

## Agricultural Marketing Service, USDA

## § 51.309

inspector of such Service. Duplicates of the color standards may be purchased from the John Henry Co., Post Office Box 1410, Lansing, MI 48904.

[29 FR 10573, July 30, 1964, as amended at 37 FR 14381, July 20, 1972. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981]

UNCLASSIFIED

### § 51.306 Unclassified.

“Unclassified” consists of apples which have not been classified 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

### § 51.307 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades the following tolerances are provided as specified:

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

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

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

(c) *Size.* When size is designated by the numerical count for a container, not more than 5 percent of the apples in the lot may vary more than  $\frac{1}{4}$  inch in diameter. When size is designated by minimum or maximum diameter, not more than 5 percent of the apples in any lot may be smaller than the designated minimum and not more than 10 percent may be larger than the designated maximum.

APPLICATION OF TOLERANCES

### § 51.308 Application of tolerances.

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

(a) Packages which contain more than 10 pounds:

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

(b) Packages which contain 10 pounds or less:

(1) Not over 10 percent of the packages may have more than three times the tolerance specified, except that at least one defective apple may be permitted in any package: *Provided*, That not more than one apple or more than 6 percent (whichever is the larger amount) may be seriously damaged by insects or affected by decay or internal breakdown.

CALCULATION OF PERCENTAGES

### § 51.309 Calculation of 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 a container or when the apples are jumbled in a container or in bulk, percentages shall be calculated

## §51.310

on the basis of weight or an equivalent basis.

[41 FR 11312, Mar. 18, 1976. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981]

### CONDITION AFTER STORAGE OR TRANSIT

#### §51.310 Condition after storage or transit.

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

### PACKING REQUIREMENTS

#### §51.311 Packing requirements.

(a) Apples tray packed or cell packed in cartons shall be arranged according to approved and recognized methods. Packs shall be at least fairly tight<sup>1</sup> or fairly well filled.<sup>2</sup>

(b) Closed cartons containing apples not tray or cell packed shall be fairly well filled<sup>2</sup> or the pack shall be sufficiently tight to prevent any appreciable movement of the apples.

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

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

(e) *Tolerances*. In order to allow for variations incident to proper packing, not more than 10 percent of the con-

<sup>1</sup>“Fairly tight” means that apples are of the proper size for molds or cell compartments in which they are packed, and that molds or cells are filled in such a way that no more than slight movement of apples within molds or cells is possible. The top layer of apples, or any pad or space filler over the top layer of apples shall be not more than 3/4 inch below the top edge of the carton.

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

## 7 CFR Ch. I (1-1-01 Edition)

tainers in any lot may fail to meet these requirements.

### MARKING REQUIREMENTS

#### §51.312 Marking requirements.

The numerical count or the minimum diameter of the apples packed in a closed container shall be indicated on the container.

(a) 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, or whole inches and not less than eighth inch fractions thereof.

(b) The word “minimum”, or its abbreviation, when following a diameter size marking, means that the apples are of the size marked or larger. (See §§51.307 and 51.308.)

[31 FR 11171, Aug. 24, 1966. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981]

### DEFINITIONS

#### §51.313 Mature.

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

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

(b) *Firm* means apples with a tenacious flesh but which are becoming crisp with a slightly starchy flavor, except the Delicious variety.

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

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

#### §51.314 Overripe.

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