

§ 928.152

7 CFR Ch. IX (1–1–05 Edition)

donated for use by charitable institutions or distribution by relief agencies.

(d) Any handler may, after application for and receipt of committee approval, handle papayas exempt from the provisions of §§ 928.41, 928.52, 928.53, and 928.55 and the regulations issued thereunder, for market research and development projects.

(e) Any handler may handle papayas exempt from the provisions of §§ 928.41, 928.52, 928.53, and 928.55 and the regulations issued thereunder, for commercial processing. Commercial processing of papayas means to can, freeze, cook, slice, dice, or pickle or convert such fruit into a beverage base for resale. All other product forms are considered fresh fruit and are subject to the provisions of the agreement and order.

§ 928.152 Maturity exemption.

The requirements in this section apply through January 2, 2002.

(a) An immature papaya is one which has not reached the stage of maturity wherein the lower or blossom end half of the papaya shows a definite tinge of yellow.

(b) The handling of immature papayas shall be limited to papaya handlers whose name appears on the committee's current list of approved immature papaya handlers established pursuant to paragraph (c) of this section. Such papayas so handled shall be exempt from grade, size, quality, and maturity regulations issued pursuant to §§ 928.52 and 928.53.

(c) Any handler who desires to handle immature papayas shall, prior thereto, file with the committee an application and agreement therefor on PAC Form 7, which shall contain the following information: (1) Name and address of the applicant; (2) an agreement that containers of immature papayas handled to destinations within the State of Hawaii shall be clearly marked "Off-Grade—Immature" or "Immature" in letters not less than one-half inch in height and further that each immature papaya, regardless of destination, shall be stamped or labeled in a uniform manner approved by the committee indicating immaturity; and (3) an agreement to promptly submit such reports on immature papayas handled at such times as may be required by the com-

mittee. The application shall be signed by the applicant or an authorized employee of the applicant and filed with the committee.

(d) If approved by the committee, the applicant's name shall be placed on the committee's list of approved immature papaya handlers. The applicant shall be notified of the committee's action.

(e) The committee may reject an application for just cause, such as a handler's past failure to comply with the requirements for the handling of immature papayas or his past failure to promptly submit reports as may be required under paragraph (c)(3) of this section and may also, for like causes, immediately suspend upon written notice, authorization previously granted a handler to handle immature papayas and remove his name from the list of approved immature papaya handlers.

[42 FR 17422, Apr. 1, 1977, as amended at 65 FR 70284, Nov. 22, 2000]

EFFECTIVE DATE NOTE: At 66 FR 29219, May 30, 2001, § 928.152 was suspended indefinitely.

§ 928.153 Minimum quantities exemption.

(a) Any producer may apply to the committee to handle papayas he or she produces direct to consumers exempt from the provisions of §§ 928.41, 928.52, 928.53, and 928.55. Such application shall show:

(1) The name and address of the producer;

(2) The location of the orchard, the acreage in such orchard, and the estimated production thereof;

(3) The location at which the producer will sell the papayas to consumers; and

(4) An agreement to submit such reports as may be required by the committee.

(b) Upon approval of the producer's application, such producer may sell not to exceed a total of 100 pounds of papayas during any one day direct to consumers for home use and not for resale.

[45 FR 50325, July 29, 1980]

§ 928.160 Utilization reports.

(a) Each handler shall file with the Papaya Administrative Committee, not later than the 15th day of each month, a duly executed PAC Form 1 reporting