

**§ 52.56**

or without pay. Wilful violation of this section will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

**§ 52.56 Purchase of commodity samples for review.**

Employees are authorized to purchase commodity samples for review. Employees must pay and obtain receipts for such purchases and keep receipts subject to inspection by supervisory or other authorized Department employees.

[48 FR 12330, Mar. 24, 1983]

**§ 52.57 Compliance with other laws.**

None of the requirements in the regulations in this part shall excuse failure to comply with any Federal, State, county, or municipal laws applicable to the operation of food processing establishments and to processed food products.

**§ 52.58 Identification.**

Each inspector and licensed sampler 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.

**§ 52.59 OMB control numbers assigned pursuant to the Paperwork Reduction Act.**

The information collection requirements contained in this part have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB control no. 0581-0123.

(44 U.S.C. Ch. 35)

[49 FR 23826, June 8, 1984]

**REQUIREMENTS FOR PLANTS TO BE APPROVED AND FOR PLANTS USING CONTRACT IN-PLANT INSPECTION SERVICES<sup>1</sup>**

SOURCE: Sections 52.81 to 52.83 appear at 38 FR 25170, Sept. 12, 1973, unless otherwise

<sup>1</sup>Compliance with the above requirements does not excuse failure to comply with all applicable sanitary rules and regulations of city, county, State, Federal, or other agen-

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noted. Redesignated at 42 FR 32514, June 27, 1977 and at 46 FR 63203, Dec. 31, 1981.

**§ 52.81 Plant survey.**

Prior to a plant being approved, or the inauguration of in-plant inspection services, and at such intervals as may be deemed necessary or appropriate, the Administrator will make, or cause to be made, a survey and inspection of the plant where such inspection services are to be performed to determine whether the plant and methods of operation are suitable and adequate for the performance of such service in accordance with:

(a) The regulations in this part, including, but not limited to, the requirements contained in §§ 52.81 through 52.83; and

(b) The terms and provisions of any contract pursuant to which the service is to be performed: *Provided*, That, such survey(s) shall be repeated at least yearly.

**§ 52.82 Basis of survey and plant inspection.**

The plant survey and inspection will be based on the Regulations issued under the Federal Food, Drug, and Cosmetic Act—Human Foods; Good Manufacturing Practice (Sanitation) in Manufacture, Processing, Packing, or Holding (21 CFR Part 110)—as may be modified or augmented by the Federal Food and Drug Administration, U.S. Department of Health, Education, and Welfare or the Administrator of the Agricultural Marketing Service.

**§ 52.83 Reporting results of the plant survey and inauguration of inspection services.**

(a) Results of the plant survey shall be reported in writing to a designated plant official.

(b) When the plant meets the requirements for the survey, inspection services may be inaugurated at a time mutually satisfactory to the plant management and USDA.

(c) When the plant fails the requirements of the survey, contract services

\_\_\_\_\_cies having jurisdiction over such plants and operations.

shall be withheld until corrective action is completed to the satisfaction of the USDA.

**Subpart—United States Standards for Grades of Canned Red Tart Pitted Cherries<sup>1</sup>**

SOURCE: 39 FR 13963, Apr. 18, 1974, unless otherwise noted. Redesignated at 42 FR 32514, June 27, 1977 and at 46 FR 63203, Dec. 31, 1981.

**IDENTITY AND GRADES**

**§ 52.771 Identity.**

*Canned red tart pitted cherries* is the product represented as defined in the standard of identity for canned cherries (21 CFR 145.125(a)), issued pursuant to the Federal Food, Drug, and Cosmetic Act, and packed in one of the liquid media specified in § 52.773; and is sealed in a hermetically sealed container and so processed by heat as to prevent spoilage.

**§ 52.772 Grades.**

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of canned red tart pitted cherries that have at least the following attributes:

- (1) At least a reasonably good color;
- (2) Practically free from pits;
- (3) Practically free from defects;
- (4) Good character;
- (5) Normal flavor and odor; and

(6) Score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

Canned red tart pitted cherries of this grade may contain not more than eight cherries per sample unit that are less than 9/16 inch (14 mm) in diameter.

(b) "U.S. Grade B" (or "U.S. Choice") is the quality of canned red tart pitted cherries that have at least the following attributes:

- (1) Reasonably good color;
- (2) Reasonably free from pits;
- (3) Reasonably free from defects;
- (4) Reasonably good character;
- (5) Normal flavor and odor; and

<sup>1</sup>Compliance with the provisions of the standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

(6) Score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

Canned red tart pitted cherries of this grade may contain not more than 15 cherries per sample unit that are less than 9/16 inch (14 mm) in diameter.

(c) "U.S. Grade C" (or "U.S. Standard") is the quality of canned red tart pitted cherries that have at least the following attributes:

- (1) Fairly good color;
- (2) Fairly free from pits;
- (3) Fairly free from defects;
- (4) Fairly good character;
- (5) Normal flavor and odor; and

(6) Score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

There is no size requirement for canned red tart pitted cherries of this grade.

(d) "Substandard" is the quality of canned red tart pitted cherries that fail to meet the requirements of "U.S. Grade C."

**LIQUID MEDIA AND BRIX MEASUREMENTS**

**§ 52.773 Liquid media and Brix measurements.**

(a) Brix measurement requirements for the liquid media in canned red tart pitted cherries are not incorporated in the grades of the finished product since sirup, or any other liquid medium, as such, is not a factor of quality for the purpose of the grades. The designation of liquid packing media and Brix measurements, where applicable, are as follows:

Designations	Brix measurements
"Extra heavy sirup;" or "Extra heavily sweetened fruit juice(s) and water;" or "Extra heavily sweetened fruit juice(s)."	28° or more but not more than 45°.
"Heavy sirup;" or "Heavily sweetened fruit juice(s) and water;" or "Heavily sweetened fruit juice(s)."	22° or more but less than 28°.
"Light sirup;" or "Lightly sweetened fruit juice(s) and water;" or "Lightly sweetened fruit juice(s)."	18° or more but less than 22.
"Slightly sweetened water;" or "Slightly sweetened fruit juice(s) and water;" or "Slightly sweetened fruit juice(s)."	Less than 18°.
"In water" .....	Not applicable.
"In fruit juice(s) and water." .....	Do.
"In fruit juice(s)" .....	Do.

(b) The densities of the packing media, as listed in this section, are