

shucking, washing, or packing whole oysters.

(iii) Cut oysters obtained by cutting whole oysters.

(3)(i) When the form of oysters specified in paragraph (a)(2)(i) of this section is used, the name of the food is "Oysters" or "Cove oysters", if of the species *Ostrea virginica*; "Oysters" or "Pacific oysters", if of the species *Ostrea gigas*; "Oysters" or "Olympia oysters", if of the species *Ostrea lurida*.

(ii) When the form of oysters specified in paragraph (a)(2)(ii) of this section is used, the name of the food is "Pieces of _____", the blank being filled in with the name "Oysters" or "Cove oysters", if of the species *Ostrea virginica*; "Oysters" or "Pacific oysters", if of the species *Ostrea gigas*; "Oysters" or "Olympia oysters", if of the species *Ostrea lurida*.

(iii) When the form of oysters specified in paragraph (a)(2)(iii) of this section is used, the name of the food is "Cut _____", the blank being filled in with the name "Oysters" or "Cove oysters", if of the species *Ostrea virginica*; "Oysters" or "Pacific oysters", if of the species *Ostrea gigas*; "Oysters" or "Olympia oysters", if of the species *Ostrea lurida*.

(iv) In case a mixture of two or all such forms of oysters is used, the name is a combination of the names specified in this paragraph (a)(3) of the forms of oysters used, arranged in order of their predominance by weight.

(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) [Reserved]

(c) *Fill of container.* (1) The standard of fill of container for canned oysters is a fill such that the drained weight of oysters taken from each container is not less than 59 percent of the water capacity of the container.

(2) Water capacity of containers is determined by the general method provided in § 130.12(a) of this chapter.

(3) Drained weight is determined by the following method: Keep the unopened canned oyster container at a temperature of not less than 68° or more than 95 °Fahrenheit for at least 12 hours immediately preceding the deter-

mination. After opening, tilt the container so as to distribute its contents evenly over the meshes of a circular sieve which has been previously weighed. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven-wire cloth that complies with the specifications for such cloth set forth under "2.38 mm (No. 8)" in "Official Methods of Analysis of the Association of Official Analytical Chemists," 13th Ed. (1980), Table 1, "Nominal Dimensions of Standard Test Sieves (U.S.A. Standard Series)," under the heading "Definitions of Terms and Explanatory Notes," which is incorporated by reference. Copies may be obtained from the Association of Official Analytical Chemists International, 481 North Frederick Ave., suite 500, Gaithersburg, MD 20877-2504, or may be examined at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and the drained oysters. The weight so found, less the weight of the sieve, shall be considered to be the drained weight of the oysters.

(4) If canned oysters fall below the standard of fill of container prescribed in paragraph (a) 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, followed by the statement, "A can of this size should contain _____ oz. of oysters. This can contains only _____ oz.," the blanks being filled in with the applicable figures.

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§ 161.170 Canned Pacific salmon.

(a) *Identity.* (1) Canned Pacific salmon is the food prepared from one of the species of fish enumerated in paragraph (a)(2) of this section, prepared in one of the forms of pack specified in paragraph (a)(3) of this section, and to

which may be added one or more of the optional ingredients specified in paragraph (a)(4) of this section. The food is packed in hermetically sealed containers and so processed by heat as to prevent spoilage and soften bones. The food is labeled in accordance with paragraph (a)(5) of this section.

(2)(i) The species of fish which may be used in this food are:

<i>Oncorhynchus tshawytscha</i>	Chinook, king, spring.
<i>Oncorhynchus nerka</i>	Blueback, red, sockeye
<i>Oncorhynchus kisutch</i>	Coho, Cohoe, medium red, silver
<i>Oncorhynchus gorbuscha</i>	Pink
<i>Oncorhynchus keta</i>	Chum, keta
<i>Oncorhynchus masou</i>	Masou, cherry

(ii) For the purpose of paragraph (a)(5)(i) of this section, the common or usual name or names of each species of fish enumerated in paragraph (a)(2)(i) of this section is (are) the name(s) immediately following the scientific name of each species.

(3) The optional forms of canned Pacific salmon are processed from fish prepared by removing the head, gills, and tail, and the viscera, blood, fins, and damaged or discolored flesh to the greatest extent practicable in accordance with good manufacturing practice; and then washing. Canned Pacific salmon is prepared in one of the following forms of pack:

(i) "Regular" consists of sections or steaks which are cut transversely from the fish and filled vertically into the can. In preparation, segments of skin or large backbone may be removed. The sections or steaks are so packed that the cut surfaces approximately parallel the ends of the container. A small portion of salmon may be added if necessary to complete the fill of the container.

(ii) "Skinless and backbone removed" consists of the regular form of canned salmon set forth in paragraph (a)(3)(i) of this section from which the skin and vertebrae have been removed in accordance with good manufacturing practices.

(iii) "Minced salmon" consists of salmon which has been minced or ground.

(iv) "Salmon tips or tidbits" consists of small pieces of salmon.

