

(i) Except in the case of vacuum pack corn the fill of the corn ingredient and packing medium, as determined by the general method for fill of container prescribed in §130.12(b) of this chapter, is not less than 90 percent of the total capacity of the container.

(ii) In whole kernel corn, the drained weight of the corn ingredient, determined by the procedure set forth in §155.3, shall not be less than 61 percent of the water capacity of the container.

(2) Determine compliance as specified in §155.3(b).

(3) If canned corn falls below the standard of fill of container prescribed in paragraphs (c)(1) and (2) 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 14449, Mar. 15, 1977, as amended at 45 FR 43398, June 27, 1980; 47 FR 11831, 11832, Mar. 19, 1982; 49 FR 10101, Mar. 19, 1984; 54 FR 24895, June 12, 1989; 58 FR 2882, Jan. 6, 1993; 63 FR 14035, Mar. 24, 1998]

#### § 155.131 Canned field corn.

(a) *Identity.* (1) Canned field corn conforms to the definition and standard of identity, and is subject to the requirements for label declaration of ingredients, prescribed for canned corn by §155.130(a), except that the corn ingredient consists of succulent field corn or a mixture of succulent field corn and succulent sweet corn.

(2) The name of the food conforms to the name specified in §155.130(a)(5), except that the words "Corn", "Sweet corn", and "Sugar corn" are replaced by the words "Field corn", and the term "Golden field corn" is not used.

(b) [Reserved]

(c) *Fill of container.* Canned cream-style field corn conforms to the standard of fill of container and label statement of substandard fill prescribed for canned cream-style corn by §155.130(c).

[42 FR 14449, Mar. 15, 1977, as amended at 58 FR 2882, Jan. 6, 1993]

#### § 155.170 Canned peas.

(a) *Identity*—(1) *Definition.* Canned peas is the food prepared from fresh or frozen succulent seeds of the pea plant of the species *Pisum sativum* L. but excluding the subspecies *macrocarpum*. Only sweet wrinkled varieties, smooth-

skin varieties, or hybrids thereof may be used. The product is packed with water or other suitable aqueous liquid medium to which may be added one or more of the other optional ingredients set forth in paragraph (a)(2) of this section. Such food is sealed in a container and, before or after sealing, is so processed by heat as to prevent spoilage.

(2) *Optional ingredients.* In addition to the optional packing media provided for in paragraph (a)(1) of this section, the following safe and suitable optional ingredients may be used:

(i) Salt.

(ii) Monosodium glutamate.

(iii) Disodium inosinate.

(iv) Disodium guanylate.

(v) Hydrolyzed vegetable protein.

(vi) Autolyzed yeast extract.

(vii) One or any combination of two or more of the dry or liquid forms of sugar, invert sugar sirup, dextrose, glucose sirup, and fructose.

(viii) Spice.

(ix) Flavoring (except artificial).

(x) Color additives.

(xi) Calcium salts, the total amount of which added to firm the peas shall not result in more than 350 milligrams/kilogram (0.01 ounce/2.2 pounds) of calcium in the finished food.

(xii) Magnesium hydroxide, magnesium oxide, magnesium carbonate, or any mixture or combination of these in such quantity that the pH of the finished canned peas is not more than 8, as determined by the glass electrode method for the hydrogen ion concentration.

(xiii) Seasonings and garnishes:

(a) Pieces of green or red peppers or mixtures of both, either of which may be dried, or other vegetables not exceeding in total 15 percent of the drained weight of the finished food.

(b) Lemon juice or concentrated lemon juice.

(c) Mint leaves.

(d) Butter or margarine in a quantity not less than 3 percent by weight of the finished food, or other vegetable or animal fats or oils in a quantity not less than 2.4 percent by weight of the finished foods. When butter, margarine, or other vegetable or animal fats or oils are added, emulsifiers or stabilizers or both may be added, but no color, spice, or flavoring simulating the color or

flavor imparted by butter or margarine may be used.

(3) *Labeling.* (i) The name of the food is "peas" and may include the designation "green." The term "early," "June," or "early June" shall precede or follow the name in the case of smooth-skin peas or substantially smooth-skin peas, such as Alaska-type peas or hybrids having similar characteristics. Where the peas are of sweet green wrinkled varieties or hybrids having similar characteristics, the name may include the designation "sweet," "wrinkled," or any combination thereof. The term "petit pois" may be used in conjunction with the name of the food when an average of 80 percent or more of the peas will pass through a circular opening of a diameter of 7.1 millimeters (0.28 inch). If any color additive has been added, the name of the food shall include the term "artificially colored."

(ii) The following shall be included as part of the name or in close proximity to the name of the food:

(a) A declaration of any flavoring that characterizes the food, as specified in § 101.22 of this chapter.

(b) A declaration of any spice, seasoning, or garnishing that characterizes the product, e.g., "seasoned with green peppers", "seasoned with butter", "seasoned with \_\_\_\_\_ oil", the blank to be filled in with the common or usual name of the oil, "with added spice", or, in lieu of the word spice, the common or usual name of the spice.

(c) The words "vacuum pack" or "vacuum packed" when the weight of the liquid in the container, as determined by the method prescribed in § 155.3(a) is not more than 20 percent of the net weight, and the container is closed under conditions creating a high vacuum in the container.

