

TABLE—Continued

Column 1, row count/row size	Column 2 diameter (inches)
10	67/64
10½	64/64
11	61/64
11½	57/64
12	54/64

(2) When containers of cherries are marked with a minimum diameter, at least 95 percent, by count, of the cherries in any lot and at least 90 percent, by count, of the cherries in any container, shall be not smaller than such minimum diameter.

(f) *Grading or packing cherries outside the production area.* (1) Persons desiring to ship or receive cherries for grading or packing outside the production area shall apply to the committee on a “Shippers/Receivers Application for Special Purpose Shipment Certificate” form, and receive approval from the Committee. The application shall contain the following: (i) Name, address, telephone number, and signature of applicant;

(ii) Certification by the applicant that cherries graded and packed outside the production area shall be inspected by the Federal-State Inspection Service and shall meet the grade, size, maturity, container, and pack requirements of this section prior to shipment; and

(iii) Such other information as the committee may require.

(2) Each approved applicant shall furnish to the committee, at the close of business every Friday, a report containing the following information on a “Special Purpose Shipment Report” form:

(i) Name, address, telephone number, and signature of applicant;

(ii) Names of growers and handlers of such cherries;

(iii) The total quantity of each variety of cherries; and

(iv) Such other information as the committee may require.

(3) The committee may rescind or deny to any applicant its approval of the “Shippers/Receivers Application for Special Purpose Shipment Certificate” if proof satisfactory to the committee is obtained that any cherries shipped or received by such applicant

for grading or packing were handled contrary to the provisions of this section.

(g) *Exceptions.* Any individual shipment of cherries which meets each of the following requirements may be handled without regard to the provisions of paragraphs (a), (b), (c), (d), and (e) of this section, and of §§923.41 and 923.55.

(1) The shipment consists of cherries sold for home use and not for resale;

(2) The shipment does not, in the aggregate, exceed 100 pounds, net weight, of cherries; and

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

(h) *Definitions.* When used herein, *Washington No. 1* and *diameter* shall have the same meaning as when used in the Washington State Standards for Grades of Sweet Cherries (Order 1550 effective April 29, 1978, WAC 16-414-050); *face packed* means that cherries in the top layer in any container are so placed that the stem ends are pointing downward toward the bottom of the container; *row count/row size* means the number of cherries of a uniform size necessary to pack row-faced across a 10½ inch inside width container or comparable number of cherries when packed loose in a container.

[47 FR 31538, July 21, 1982, as amended at 49 FR 27135, July 2, 1984; 51 FR 23040, June 25, 1986; 51 FR 29210, Aug. 15, 1986; 52 FR 20382, June 1, 1987; 58 FR 30698, May 27, 1993; 59 FR 31920, June 21, 1994; 60 FR 66859, Dec. 27, 1995; 64 FR 33743, June 24, 1999; 64 FR 53885, Oct. 5, 1999; 68 FR 15926, Apr. 2, 2003]

PART 924—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREGON

Subpart—Order Regulating Handling

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AUTHORITY: 7 U.S.C. 601–674.

SOURCE: 25 FR 6350, July 7, 1960, unless otherwise noted. Redesignated at 26 FR 12751, Dec. 30, 1961.

Subpart—Order Regulating Handling

DEFINITIONS

§ 924.1 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.

§ 924.2 Act.

Act means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (sections 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ 924.3 Person.

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

§ 924.4 Production area.

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

§ 924.5 Prunes

Prunes means all varieties of plums, classified botanically as *Prunus domestica*, grown in the production area, except those of the President variety.

§ 924.6 Varieties.

Varieties means and includes all classifications or subdivisions of prunes.