

§917.179

container type, by variety and by district or origin, which the shipper packed during the preceding day.

(b) *Recapitulation of shipments.* Each shipper of peaches shall furnish to the manager of the Control Committee not later than November 15 of each year a recapitulation of shipments of each variety shipped during the just-completed season. The recapitulation shall show: The name of the shipper, the shipping point, the district of origin, the variety, and the number of packages, by size, for each container type.

(c) *Destination report.* Each shipper who ships peaches shall furnish to the manager of the Control Committee a report of the number of packages of peaches shipped to each destination, and whether the peaches shipped were yellow-fleshed or white-fleshed, and whether the peaches were "CA Utility" quality. The destination is defined as peach shipments to any domestic or international market. Destination information for domestic market shipments shall include the city and state, and zip code, if known. Destination information for international market shipments shall include the country to which shipped. This report shall be submitted by the fifteenth of each month following the month in which peach shipments were made.

[39 FR 27118, July 25, 1974, as amended at 63 FR 16041, Apr. 1, 1998; 65 FR 6308, Feb. 9, 2000]

§917.179 Assessment reports.

In lieu of the reporting requirements set forth in §§917.176 and 917.178, the Control Committee may request a shipper to file, and upon such request such shipper shall file with the manager of the Control Committee a monthly summary showing the total quantity of pears and peaches which he shipped during the specified month; and such shipper may remit with his monthly report sufficient funds to cover the assessment due on the shipments which he reports.

[23 FR 3996, June 7, 1958. Redesignated at 26 FR 12751, Dec. 30, 1961, and amended at 31 FR 7477, May 24, 1966; 56 FR 23774, May 24, 1991; 56 FR 46369, Sept. 12, 1991]

EDITORIAL NOTE: After January 1, 1979, "Budget of Expenses and Rate of Assessment" regulations (e.g. sections .200 through .299) and "Handling" regulations (e.g. sec-

7 CFR Ch. IX (1-1-01 Edition)

tions .300 through .399) which are in effect for a year or less, will not be carried in the Code of Federal Regulations. For FEDERAL REGISTER citations affecting these regulations, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

EFFECTIVE DATE NOTE: At 59 FR 10056, Mar. 3, 1994, in §917.179, the words "§917.176 and" and "pears and" were suspended, effective April 4, 1994.

Subpart—Assessment Rates

§917.258 Assessment rate.

On and after March 1, 1996, an assessment rate of \$0.1900 per 25-pound container or equivalent of fresh peaches is established for California fresh peaches.

[61 FR 37813, July 22, 1996]

Subpart—Container and Pack Regulation

§917.442 California Peach Container and Pack Regulation.

(a) During the period beginning April 1 and ending November 23, no handler shall ship any package or container of any variety of peaches except in accordance with the following terms and conditions:

(1) Such peaches when packed in any closed package or container, except master containers of consumer packages and individual consumer packages, shall conform to the requirements of standard pack: *Provided*, That peaches in any such volume-filled container need only be filled to within one inch of the top of the container.

(2) Each package or container of peaches shall bear, on one outside end in plain sight and in plain letters, the word *peaches* and, except for consumer packages in master containers and consumer packages mailed directly to consumers, the name of the variety, if known or, when the variety is not known, the words *unknown variety*.

(3) Each package or container of peaches, except for consumer packages in master containers and consumer packages mailed directly to consumers, shall bear on one outside end clearly and legibly in plain sight and in plain letters the words "U.S. Mature" or "US MAT" if such peaches are mature

as defined in the United States Standards for Grades of Peaches (7 CFR 51.1210 through 51.1223); or may instead bear on one outside end clearly and legibly in plain sight and in plain letters the words "California Well Matured" or "CA WELL MAT" if such peaches are well matured as defined in §917.459.

(4) Each package or container of peaches, except consumer packages mailed directly to consumers, shall bear on one outside end in plain sight and in plain letters, the following count and/or size description of the peaches as applicable:

(i) The size of peaches packed in molded forms (tray-packs) in the No. 22D and No. 32 standard boxes, cartons, or consumer packages; No. 22G standard lug boxes or experimental containers; or No. 12B fruit (peach) boxes or flats; and the size of wrapped peaches packed in rows in No. 12B fruit (peach) boxes shall be indicated in accordance with the number of peaches in each container, such as "80 count," "88 count," etc.

(ii) The size of peaches in molded forms in experimental containers and in the No. 22G standard lug box shall be indicated according to the number of such peaches when packed in molded forms in the No. 22D standard lug box or the No. 32 standard box in accordance with the requirements of standard pack, such as "80 size," "88 size," etc., along with the count requirements in paragraph (a)(4)(i) of this section.

(iii) The size of peaches loose-filled or tight-filled in any container shall be indicated according to the number of such peaches when packed in molded forms in No. 22D or No. 32 standard boxes, in accordance with the requirements of standard pack, such as "80 size," "88 size," etc.

