

**Subpart—Grade and Size Regulation**

**§ 922.321 Apricot Regulation 21.**

(a) On and after August 1, 1981, no handler shall handle any container of apricots unless such apricots meet the following applicable requirements, or are handled in accordance with paragraph (a)(3) of this section:

(1) *Minimum grade and maturity requirements.* Such apricots that grade not less than Washington No. 1 and are at least reasonably uniform in color: *Provided,* That the grade requirement shall not apply to apricots handled from June 15, 1996, through March 31, 1997; *Provided further,* That such apricots of the Moorpark variety in open containers shall be generally well matured; and

(2) *Minimum size requirements.* Such apricots measure not less than 1 3/8 inches in diameter except that apricots of the Blenheim, Blenril, and Tilton varieties may measure not less than 1 1/4 inches: *Provided,* That not more than 10 percent, by count, of such apricots may fail to meet the applicable minimum diameter requirements.

(3) Notwithstanding any other provision of this section, any individual shipment of apricots which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 922.41 (Assessments), and of § 922.55 (Inspection and Certification):

(i) The shipment consists of apricots sold for home use and not for resale;

(ii) The shipment does not, in the aggregate, exceed 500 pounds, net weight, of apricots; and

(iii) Each container is stamped or marked with the words "not for resale" in letters at least one-half inch in height.

(b) The terms *diameter* and *Washington No. 1* shall have the same meaning as when used in the State of Washington Department of Agriculture Standards for Apricots, effective May 31, 1966; *reasonably uniform in color* means that the apricots in the individual container do not show sufficient variation in color to materially affect the general appearance of the apricots; and *generally well matured* means that with respect to not less than 90 per-

cent, by count, of the apricots in any lot of containers, and not less than 85 percent, by count, of such apricots in any container in such lot, at least 40 percent of the surface area of the fruit is at least as yellow as Shade 3 on U.S. Department of Agriculture Standard Ground Color Chart of Apples and Pears in Western States.

[46 FR 38668, July 29, 1981, as amended at 54 FR 26186, June 22, 1989 and 54 FR 37294, Sept. 8, 1989; 60 FR 32430, June 22, 1995; 61 FR 30497, June 17, 1996]

**PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON**

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GRADE, SIZE, CONTAINER AND PACK  
REGULATION

- 923.322 Washington Cherry Regulation 22.

AUTHORITY: 7 U.S.C. 601-674.

SOURCE: 22 FR 3835, June 1, 1957, unless otherwise noted. Redesignated at 26 FR 12751, Dec. 30, 1961.

**Subpart—Order Regulating  
Handling**

DEFINITIONS

**§ 923.1 Secretary.**

*Secretary* means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

**§ 923.2 Act.**

*Act* means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.; 68 Stat. 906, 1047).

**§ 923.3 Person.**

*Person* means an individual, partnership, corporation, association, or any other business unit.

**§ 923.4 Production area.**

*Production area* means the counties of Okanogan, Chelan, Kittitas, Yakima, Klickitat in the State of Washington and all of the counties in Washington lying east thereof.

[66 FR 58356, Nov. 21, 2001]

**§ 923.5 Cherries.**

*Cherries* means all varieties of sweet cherries grown in the production area, classified botanically as *Prunus avium*.

**§ 923.6 Varieties.**

*Varieties* means and includes all classifications or subdivisions of *Prunus avium*.

**§ 923.7 Fiscal period.**

*Fiscal period* is synonymous with fiscal year and means the 12-month period ending on March 31 of each year or such other period that may be approved by the Secretary pursuant to recommendations by the committee.

**§ 923.8 Committee.**

*Committee* means the Washington Cherry Marketing Committee established pursuant to § 923.20.

**§ 923.9 Grade.**

*Grade* means any one of the officially established grades of cherries as defined and set forth in:

(a) United States Standards for Sweet Cherries (§§ 51.2646 to 51.2660 of this title) or amendments thereto, or modifications thereof, or variations based thereon;

(b) Standards for sweet cherries issued by the State of Washington or amendments thereto, or modifications thereof, or variations based thereon.

**§ 923.10 Size.**

*Size* means the greatest diameter, measured through the center of the cherry, at right angles to a line running from the stem to the blossom end, or such other specification as may be established by the committee with the approval of the Secretary.