(4) *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 peas is as follows:

(i) *Blond and yellow peas.* Not more than 2 percent of the drained weight is blond and/or yellow peas, i.e., white or yellow but edible peas.

(ii) *Blemished peas.* Not more than 5 percent of the drained weight is blemished peas, i.e., slightly stained or spotted peas.

(iii) *Seriously blemished peas.* Not more than 1 percent of the drained weight is seriously blemished peas, i.e., peas that are hard, shrivelled, spotted, discolored, or otherwise blemished to an extent that the appearance or eating quality is seriously affected.

(iv) *Pea fragments.* Not more than 10 percent of the drained weight is pea fragments, i.e., portions of peas, separated or individual cotyledons, crushed, partial or broken cotyledons, and loose skins, but excluding entire intact peas with skins detached.

(v) *Extraneous vegetable material.* Not more than 0.5 percent of the drained weight is extraneous vegetable material, i.e., vine or leaf or pod material from the pea plant or other such material.

(vi) *Alcohol-insoluble solids.* The alcohol-insoluble solids of smooth-skin or substantially smooth-skin peas, such as Alaska-type peas or hybrids having similar characteristics, may not be more than 23.5 percent and, of sweet green wrinkled varieties or hybrids having similar characteristics, not more than 21 percent based on the procedure set forth in the "Official Methods of Analysis of the Association of Official Analytical Chemists," 13th Ed. (1980), section 30.012, which is incorporated by reference. Copies are available from the Association of Official Analytical Chemists International, 481 North Frederick Ave., suite 500, Gaithersburg, MD 20877-2504, or available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(vii) *Limitation.* The sum of the pea material described in paragraphs (b)(1) (i), (ii), (iii), (iv), and (v) of this section shall not exceed 12 percent.

(2) Determine compliance as specified in § 155.3(b).

(3) If the quality of canned peas 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; but in

lieu of such general statement of substandard quality when the quality of canned peas falls below the standard in only one respect, the label may bear the alternative statement, "Below standard in quality", the blank to be filled in with the words specified after the corresponding paragraph under paragraph (b)(1) of this section which such canned peas fail to meet, as follows: (i) "Excessive blond and/or yellow peas"; (ii) "Excessive blemished peas"; (iii) "Excessive seriously blemished peas"; (iv) "Excessive pea fragments"; (v) "Excessive vegetable material"; (vi) "Excessive mealy". Such alternative statement shall immediately and conspicuously precede or follow without intervening written, printed, or graphic matter, the name "peas" and any words and statements required or authorized to appear with such name by paragraph (a)(3) of this section.

(c) *Fill of container.* (1) Except in the case of vacuum pack peas, the fill of pea ingredient and packing medium, as determined by the general method for fill of container prescribed in §130.12(b) of this chapter, is not less than 90 percent of the total capacity of the container.

(2) When the peas and liquid are removed from the container and returned thereto, the leveled peas (irrespective of the quantity of the liquid), 15 seconds after they are so returned, completely fill the container. A container with lid attached by double seam shall be considered to be completely filled when it is filled to 5 millimeters (0.2 inch) vertical distance below the top of the double seam; and a glass container shall be considered to be completely filled when it is filled to 13 millimeters (0.5 inch) vertical distance below the top of the container.

(3) Determine compliance for fill of container as specified in §155.3(b).

(4) If canned peas fall below the standard of fill of container prescribed in paragraph (c)(1) and/or (2) 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.

[45 FR 43398, June 27, 1980, as amended at 47 FR 11832, Mar. 19, 1982; 48 FR 15241, Apr. 8, 1983; 54 FR 24895, June 12, 1989; 58 FR 2882, Jan. 6, 1993; 63 FR 14035, Mar. 24, 1998]

EFFECTIVE DATE NOTE: In §155.170, those portions of paragraph (a)(2) pertaining to the deletion of magnesium hydroxide, magnesium oxide, and magnesium carbonate were stayed until further notice at 46 FR 35086, July 1, 1981, effective June 30, 1981.

#### § 155.172 Canned dry peas.

(a) *Identity.* Canned dry peas conforms to the definition and standard of identity, and is subject to the requirements for label declaration of ingredients, prescribed for canned peas by §155.170(a), except that:

(1) The optional pea ingredient is the dry seeds of the pea plant of the species *Pisum sativum* L. but excluding the subspecies *macrocarpum*.

(2) The optional ingredients specified in §155.170(a)(2)(xii) shall not be used.

(3) The name of the food is "cooked dry peas" or "soaked dry peas". The optional terms specified by §155.170(a)(3), "early", "June", "sweet", "green", "wrinkled", or any combination thereof, shall not be used on the labels.

(b) *Quality.* (1) The standard of quality for canned dry peas is that specified for canned peas by §155.170(b) except that:

(i) The alcohol-insoluble solids maximums specified in §155.170(b)(1)(vi) do not apply.

(ii) The skins of not more than 25 percent by count of the peas in the container are ruptured to a width of 1.6 millimeters (0.06 inch) or more.

(2) If the quality of canned dry peas falls below the standard of quality prescribed by paragraph (b)(1) of this section, the label shall bear the statement of substandard quality in the manner and form specified in §155.170(b)(3) for canned peas, except that the words "Excessively mealy" shall not be used.

(c) *Fill of container.* (1) The standard of fill of container for canned dry peas is that prescribed for canned peas by §155.170(c).