

**Agricultural Marketing Service, USDA**

**§ 51.2**

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APPLICATION OF TOLERANCES

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DEFINITIONS

- 51.3202 Similar varietal characteristics.
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**Subpart—United States Standards for Grades of Honey Dew and Honey Ball Type Melons**

GRADES

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- 51.3743 Unclassified.

TOLERANCES

- 51.3744 Tolerances.

APPLICATION OF TOLERANCES

- 51.3745 Application of tolerances.

DEFINITIONS

- 51.3746 Mature.
- 51.3747 Well formed.
- 51.3748 Damage.
- 51.3749 Serious damage.

AUTHORITY: 7 U.S.C. 1621–1627.

**Subpart—Regulations <sup>1</sup>**

SOURCE: 32 FR 15066, Nov. 1, 1967, unless otherwise noted. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981.

ADMINISTRATIVE

**§ 51.1 Administration of regulations.**

(a) The Administrator, Agricultural Marketing Service, U.S. Department of Agriculture, is charged with the administration of the regulations in this part, except at his discretion, he may delegate any or all such functions to any other officer or employee of the Agricultural Marketing Service of the Department.

(b) The conduct of all services and the hiring and licensing of inspection, grading and sampling personnel under these regulations shall be accomplished without discrimination as to race, color, religion, sex or national origin.

[39 FR 40937, Nov. 22, 1974. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981]

DEFINITIONS

**§ 51.2 Terms defined.**

Words in the regulations in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand. For the purposes of the regulations in this part, unless the context otherwise requires, the following terms shall have the following meanings:

(a) *Act*. “Act” means the applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq.) as amended; (7 U.S.C. 1621 et seq.) or

<sup>1</sup>None of the requirements in the regulations of this subpart shall excuse failure to comply with any Federal, State, county, or municipal laws applicable to products covered in the regulations of this subpart.

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any other act of Congress conferring like authority.

(b) *Administrator*. “Administrator” means the Administrator of Agricultural Marketing Service.

(c) *Applicant*. “Applicant” means any interested party who has applied for inspection service under the regulations in this part.

(d) *Carlot*. “Carlot” means any number of containers which contain a product of the same kind located on or unloaded from the same conveyance and available for inspection at the same time and location: *Provided, That:*

(1) Product of the same carlot shall be considered to be separate lots whenever the product differs markedly as to quality and/or condition, and such differences are definitely associated with certain brands, varieties, sizes or container markings;

(2) If the applicant requests more than one inspection certificate covering portions of the same carlot, the quantity of the carlot covered by each certificate shall be considered to be a separate carlot;

(3) If product of the same carlot is packed in more than one size or type container, each such size or type shall be considered to be a separate lot.

(e) *Carlot equivalent*. “Carlot equivalent” shall be the quantity of an individual product customarily loaded in common highway trailers.

(f) *Condition*. (1) “Condition” means the relative degree of soundness of a product which may affect its merchantability and includes those factors which are subject to change and may result from, but not necessarily limited to, age, improper handling, storage or lack of refrigeration.

(2) Examples of condition factors include maturity or stage of ripeness; state of freshness, such as crispness, tenderness, or toughness; wilting; shriveling or flabbiness; mechanical injuries resulting from improper handling after packing; progressive pathological, physiological, and virus diseases, including fungal and bacterial roots; and freezing damage which may occur in transit or storage; or any other factor which may occur, develop, or progress in the marketing channels.

(g) *Agricultural Marketing Service*. “Agricultural Marketing Service”

means the Agricultural Marketing Service of the Department.

(h) *Department*. “Department” means the U.S. Department of Agriculture.

(i) *Federal-State Inspection Agency*. “Federal-State Inspection Agency” means any State agency, business association or trade organization, private firm, or other person or corporation with which the Department has entered into a cooperative agreement for inspection service.

(j) *Grade*. “Grade” means a class or rank of quality.

