

is water artificially sweetened with saccharin, sodium saccharin, or a combination of both. Such packing medium may be thickened with pectin and may contain any mixture of any edible organic salt or salts and any edible organic acid or acids as a flavor-enhancing agent, in a quantity not more than is reasonably required for that purpose.

(b)(1) The specified name of the food is “artificially sweetened \_\_\_\_\_”, the blank being filled in with the name prescribed by §145.170(a) for canned peaches having the same optional peach ingredient.

(2) The artificially sweetened food is subject to the requirements for label statement of ingredients used, as prescribed for canned peaches by §145.170(a). If the packing medium is thickened with pectin, the label shall bear the statement “thickened with pectin”. When any organic salt or acid or any mixture of two or more of these is added, the label shall bear the common or usual name of each such ingredient.

[42 FR 14414, Mar. 15, 1977, as amended at 58 FR 2880, Jan. 6, 1993]

#### § 145.175 Canned pears.

(a) *Identity*—(1) *Ingredients*. Canned pears is the food prepared from one of the fresh or previously canned optional pear ingredients *Pyrus communis* or *Pyrus sinensis* specified in paragraph (a)(2) of this section which may be packed in one of the optional packing media specified in paragraph (a)(3) of this section. Such food may also contain one, or any combination of two or more, of the following safe and suitable optional ingredients.

- (i) Natural and artificial flavors.
- (ii) Spice.
- (iii) Vinegar, lemon juice, or organic acids.
- (iv) Artificial colors.

Such food is sealed in a container and before or after sealing is so processed by heat as to prevent spoilage.

(2) *Styles and forms of units*. The optional pear styles and forms of units referred to in paragraph (a)(1) of this section are:

- (i) *Whole*—consisting of peeled or unpeeled pears with cores removed or left in.

- (ii) *Halves*—consisting of peeled or unpeeled pears with cores removed and cut into two approximately equal parts.

- (iii) *Quarters*—consisting of peeled pears with cores removed and cut into four approximately equal parts.

- (iv) *Slices*—consisting of peeled pears with cores removed and cut into wedge-shaped sectors.

- (v) *Dice*—consisting of peeled pears with cores removed and cut into cube-like parts.

- (vi) *Pieces or irregular pieces*—consisting of peeled pears with cores removed and cut into parts of irregular shapes and sizes.

- (vii) *Chunky*—consisting of peeled pears with cores removed and cut into parts 13 millimeters (0.51 inch) or greater in the smallest dimension and 44 millimeters (1.75 inches) or less in the largest dimension.

(3) *Packing media*. (i) The optional packing media referred to in paragraph (a)(1) of this section, as defined in §145.3 are:

- (a) Water.
- (b) Fruit juice(s) and water.
- (c) Fruit juice(s).
- (d) Clarified juice.

Such packing media may be used as such or any one or any combination of two or more safe and suitable nutritive carbohydrate sweetener(s) may be added. Sweeteners defined in §145.3 shall be as defined therein, except that a nutritive carbohydrate sweetener for which a standard of identity has been established in part 168 of this chapter shall comply with such standard in lieu of any definition that may appear in §145.30.

- (ii) If the concentration of clarified juice is such that the packing medium forms to the density range for one of the sirups under paragraph (a)(3)(ii) (a), (b), (c), or (d) of this section, the concentrated clarified juice is considered to be light sirup, heavy sirup, or extra heavy sirup, as the case may be. When a sweetener is added as a part of any such liquid packing medium, the density range of the resulting packing medium expressed as percent by weight of sucrose (degrees Brix) as determined by the procedure in §145.3(m) shall be designated by the appropriate name for the respective density ranges, namely:

(a) When the density of the solution is less than 14 percent, the medium shall be designated as “slightly sweetened water”; or “extra light sirup”; “slightly sweetened fruit juice(s) and water”; or “slightly sweetened fruit juice(s)”, as the case may be.

(b) When the density of the solution is 14 percent or more but less than 18 percent, the medium shall be designated as “light sirup”; “lightly sweetened fruit juice(s) and water”; or “lightly sweetened fruit juice(s)” as the case may be.

(c) When the density of the solution is 18 percent or more but less than 22 percent, the medium shall be designated as “heavy sirup”; “heavily sweetened fruit juice(s) and water”; or “heavily sweetened fruit juice(s)”, as the case may be.

(d) When the density of the solution is 22 percent or more but not more than 35 percent, the medium shall be designated as “extra heavy sirup”; “extra heavily sweetened fruit juice(s) and water”; or “extra heavily sweetened fruit juice(s)”, as the case may be.

(4) *Labeling requirements.* (i) The name of the food is “pears”. The name of the food shall also include a declaration of any flavoring that characterizes the product as specified in §101.22 of this chapter and a declaration of any spice or seasoning that characterizes the product; for example, “Spice added”, or in lieu of the word “Spice”, the common name of the spice, “Seasoned with vinegar”. When two or more of the optional ingredients specified in paragraphs (a)(1) (ii) and (iii) of this section are used, such words may be combined as for example, “Seasoned with cider vinegar, cloves, and cinnamon oil”.

