defects and not more than 2 percent for fruit affected by internal breakdown or decay.

- (b) U.S. No. 2.

(1) For defects at shipping point,² 8 percent for fruit which fail to meet the requirements of this grade: *Provided*, That included in this amount not more than 4 percent shall be allowed for sunscald, insects, internal breakdown or decay, including in this latter amount not more than 1 percent for

²Shipping point, as used in these standards, means the point of origin of the shipment in the producing area or at port of loading for ship stores or overseas shipment, or, in the case of shipments from outside the continental United States, the port of entry into the United States.

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fruit affected by internal breakdown or decay.

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

(i) 8 percent for permanent defects including therein not more than 4 percent for sunscald, or insects; and,

(ii) 2 percent for internal breakdown or decay.

§ 51.2337 Application of tolerances.

The contents of individual containers in a lot, based on sample inspection, are subject to the following limitations:

(a) Individual samples shall not have more than double a specified tolerance except that at least two defective specimens may be permitted in any container: *Provided*, That not more than one fruit which is frozen or affected by decay be permitted in any container 3 pounds or less; and, *Provided further*, That the averages for the entire lot are within the tolerances specified for the grade.

[47 FR 34513, Aug. 10, 1982, as amended at 50 FR 40186, Oct. 2, 1985; 51 FR 4293, Feb. 4, 1986]

§ 51.2338 Standard pack.

(a) Fruit shall be fairly uniform in size and shall be packed in boxes, flats, lugs, or cartons and arranged according to approved and recognized methods. Containers shall be well filled; contents tightly packed but not be excessively or unnecessarily bruised by overfilling or oversizing. Fruit in the shown face of the container shall be reasonably representative in size and quality of the contents.

(b) When packed in closed containers the size shall be indicated by marking the container with the numerical count.

(c) Boxes, flats, lugs, or cartons:

(1) Fruit packed in containers with cell compartments, cardboard fillers or molded trays shall be of proper size for the cells, fillers, or molds in which they are packed, and conform to the marked count.

(2) In order to allow for variations incident to proper packing in other types of containers, for example, lugs, car-

tons, or boxes, the number of fruit shall not vary more than two from the marked count.

(d) "Fairly uniform in size" means that fruit in containers marked numerically to denote size may not vary in diameter more than ½ inch (12.7mm) in sizes 30 or larger; ¾ inch (9.5mm) in sizes 31 through 38; and ¼ inch (6.4mm) in sizes 39 or smaller. Not more than 5 percent, by count, of the fruit in any container may exceed the diameter range specified.

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

(f) In order to allow for variations incident to proper sizing and packing, not more than 10 percent, by count, of containers in any lot may fail to meet these requirements.

[47 FR 34513 Aug. 10, 1982, as amended at 50 FR 40186, Oct. 2, 1985; 51 FR 4293, Feb. 4, 1986]

§ 51.2339 Definitions.

Similar varietal characteristics means the fruit in any lot and container are similar in shape, color of skin and flesh.

Mature means the fruit has reached the stage of development which will ensure the proper completion of the ripening process. The minimum average soluble solids, unless otherwise specified, shall be not less than 6.5 percent.

Clean means the fruit is practically free from dirt, dust, or other foreign material.

Fairly clean means the fruit is reasonably free from dirt, dust, or other foreign material.

Well formed means the fruit has the shape characteristic of the variety and slight bumps or other roughness are permitted providing they do not detract from the appearance.

Fairly well formed means the fruit has the shape characteristic of the variety but slight bumps or other roughness are permitted providing they do not materially detract from appearance.

Badly misshapen means the fruit is so decidedly deformed that its appearance is seriously affected.

Carefully packed means the fruit shows no evidence of rough handling.

Injury means any defect described in § 51.2340, or an equally objectionable