

## Agricultural Marketing Service, USDA

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

SOURCE: 35 FR 11372, July 16, 1970, unless otherwise noted.

### Subpart—Order Regulating Handling

#### DEFINITIONS

#### § 981.1 Secretary.

*Secretary* means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may be, authorized to perform the duties under this part of the Secretary of Agriculture of the United States.

#### § 981.2 Act.

*Act* means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 62 Stat. 1247; 63 Stat. 282, 1051; 7 U.S.C. 601 *et seq.*).

#### § 981.3 Person.

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

#### § 981.4 Almonds.

*Almonds* means (unless otherwise specified) all varieties of almonds (except bitter almonds), either shelled or unshelled, grown in the State of California, and for the purposes of research includes almond shells and hulls.

[41 FR 26852, June 30, 1976]

#### § 981.5 Unshelled almonds.

*Unshelled almonds* means almonds the kernels of which are contained in the shell.

#### § 981.6 Shelled almonds.

*Shelled almonds* mean raw or roasted almonds after the shells are removed and includes blanched, diced, sliced, slivered, cut, halved, or broken almonds, or any combination thereof. Additional almond products may be included by the Secretary from time to time upon consideration of a recommendation from the Board or other pertinent information.

#### § 981.7 Edible kernel.

*Edible kernel* means a kernel, piece, or particle of almond kernel that is not inedible.

[41 FR 26852, June 30, 1976]

#### § 981.8 Inedible kernel.

*Inedible kernel* means a kernel, piece, or particle of almond kernel with any defect scored as serious damage, or damage due to mold, gum, shrivel, or brown spot, as defined in the United States Standards for Shelled Almonds, or which has embedded dirt not easily removed by washing. This definition may be modified by the Board with the approval of the Secretary: *Provided*, That the Board shall submit any recommendation for modification to the Secretary not later than August 1.

[41 FR 26852, June 30, 1976]

#### § 981.9 Kernel weight.

*Kernel weight* means the weight of kernels, including pieces and particles,

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regardless of whether edible or inedible, contained in any lot of almonds, unshelled or shelled.

**§981.10 Almonds received for his own account.**

*Almonds received for his own account* means all almonds which are received by a handler (including all almonds of his own production), except those which are received by him for storage or processing for the account of any other person and with respect to which such handler performs no handling function.

**§981.11 Area of production.**

*Area of production* means the State of California.

**§981.12 Grower.**

*Grower* is synonymous with *producer* and means any person engaging, in a proprietary capacity, in the commercial production of almonds.

**§981.13 Handler.**

*Handler* means any person handling almonds during any crop year, except that such term shall not include either a grower who sells only almonds of his own production at retail at a roadside stand operated by him, or a person receiving almonds from growers and other persons and delivering these almonds to a handler.

[41 FR 26852, June 30, 1976]

**§981.14 Cooperative handler.**

*Cooperative handler* means any handler as defined in §981.13 of this subpart which qualifies for treatment as a non-profit cooperative association as defined in Section 54001, *et seq.* of the California Food and Agricultural Code. The Board, with the approval of the Secretary, may modify this definition, if necessary.

[61 FR 32920, June 26, 1996]

**§981.15 Almond product.**

*Almond product* means any edible preparation other than those included under the definition of "shelled almonds," manufactured entirely or partially from raw shelled almonds, and nut mixtures containing shelled or unshelled almonds.

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**§981.16 To handle.**

*To handle* means to use almonds commercially of own production or to sell, consign, transport, ship (except as a common carrier of almonds owned by another) or in any other way to put almonds grown in the area of production into any channel of trade for human consumption worldwide, either within the area of production or by transfer from the area of production to points outside or by receipt as first receiver at any point of entry in the United States or Puerto Rico of almonds grown in the area of production, exported therefrom and submitted for re-entry or which are reentered free of duty. However, sales or deliveries by a grower to handlers, hullers or other processors within the area of production shall not, in itself, be considered as handling by a grower.

[61 FR 32920, June 26, 1996]

**§981.17 Inspection agency.**

*Inspection agency* means the Federal-State Inspection Service or, when specifically designated, the Federal Inspection Service.

**§981.18 Settlement weight.**

*Settlement weight* means the actual gross weight of any lot of almonds received for his own account by any handler, less adjustments as follows:

- (a) For weight of containers,
- (b) For excess moisture,
- (c) For trash or other foreign material of any kind, and
- (d) For inedible kernels as defined in §981.8.

[35 FR 11372, July 16, 1970, as amended at 61 FR 32920, June 26, 1996]

**§981.19 Crop year.**

*Crop year* means the twelve month period from August 1 to the following July 31, inclusive. Any new crop almonds harvested or received prior to August 1 will be applied to the next crop year for marketing order purposes. The first crop year after the implementation of this amendment shall be a 13-month period.

[61 FR 32920, June 26, 1996]