(ii) The style and forms of units of the pear ingredient as provided in paragraph (a)(2) of this section and the name of the packing medium specified in paragraph (a)(3) (i) and (ii) of this section, preceded by “In” or “Packed in” or the words “Solid pack”, where applicable, shall be included as part of the name or in close proximity to the name of the food, except that “Halves” may be alternatively designated as “Halved”, “Quarters” as “Quartered”, “Slices” as “Sliced”, and “Dice” as “Diced”. “Pieces” or “Irregular pieces” shall be designated as

“Pieces”, “Irregular pieces”, or “Mixed pieces of irregular sizes and shapes”. “Chunky” may be designated as “Chunks”. The style of the pear ingredient shall be preceded or followed by “Unpeeled” when the units are whole or halves and are unpeeled. When the packing medium is prepared with a sweetener(s) which imparts a taste, flavor or other characteristic to the finished food in addition to sweetness, the name of the packing medium shall be accompanied by the name of such sweetener(s), as for example in the case of a mixture of brown sugar and honey, an appropriate statement would be “\_\_\_\_\_sirup of brown sugar and honey” the blank to be filled in with the word “light”, “heavy”, or “extra heavy”, as the case may be. When the liquid portion of the packing media provided for in paragraphs (a)(3) (i) and (ii) of this section consists of fruit juice(s), such juice(s) shall be designated in the name of the packing medium as:

(a) In the case of a single fruit juice, the name of the juice shall be used in lieu of the word “fruit”;

(b) In the case of a combination of two or more fruit juices, the names of the juices in the order of predominance by weight shall either be used in lieu of the word “fruit” in the name of the packing medium, or be declared on the label as specified in paragraph (a)(4)(iii) of this section; and

(c) In the case of a single fruit juice or a combination of two or more fruit juices any of which are made from concentrate(s), the words “from concentrate(s)” shall follow the word “juice(s)” in the name of the packing medium and in the name(s) of such juice(s) when declared as specified in paragraph (a)(4)(iii) of this section.

(iii) Whenever the names of the fruit juices used do not appear in the name of the packing medium as provided in paragraph (a)(4)(ii)(b) of this section, such names and the words “from concentrate”, as specified in paragraph (a)(4)(ii)(c) of this section, shall appear in an ingredient statement pursuant to the requirements of §101.3(d) of this chapter.

(iv) Label declaration. Each of the ingredients used in the food shall be declared on the label as required by the

applicable sections of parts 101 and 130 of this chapter.

(b) *Quality.* (1) The standard of quality for canned pears is as follows:

(i) *Maturity.* All units tested in accordance with the method prescribed in paragraph (b)(2) of this section are pierced by a weight of not more than 300 grams (10.6 ounces).

(ii) *Minimum size.* In the case of halves and quarters styles, the weight of each unit is not less than 17 grams (0.6 ounce) and 8.5 grams (0.3 ounce), respectively.

(iii) *Uniformity of size—(a) Whole, halves, and quarters.* In the case of whole, halves, and quarters styles, among those units comprising 95 percent by count of those present in the container that are most uniform in size, the weight of the largest unit is not more than twice the weight of the smallest unit. In containers with fewer than 20 units, 1 unit may be disregarded in making the determination. Where a unit has broken in the container, reassemble the broken pieces to approximate a single unit of the appropriate style.

(b) *Chunky.* In the case of chunky style, not more than 25 percent of the drained weight of the contents of the container consists of units that will pass through an opening 13 millimeters (0.51 inch) wide or that are more than 44 millimeters (1.75 inches) along the longest cut edge.

(iv) *Peel (except unpeeled style).* Not more than 10 square centimeters (1.6 square inches) of peel adhering to pears or loose in the container per kilogram (35.3 ounces) of net weight.

(v) *Blemished units.* Not more than 20 percent by count of the units in the container are blemished with scab, hail injury, discoloration, or other abnormality aggregating the area of a circle more than 6.5 millimeters (0.25 inch) in diameter; corky or hard spots on outer surfaces aggregating the area of a circle more than 13 millimeters (0.51 inch) in diameter; or dark brown areas aggregating the area of a circle less than 6.5 millimeters (0.25 inch) in diameter which penetrate into the flesh or affect the appearance of the unit.

(vi) *Trimmed units.* In the case of whole, halves, and quarters styles, all units are untrimmed or are so trimmed

as to preserve normal shape of the unit.

(vii) *Crushed or broken units.* In the case of whole, halves, quarter, slices, dice, and chunky styles, not more than 10 percent by count of the units in containers of 10 or more units and not more than 1 unit in containers of less than 10 units are crushed or broken. A unit that lost its normal shape because of ripeness and bears no mark of crushing shall not be considered to be crushed or broken.

