

**§ 51.2341 Sample size for grade determination.**

For fruit place-packed in tray pack containers, the sample shall consist of the contents of the individual container. For fruit jumble-packed in volume filled containers, the sample shall consist of at least 50 fruit. When individual containers contain at least 50 fruit, each individual sample is drawn from one container. When individual containers contain less than 50 fruit, a sufficient number of adjoining containers are opened to form a 50 fruit sample.

[50 FR 40186, Oct. 2, 1985; 50 FR 40961, Oct. 8, 1985; 51 FR 4293, Feb. 4, 1986]

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

SOURCE: 51 FR 27814, Aug. 4, 1986, unless otherwise noted.

**§ 51.2540 General.**

(a) Compliance with the provisions of these standards shall not excuse failure to comply with provisions of applicable Federal or State laws.

(b) These standards are applicable to pistachio nuts in the shell which may be in a natural, dyed, raw, roasted, or salted state; or in any combination thereof. However, nuts of obviously dissimilar forms shall not be commingled.

**§ 51.2541 Grades.**

“U.S. Fancy,” “U.S. No. 1,” “U.S. No. 2,” and “U.S. No. 3” consist of pistachio nuts in the shell which meet the following requirements.

- (a) Basic requirements:
  - (1) Free from:
    - (i) Foreign material;
    - (ii) Loose kernels;
    - (iii) Shell pieces;
    - (iv) Particles and dust; and,
    - (v) Blanks.
  - (b) Shells:
    - (1) Free from:
      - (i) Non-split shells; and
      - (ii) Shells not split on suture.
    - (2) Free from damage by:
      - (i) Adhering hull material;
      - (ii) Light stained;
      - (iii) Dark stained; and
      - (iv) Other external (shell) defects.

- (c) Kernels:
  - (1) Well dried, or, very well dried when specified in connection with the grade.
  - (2) Free from damage by:
    - (i) Minor mold;
    - (ii) Immature kernels;
    - (iii) Kernel spots; and,
    - (iv) Other internal (kernel) defects.
  - (3) Free from serious damage by:
    - (i) Minor insect or vertebrate injury;
    - (ii) Insect damage;
    - (iii) Mold;
    - (iv) Rancidity;
    - (v) Decay; and,
    - (vi) Other internal (kernel) defects.
  - (d) The nuts are of a size not less than  $\frac{2}{64}$  inch in diameter as measured by a round hole screen.
  - (e) For tolerances see section 51.2542.

[51 FR 27814, Aug. 4, 1986; 51 FR 28802, Aug. 12, 1986, as amended at 57 FR 1636, Jan. 15, 1992]

**§ 51.2542 Tolerances.**

(a) In order to allow for variations incident to proper grading and handling, the tolerances in Tables I, II, III and paragraph (b) of this section are provided.

TABLE I

Factor	U.S. fancy	U.S. No. 1	U.S. No. 2	U.S. No. 3
	Per-cent	Per-cent	Per-cent	Per-cent
External (shell) defects (tolerances by weight)				
(a) Non-split and not split on suture .....	2	3	6	10
(1) Non-split included in				
(a) .....	1	2	4	4
(b) Adhering hull material ..	1	1	2	2
(c) Light stained .....	7	12	20	35
(1) Dark stained, included in (c) .....	2	3	4	6
(d) Damage by other means .....	1	1	1	2
(e) Less than $\frac{2}{64}$ inch in diameter:				
(1) Small size .....	5	5	5	5
(2) Medium, Large, Extra Large sizes .....	1	1	1	1

TABLE II

Factor	U.S. fancy	U.S. No. 1	U.S. No. 2	U.S. No. 3
	Per-cent	Per-cent	Per-cent	Per-cent
Internal (kernel) defects (tolerances by weight)				
(a) Damage .....	3	6	8	8
(b) Serious Damage ..	3	4	5	5
(1) Insect damage, included in (b) ....	1	2	3	3

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TABLE II—Continued

Factor	U.S. fancy	U.S. No. 1	U.S. No. 2	U.S. No. 3
	Per-cent	Per-cent	Per-cent	Per-cent
Internal (kernel) defects (tolerances by weight)				
Total internal defects shall not exceed .....	5	9	10	10

TABLE III

Factor	U.S. fancy	U.S. No. 1	U.S. No. 2	U.S. No. 3
	Percent	Percent	Percent	Percent
Other defects (tolerances by weight)				
(a) Shell pieces and blanks .....	1	1	2	2
(b) Foreign material (no glass, metal, or live insects shall be permitted ...)	.25	.25	.50	.50
(c) Particles and dust .....	.25	.25	.25	.25

(b) No lot shall contain more than 4 percent loose kernels, by weight.

[51 FR 27814, Aug. 4, 1986, as amended at 57 FR 1636, Jan. 15, 1992]

§ 51.2543 Application of tolerances.

The tolerances for the grades apply to the entire lot and shall be based on a composite sample drawn from containers throughout the lot. Any container or group of containers which have nuts obviously different in quality or size from those in the majority of containers shall be considered a separate lot and shall be sampled separately.

§ 51.2544 Size.

Nuts may be considered as meeting a size designation specified in Table IV or a range in number of nuts per ounce, provided, the weight of 10 percent, by count, of the largest nuts in a sample does not exceed 1.70 times the weight of 10 percent, by count, of the smallest and the average number of nuts per ounce is not more than one-half nut above or below the extremes of the range specified.

TABLE IV

Size designation	Average number of nuts per ounce <sup>1</sup>
Extra Large .....	20 or less.
Large .....	21 to 25.
Medium .....	26 to 30.
Small .....	31 or more.

<sup>1</sup> Before roasting.

§ 51.2545 Definitions.

(a) *Well dried* means the kernel is firm and crisp.

(b) *Very well dried* means the kernel is firm and crisp and the average moisture content of the lot does not exceed 7.00 percent or is specified. (See § 51.2546).

(c) *Loose kernels* means edible kernels or kernel portions which are out of the shell and which cannot be considered particles and dust.

(d) *External (shell) defects* means any blemish affecting the hard covering around the kernel. Such defects include, but are not limited to, non-split shells, shells not split on suture, adhering hull material, light stained, or dark stained.

(1) *Damage* by external (shell) defects means any specific defect described in paragraph (d)(1) (i) through (v) of this section, or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance or the edible or marketing quality of the individual shell or of the lot (For tolerances see § 51.2542, Table I).

(i) *Non split shells* when shells are not opened or are partially opened and will not allow an  $\frac{18}{1000}$  (.018) inch thick by  $\frac{1}{4}$  (.25) inch wide gauge to slip into the opening.

(ii) *Not-split on suture* when shells are split other than on the suture and will allow an  $\frac{18}{1000}$  (.018) inch thick by  $\frac{1}{4}$  (.25) inch wide gauge to slip into the opening.

(iii) *Adhering hull material* when an aggregate amount covers more than one-sixteenth of the total shell surface, or when readily noticeable on dyed shells.

(iv) *Light stained* on raw or roasted nuts, when an aggregate amount of yellow to light brown or light gray discoloration is noticeably contrasting with