(k) *Inspector*. “Inspector” means any employee of the Department authorized by the Secretary or any other person licensed by the Secretary, to investigate, sample, inspect, and certify, in accordance with the regulations in this part, to any interested party the quality, quantity and/or condition of any fresh product covered in this part, and to perform related duties in connection with the inspection service.

(1) *Inspection service*. “Inspection service” means:

(1) The Service established and conducted under the regulations in this part for the determination and certification or other identification as to the grade, the quality and/or condition of fresh fruits or vegetables and related products including the condition of container.

(2) Performance by an inspector of any related services such as reporting the temperatures of loads or lots of fresh products.

(3) To observe conditions under which a product is being packed, to observe plant sanitation as a prerequisite to inspection of the packed product either on a continuous or periodic basis, or checkload the inspected product in connection with the marketing of the product.

(4) The issuance of inspection certificates or reports relating to paragraphs (j)(1), (2), and (3) of this section.

(m) *Interested party*. “Interested party” means any person who has a financial interest in the product for which inspection is requested.

(n) *Person*. “Person” means any individual, partnership, association, business trust, corporation, any organized group of persons (whether incorporated or not), the United States (including,

but not limited to, any corporate agencies thereof), and any State, county, or municipal government, any common carrier, and any authorized agent of any of the foregoing.

(o) *Packing plant*. “Packing plant” means the premises, buildings, structures, and equipment including but not limited to, machines, utensils, fixtures, employed or used with respect to preparation and packing the product.

(p) *Quality*. “Quality” means the combination of the inherent properties or attributes of a product which determines its relative degree of excellence.

(q) *Regulations*. “Regulations” means the regulations in this subpart.

(r) *Sample*. “Sample” means any number of sample units to be used for inspection.

(s) *Sample unit*. “Sample unit” means a container and/or its entire contents, a portion of the contents of a container or other unit of a commodity, or a composite mixture of a commodity to be used for inspection.

(t) *Sampling*. “Sampling” means the act of selecting samples of a commodity for the purpose of inspection under the regulations in this part.

(u) *Secretary*. “Secretary” means the Secretary of Agriculture of the United States or any officer or employee of the Agricultural Marketing Service to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

[32 FR 15066, Nov. 1, 1967. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981; 56 FR 55799, Oct. 30, 1991]

**§51.3 Designation of official certificates, memoranda, marks, other identifications and devices for purposes of the Agricultural Marketing Act.**

Subsection 203(h) of the Agricultural Marketing Act of 1946, as amended by Pub. L. 272, 84th Congress, provides criminal penalties for various specified offenses relating to official certificates, memoranda, marks or other identifications, and devices for making such marks or identifications, issued or authorized under section 203 of said act, and certain misrepresentations concerning the inspection or grading of

agricultural products under said section. For the purpose of said subsection and the provisions in this part, the terms listed below shall have the respective meanings specified:

(a) *Inspection certificate*. “Inspection certificate” means any form of certification, either written or printed, used under this part to certify with respect to the inspection, identification, class, grade, quality, size, quantity, or condition of products (including the compliance of products with applicable specifications).

(b) *Official memorandum*. “Official memorandum” means any initial record of findings made by an authorized person in the process of grading, inspecting, or sampling pursuant to this part, any processing or plant-operation report made by an authorized person in connection with grading, inspecting, or sampling under this part, and any report made by an authorized person of services performed pursuant to this part.

(c) *Official mark*. “Official mark” means the grade mark, inspection mark, combined form of inspection and grade mark, and any other mark, or any variations in such marks, including those prescribed in §51.49, approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product, stating that the product was graded or inspected, or both, or indicating the appropriate U.S. grade or condition of the product, or for the purpose of maintaining the identity of products graded or inspected, or both, under this part.

(d) *Official identification*. “Official identification” means any United States (U.S.) standard designation of class, grade, quality, size, quantity, or condition specified in this part or any symbol, stamp, label or seal indicating that the product has been graded or inspected and/or indicating the class, grade, quality, size, quantity, or condition of the product approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product.

(e) *Official device*. “Official device” means a stamping appliance, branding device, stencil, printed label, or any