(viii) *Loose core material in all styles except uncored whole style.* Not more than two units of loose core material per kilogram (35.3 ounces) of net weight. A unit of such material is defined as a portion of loose core, with or without seeds, aggregating approximately one-half of a pear core.

(ix) *Partially cored units in all styles except uncored whole style.* Not more than 40 percent by count partially cored units in halves, quarters, slices, and pieces or irregular pieces styles and not more than 5 percent by weight in dice style. A partially cored unit is a unit of pear that contains an attached portion of the seed cell cavity.

(x) *Seeds in all styles except whole uncored style.* Not more than 8 seeds or the equivalent in pieces of seeds per kilogram (35.3 ounces) of net weight. Seeds included as cored material in paragraph (b)(1) (viii) and (ix) of this section shall not be counted a second time.

(2) Canned pears shall be tested by the following method to determine whether they meet the requirements of paragraph (b)(1)(i) of this section: So trim a test piece from the unit as to fit, with peel surface up, into a supporting receptacle. If the unit is of different firmness in different parts of its peel surface, trim the piece from the firmest part. If the piece is unpeeled, remove the peel. The top of the receptacle is circular in shape, of 28.6 millimeters (1.12 inches) inside diameter, with vertical sides; or rectangular in shape, 19 millimeters (0.75 inch) by 25.4 millimeters (1 inch) inside measurements, with ends vertical and sides sloping downward and joining at the center at a vertical depth of 19 millimeters (0.75 inch). Use the circular receptacle for testing units of such size

that a test piece can be trimmed therefrom to fit it. Use the rectangular receptacle for testing other units. Test no unit from which a test piece with rectangular peel surface at least 13 millimeters (0.51 inch) by 25.4 millimeters (1 inch) cannot be trimmed. Test the piece by means of a round metal rod 4 millimeters (0.16 inch) in diameter. To the upper end of the rod is affixed a device to which weight can be added. The rod is held vertically by the support through which it can freely move upward or downward. The lower end of the rod is a plane surface to which the vertical axis of the rod is perpendicular. Adjust the combined weight of the rod and device to 100 grams (3.5 ounces). Set the receptacle so that the surface of the test piece is held horizontally. Lower the end of the rod to the approximate center of such surface, and add weight to the device at a uniform, continuous rate of 12 grams (0.42 ounce) per second until the rod pierces the test piece. Weigh the rod and weighted device. Test all units in containers of 50 units or less except those units too small for testing or too soft for trimming. Test at least 50 units, taken at random in containers of more than 50 units; but if less than 50 units are of sufficient size and firmness for testing, test those which are of sufficient size and firmness.

(3) Determine compliance as specified in §145.3(o) except that a lot shall be deemed to be in compliance for peel in all styles except unpeeled styles and seeds in all styles except whole uncored style based on the average of all samples analyzed according to the sampling plans set out in §145.3(p).

(4) If the quality of canned pears falls below the standard prescribed in paragraph (b)(1) of this section, the label shall bear the general statement of substandard quality specified in §130.14(a) of this chapter, in the manner and form therein specified; however, if the quality of the canned pears falls below standard with respect to only one of the factors of quality specified in paragraph (b)(1) (i) through (x) of this section, there may be substituted for the second line of such general statement of substandard quality ("Good Food—Not High Grade") a new line, as specified after the cor-

responding designation of paragraph (b)(1) of this section which the canned pears fail to meet, as follows:

- (i) "Not tender";
- (ii) "Small halves" or "small quarters", as the case may be;
- (iii)(a) "Mixed sizes";
- (b) "Undersized and/or oversized pieces";
- (iv) "Excessive peel";
- (v) "Blemished";
- (vi) "Unevenly trimmed";
- (vii) "Partly crushed or broken";
- (viii) "Excessive core";
- (ix) "Excessive core";
- (x) "Excessive seeds".

Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name "pears" and any words and statements required or authorized to appear with such name by paragraph (a)(2) of this section.

(c) *Fill of container.* (1) The standard of fill of container for canned pears is the maximum quantity of the optional pear ingredient that can be sealed in the container and processed by heat to prevent spoilage, without crushing or breaking such ingredient.

(2) If canned pears fall below the standard of fill of container prescribed in paragraph (c)(1) of this section, the label shall bear the general statement of substandard fill specified in §130.14(b) of this chapter, in the manner and form therein specified.

[42 FR 14414, Mar. 15, 1977, as amended at 47 FR 41528, 41530, Sept. 21, 1982; 58 FR 2880, Jan. 6, 1993]

#### § 145.176 Artificially sweetened canned pears.

(a) Artificially sweetened canned pears is the food which conforms to the definition and standard of identity prescribed for canned pears by §145.175(a) except that in lieu of a packing medium specified in §145.175(a)(3), the packing medium used is water artificially sweetened with saccharin, sodium saccharin, or a combination of both. Such packing medium may be thickened with pectin and may contain any mixture of any edible organic salt or salts and any edible organic acid or acids as a flavor-enhancing agent, in a