(iv) The size of peaches, when packed in loose-filled or tight-filled containers, shall be marked in accordance with the following table 1 and table 2 which specify the tray-pack size designation in Column A with the corresponding maximum number of peaches in a 16-pound sample of each size of the fruit in Column B: *Provided*, That the following procedure shall be used in determining whether peaches meet the minimum size requirements specified for each size category in this section

applying the 16-pound sample. A sample consisting of one-half of the specified number of fruit for a particular size category shall be used, provided such sample weighs at least eight pounds. When one-half the specified number of fruit in a sample results in a number ending with one-half a fruit, the smaller full number of fruit shall be used to determine the sample weight. If a sample fails with respect to minimum size requirements on the basis of an 8-pound sample, a 16-pound sample shall be used to determine if the fruit meets the minimum size requirements.

TABLE 1—WEIGHT-COUNT STANDARDS FOR ALL VARIETIES OF PEACHES PACKED IN LOOSE-FILLED OR TIGHT-FILLED CONTAINERS

Column A—Tray pack size designation	Column B—Maximum number of peaches in 16-pound sample applicable to varieties specified in paragraphs (a)(2)(ii), (a)(3)(ii), (a)(4)(ii), (a)(5)(ii), and (b)(3) of §917.459
96	96
88	92
84	83
80	76
72	69
70	65
64	57
60	51
56	47
54	44
50	39
48	35
44	33
42	31
40	30
36	27
34	25
32	23
30	21

TABLE 2—WEIGHT-COUNT STANDARDS FOR ALL VARIETIES OF PEACHES PACKED IN LOOSE-FILLED OR TIGHT-FILLED CONTAINERS

Column A—Tray pack size designation	Column B ¹
96	96
88	83
84	79
80	73
72	64
70	59
64	53
60	46
56	45
54	43
50	39
48	35

TABLE 2—WEIGHT-COUNT STANDARDS FOR ALL VARIETIES OF PEACHES PACKED IN LOOSE-FILLED OR TIGHT-FILLED CONTAINERS—Continued

Column A—Tray pack size designation	Column B ¹
44	33
42	31
40	30
36	27
34	25
32	23
30	21

¹ Maximum number of peaches in 16-pound sample applicable to varieties specified in paragraphs (a)(6)(ii) and (c)(3) of §917.459

(5) The variation in diameter between the smallest and largest peach in any individual container shall not exceed one-fourth (1/4) inch for size 80 and smaller and three-eighths (3/8) inch for peaches larger than size 80: *Provided*, That not more than five (5) percent, by count, of the peaches in any individual container may fail to meet the diameter requirements of this paragraph.

(6) Each No. 22D standard lug box or No. 32 standard box of loose-filled peaches shall bear on one outside end, in plain sight and in plain letters, the words "25 pounds net weight."

(7) Each No. 22E standard lug box of loose-filled peaches shall bear on one outside end, in plain sight and in plain letters, the words *35 pounds net weight*.

(8) Each bulk bin container of loose-filled peaches shall contain not less than 400 pounds net weight, and bear on one outside panel, in plain sight and in plain letters, the following information:

(i) The name and address (including zip code) of the shipper.

(ii) The net weight.

(9) Each master container when filled with peaches packed in consumer packages shall bear on one outside end in plain sight and in plain letters the following information:

(i) The number of individual consumer packages, the net weight of each consumer package, and the size description of the contents: *Provided*, That when consumer packages of different sizes of peaches are contained in a master container, the size description of the contents shall indicate the minimum size contained therein, using the terms "Minimum size 60 and larger," or "Minimum size 70 and larger," etc., as applicable.

(ii) The name and address (including zip code) of the shipper.

(10) Each individual consumer package shall bear the name and address, including the zip code, of the shipper and the net weight. When a consumer package is not in a master container, it must also bear the number of peaches contained in the package, the name of the variety, if known, or if the variety is not known, the words *Unknown Variety*, and be marked as specified paragraph (a)(3) of this section.

(b) As used in this section, "standard pack" and "fairly uniform in size" shall have the same meaning as set forth in the U.S. Standards for Grade of Peaches (§§51.1210 to 51.1223) and all other terms shall have the same meaning as when used in the amended marketing agreement and order. A No. 12B standard fruit box measures 2 3/8 to 7 1/8 x 11 1/2 x 16 1/8 inches, No. 22D standard lug box measures 2 7/8 to 7 1/8 x 13 1/2 x 16 1/8 inches, No. 22E standard lug box measures 8 3/4 x 13 1/2 x 16 1/8 inches, No. 22G standard lug box measures 7 3/8 to 7 1/2 x 13 1/4 x 15 7/8 inches, No. 32 standard box measures 5 3/4 to 7 1/4 x 12 x 19 3/4 inches. All dimensions are given in depth (inside dimensions) by width by length (outside dimensions). "Individual consumer packages" means packages holding 15 pounds or less net weight of peaches. "Tree ripe" means "tree ripened" and fruit shipped and marked as "tree ripe," "tree ripened," or any similar terms using the words "tree" and "ripe" must meet the minimum California Well Matured standards.

