

§ 59.203

7 CFR Ch. I (1–1–05 Edition)

plant shall report to the Secretary not later than 2:00 p.m. Central Time each reporting day as described in § 59.10(b):

(1) The packer's best estimate of the total number of swine and packer-owned swine expected to be purchased throughout the reporting day through each type of purchase;

(2) The total number of swine and packer-owned swine purchased up to that time of the reporting day through each type of purchase;

(3) The base price paid for all base market hogs purchased up to that time of the reporting day through negotiated purchases; and

(4) The base price paid for all base market hogs purchased through each type of purchase other than negotiated purchase up to that time of the reporting day, unless such information is unavailable due to pricing that is determined on a delayed basis. The packer shall report information on such purchases on the first reporting day or scheduled reporting time on a reporting day after the price has been determined.

(5) *Publication.* The Secretary shall publish the information obtained under this paragraph in the afternoon report as soon as practicable, but not later than 3:00 p.m. Central Time, on each reporting day.

§ 59.203 Mandatory weekly reporting for swine.

(a) *Weekly noncarcass merit premium report.* Not later than 4:00 p.m. Central Time in accordance with § 59.10(b) on the first reporting day of each week, the corporate officers or officially designated representatives of each packer processing plant shall report to the Secretary a noncarcass merit premium report that lists:

(1) Each category of standard noncarcass merit premiums used by the packer in the prior slaughter week; and

(2) The dollar value (in dollars per hundred pounds of carcass weight) paid to producers by the packer, by category.

(b) *Premium list.* A packer shall maintain and make available to a producer, on request, a current listing of the dollar values (per hundred pounds of carcass weight) of each noncarcass merit

premium used by the packer during the current or the prior slaughter week.

(c) *Publication.* The Secretary shall publish the information obtained under this subsection as soon as practicable, but not later than 5:00 p.m. Central Time, on the first reporting day of each week.

Subpart D—Lamb Reporting

§ 59.300 Definitions.

The following definitions apply to this subpart.

Boxed lamb. The term "boxed lamb" means those carlot-based portions of a lamb carcass including fresh primals, subprimals, cuts fabricated from subprimals (excluding portion-control cuts such as chops and steaks similar to those portion cut items described in the Institutional Meat Purchase Specifications (IMPS) for Fresh Lamb and Mutton Series 200, and thin meats (e.g. inside and outside skirts, pectoral meat, cap and wedge meat, and blade meat) not older than 14 days from date of manufacture; fresh ground lamb, lamb trimmings, and boneless processing lamb not older than 7 days from date of manufacture; frozen primals, subprimals, cuts fabricated from subprimals, and thin meats not older than 180 days from date of manufacture; and frozen ground lamb, lamb trimmings, and boneless processing lamb not older than 90 days from date of manufacture.

Branded. The term "branded" means boxed lamb cuts produced and marketed under a corporate trademark (for example, products that are marketed on their quality, yield, or breed characteristics), or boxed lamb cuts produced and marketed under one of USDA's Meat Grading and Certification Branch, Certified programs.

Carcass characteristics. The term "carcass characteristics" means the range and average carcass weight in pounds, the quality grade and yield grade (if applicable), and the lamb average dressing percentage.

Carlot-based. The term *Carlot-based* when used in reference to lamb carcass sales means any transaction between a buyer and a seller destined for three or more delivery stops consisting of any combination of carcass weights. When

used in reference to boxed lamb cuts sales, the term *Carlot-based* means any transaction between a buyer and a seller consisting of 1,000 pounds or more of one or more individual boxed lamb items.

Established. The term “established”, when used in connection with prices, means that point in time when the buyer and seller agree upon a net price.

Formula marketing arrangement.

(1) When used in reference to live lambs, the term “formula marketing arrangement” means the advance commitment of lambs for slaughter by any means other than through a negotiated purchase or a forward contract, using a method for calculating price in which the price is determined at a future date.

(2) When used in reference to boxed lamb, the term “formula marketing arrangement” means the advance commitment of boxed lamb by any means other than through a negotiated purchase or a forward contract, using a method for calculating price in which the price is determined at a future date.

Forward contract.

(1) When used in reference to live lambs, the term “forward contract” means an agreement for the purchase of lambs, executed in advance of slaughter, under which the base price is established by reference to publicly available prices.

(2) When used in reference to boxed lamb, the term “forward contract” means an agreement for the sale of boxed lamb, executed in advance of manufacture, under which the base price is established by reference to publicly available quoted prices.

Importer. The term “importer” means any person engaged in the business of importing lamb meat products who takes ownership of such lamb meat products with the intent to sell or ship in U.S. commerce. For any calendar year, the term includes only those that imported an average of 2,500 metric tons of lamb meat products per year during the immediately preceding 5 calendar years. Additionally, the term includes those that did not import an average of 2,500 metric tons of lamb meat products during the immediately preceding 5 calendar years, if the Sec-

retary determines that the person should be considered an importer based on their volume of lamb imports.