(v) "No salt added" consists of canned salmon to which no salt has been added.

(4) One or more of the following optional ingredients may be added to the food:

(i) Salt.

(ii) Edible salmon oil comparable in color, viscosity, and flavor to the oil which would occur naturally in the species of salmon canned.

(5)(i) The name of the food is "salmon" together with the common or usual name or names of the species. At least one species name shall be printed in letters of the same style of type and not less in height than those used for the word "salmon".

(ii)(a) Whenever the form of pack is that described in paragraph (a)(3) (ii), (iii), or (iv) of this section, the word or words describing the form of pack shall immediately precede or follow the name of the food without intervening written, printed, or graphic matter in the manner prescribed in §101.3(c) of this chapter; for example, "red salmon" as the name of the food followed by "skinless and backbone removed".

(b) Whenever the form of pack is that described in paragraph (a)(3)(v) of this section and words describing the form of pack are declared on the label, the label shall also bear the statements required by §105.69 of this chapter.

(iii) 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) [Reserved]

(c) *Fill of container.* (1) The standard of fill of container for canned salmon is a fill including all the contents of the container and is not less than the minimum net weight specified for the corresponding can size in the following table:

I. Can size	II. Minimum net weight
603×405	1.814 kg (64 oz).
301×411	454 g (16 oz).
301×408	439 g (15½ oz).
401×211	439 g (15½ oz).
607×406×108	439 g (15½ oz).
301×308	340 g (12 oz).
307×200.25	220 g (7¾ oz).
513×307×103	220 g (7¾ oz).
307×113	191 g (6¾ oz).
301×106	106 g (3¾ oz).
407×213×015	106 g (3¾ oz).

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If the can size in question is not listed, calculate the value for Column II as follows: From the list, select as the comparable can size, that one having the nearest water capacity of the can size in question, multiply the net weight listed in Column II by the water capacity of the can size in question, and divide by the water capacity of the comparable can size. Water capacities are determined by the general method provided in §130.12(a) of this chapter.

(2) Sampling and acceptance procedure: The sample size of the sample representing the lot will be selected in accordance with the sampling plan shown in paragraph (c)(2)(ii) of this section. A lot is to be considered acceptable when the average net weight of all the sample units is not less than the minimum net weight stated in paragraph (c)(1) of this section for the corresponding can size.

(i) Definitions of terms to be used in the sampling plans in paragraph (c)(2)(ii) of this section are as follows:

(a) *Lot*. A collection of primary containers or units of the same size, type, and style manufactured or packed under similar conditions and handled as a single unit of trade.

(b) *Lot size*. The number of primary containers or units in the lot.

(c) *Sample size (n)*. The total number of sample units drawn for examination from a lot.

(d) *Sample unit*. A container, the entire contents of a container, a portion of the contents of a container, or a composite mixture of product from small containers that is sufficient for examination or testing as a single unit.

(ii) Sampling plans:

Lot size (primary containers)	Size of container ¹ (n)
4,800 or less	13
4,801 to 24,000	21
24,001 to 48,000	29
48,001 to 84,000	48
84,001 to 144,000	84
144,001 to 240,000	126
Over 240,000	200

¹ Net weight equal to or less than 1 kg. (2.2 lb).

Lot size (primary containers)	Size of container ¹ (n)
2,400 or less	13
2,401 to 15,000	21
15,001 to 24,000	29

Lot size (primary containers)	Size of container ¹ (n)
24,001 to 42,000	48
42,001 to 72,000	84
72,001 to 120,000	126
Over 120,000	200

n-number of primary containers in sample.
¹ Net weight greater than 1 kg (2.2 lb) but not more than 4.5 kgs (10 lb).

(3) If canned salmon falls 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 14464, Mar. 15, 1977, as amended at 58 FR 2884, Jan. 6, 1993]

§ 161.173 Canned wet pack shrimp in transparent or nontransparent containers.

(a) *Identity*. (1) Canned wet pack shrimp is the food consisting of the processed meat of peeled shrimp, free of heads and, to the extent practicable under good manufacturing practice, free of shells, legs, and antennae; in one or any combination of species enumerated in paragraph (a)(2) of this section; prepared in one of the styles specified in paragraph (a)(3) of this section, in sufficient water or other suitable aqueous packing medium to fill the interstices and permit proper processing in accordance with good manufacturing practice. Canned shrimp may contain one or more of the optional ingredients specified in paragraph (a)(4) of this section. It is packed in hermetically sealed transparent or nontransparent containers and so processed by heat as to prevent spoilage.

(2) The species of shrimp that may be used in the food are of the families: Penaeidae, Pandalidae, Crangonidae, and Palaemonidae.

(3) *Styles*. Canned shrimp is prepared in one of the following styles:

(i) Shrimp with readily visible dark vein (dorsal tract, back vein, or sand vein).

(ii) Deveined shrimp containing not less than 95 percent by weight of shrimp prepared by removing the dark vein from the first five segments by deliberate cutting action.

(iii) Shrimp, other than "deveined" as described in paragraph (a)(3)(ii) of