(c) Each container of peaches in plastic, 12 x 19 3/4 inch reusable and recyclable containers shall meet and bear, on the container lid or on the outside end, all applicable marking requirements under the order.

(d) During the period April 1 through November 23, 2000, each container or package when packed with peaches meeting the "CA Utility" quality requirements, shall bear the words "CA Utility," along with all other required container markings, in letters at least 3/8 inch in height on the visible display panel. Consumer bags or packages must also be clearly marked on the consumer bags or packages as "CA Utility," along with other required

markings, in letters at least 3/8 inch in height.

[50 FR 39074, Sept. 27, 1985, as amended at 54 FR 27861, July 3, 1989; 55 FR 24222, June 15, 1990; 56 FR 40225, Aug. 14, 1991; 57 FR 20739, May 15, 1992; 57 FR 42682, Sept. 16, 1992; 59 FR 15840, Apr. 5, 1994; 59 FR 31120, June 17, 1994; 60 FR 14896, Mar. 21, 1995; 61 FR 13392, Mar. 27, 1996; 61 FR 19164, May 1, 1996; 61 FR 31391, June 20, 1996; 62 FR 15361, Apr. 1, 1997; 63 FR 16041, Apr. 1, 1998; 63 FR 44370, Aug. 19, 1998; 64 FR 19033, Apr. 19, 1999; 65 FR 15213, Mar. 22, 2000]

Subpart—Grade and Size Regulation

§917.459 California Peach Grade and Size Regulation.

(a) During the period beginning April 1 and ending November 23, no handler shall ship:

(1) Any lot or package or container of any variety of peaches unless such peaches meet the requirements of U.S. No. 1 grade: *Provided*, That an additional 25 percent tolerance shall be permitted for fruit with open sutures which are damaged, but not seriously damaged: *Provided Further*, That peaches of the Peento type shall be permitted a 10 percent tolerance for healed, non-serious, blossom-end growth cracks: *Provided further*, That during the period April 1 through November 23, 2000, any handler may handle peaches if such peaches meet “CA Utility” quality requirements. The term “CA Utility” means that not more than 40 percent of the peaches in any container meet or exceed the requirements of the U.S. No. 1 grade, except that when more than 30 percent of the peaches in any container meet or exceed the requirements of U.S. No. 1 grade, the additional 10 percent shall have non-scoreable blemishes as determined when applying the U.S. Standards for Grades of Peaches; and that such peaches are mature and are:

(i) Free from insect injury which has penetrated or damaged the flesh; split pits which cause an unhealed crack or one or more healed cracks which, either singly or in the aggregate, are more than 1/2 inch in length; and mold, brown rot, and decay; and

(ii) Free from serious damage due to cuts, skin breaks, growth cracks, bruises, scab, rust, blight, disease, hail

or other causes. Damage to any peach is serious when it causes a waste of 10 percent or more, by volume, of the individual peach.

(iii) *Tolerances*. Not more than 10 percent, by count, of the peaches in any container may be below the requirements prescribed by this paragraph. Not more than one-half of this tolerance shall be allowed for any one cause. Individual containers in any lot may contain not more than one and one-half times the tolerances specified if the percentage of defects of the entire lot averages within the tolerances.

(iv) The Federal or Federal-State Inspection Service shall make final determinations on maturity through the use of color chips or such other tests as determined appropriate by the inspection agency. The Federal or Federal-State Inspection Service will use the maturity guides listed in table 1 to paragraph (a)(1)(iv) in making maturity determinations for the specified varieties when inspecting to the “well matured” level of maturity. For these varieties, not less than 90 percent of any lot shall meet the color guide established for the variety, and an aggregate area of not less than 90 percent of the fruit surface shall meet the color guide established for the variety. For varieties not listed, the Federal or Federal-State Inspection Service will use such tests as it deems proper. A variance for any variety from the application of the maturity guides specified in table 1 to paragraph (a)(1)(iv) may be granted during the season to reflect changes in crop, weather, or other conditions that would make the specified inappropriate measure of “well matured.”

TABLE 1

Column A variety	Column B maturity guide
Amber Crest	G
Angelus	I
August Lady	L
Autumn Gem	I
Autumn Lady	H
Autumn Rose	H
Blum's Beauty	G
Cal Red	I
Carnival	I
Cassie	H
Coronet	E
Crimson Lady	J
Crown Princess	J
David Sun	I