Lambs committed. The term “lambs committed” means lambs that are scheduled to be delivered to a packer within the 7-day period beginning on the date of an agreement to sell the lambs.

Packer. The term “packer” means any person engaged in the business of buying lambs in commerce for purposes of slaughter, of manufacturing or preparing meat products from lambs for sale or shipment in commerce, or of marketing meats or meat products from lambs in an unmanufactured form acting as a wholesale broker, dealer, or distributor in commerce. For any calendar year, the term includes only a federally inspected lamb processing plant which slaughtered or processed the equivalent of an average of 75,000 head of lambs per year during the immediately preceding 5 calendar years. Additionally, the term includes a lamb processing plant that did not slaughter or process an average of 75,000 lambs during the immediately preceding 5 calendar years if the Secretary determines that the processing plant should be considered a packer after considering its capacity.

Packer-owned lambs. The term “packer-owned lambs” means lambs that a packer owns for at least 14 days immediately before slaughter.

Terms of trade. The term “terms of trade” includes, with respect to the purchase of lambs for slaughter:

(1) Whether a packer provided any financing agreement or arrangement with regard to the lambs;

(2) Whether the delivery terms specified the location of the producer or the location of the packer’s plant;

(3) Whether the producer is able to unilaterally specify the date that the lambs are to be delivered for slaughter; and

(4) The percentage of lambs purchased by a packer as a negotiated purchase that are delivered to the plant for slaughter more than 7 days, but less than 14 days, after the earlier of either:

(i) The date on which the lambs were committed to the packer;

(ii) The date on which the lambs were purchased by the packer; or

§ 59.301

7 CFR Ch. I (1-1-05 Edition)

(iii) The date on which the lambs were priced by the packer.

Type of purchase. The term “type of purchase” means a negotiated purchase, a formula market arrangement, and a forward contract.

Type of sale. The term “type of sale” with respect to boxed lamb, means a negotiated sale, a formula market arrangement, and a forward contract.

[65 FR 75514, Dec. 1, 2000, as amended at 69 FR 53789, Sept. 2, 2004]

§ 59.301 Mandatory daily reporting for lambs.

(a) *In general.* The corporate officers or officially designated representatives of each packer processing plant shall report to the Secretary at least once each reporting day not later than 2:00 p.m. Central Time the following information for lamb, categorized to clearly delineate domestic from imported market purchases as described in § 59.10(b):

(1) The prices for lambs (per hundred-weight) established on that day as F.O.B. feedlot or delivered at the plant, categorized by:

- (i) The type of purchase;
- (ii) The class of lamb;
- (iii) The quantity of lambs purchased on a live weight basis;
- (iv) The quantity of lambs purchased on a dressed weight basis;
- (v) A range and average of estimated live weights of lambs purchased;
- (vi) An estimate of the percentage of the lambs purchased that were of a quality grade of Choice or better;
- (vii) Any premiums or discounts associated with weight, quality grade, yield grade, or any type of purchase;
- (viii) Lamb State of origin;
- (ix) The pelt type; and
- (x) The estimated lamb dressing percentage.

(2) The quantity of lambs delivered to the packer (quoted in numbers of head) on that day, categorized by:

- (i) The type of purchase;
- (ii) The quantity of lambs delivered on a live weight basis; and
- (iii) The quantity of lambs delivered on a dressed weight basis.

(3) The quantity of lambs committed to the packer (quoted in numbers of head) as of that day, categorized by:

- (i) The type of purchase;

(ii) The quantity of lambs committed on a live weight basis; and

(iii) The quantity of lambs committed on a dressed weight basis.

(4) The terms of trade regarding the lambs, as applicable.

(b) *Publication.* The Secretary shall make the information available to the public not less than once each reporting day.

§ 59.302 Mandatory weekly reporting for lambs.

(a) *In general.* The corporate officers or officially designated representatives of each packer processing plant shall report to the Secretary the following information applicable to the prior slaughter week contained in paragraphs (a)(1) through (a)(4) and (a)(6) of this section not later than 9 a.m. Central Time on the second reporting day of the current slaughter week, and the following information applicable to the prior slaughter week contained in paragraph (a)(5) of this section not later than 9:00 a.m. Central Time on the first reporting day of the current slaughter week categorized to clearly delineate domestic from imported market purchases:

(1) The quantity of lambs purchased through forward contracts that were slaughtered;

(2) The quantity of lambs delivered under a formula marketing arrangement that were slaughtered;

(3) The quantity and carcass characteristics of packer-owned lambs that were slaughtered;

(4) The quantity, basis level, and delivery month for all lambs purchased through forward contracts;

(5) The following information applicable to the current slaughter week. The range and average of intended premiums and discounts (including those associated with weight, quality grade, yield grade, or type of lamb) that are expected to be in effect for the current slaughter week; and

(6) The following information for lambs purchased through a formula marketing arrangement and slaughtered during the prior slaughter week, categorized to clearly delineate domestic from imported market purchases:

- (i) The quantity (quoted in both numbers of head and pounds) of lambs;