

## § 993.347

reports required to be submitted to the Committee by him under this subpart including, but not limited to, records of all transactions on prunes received, held and disposed of by him, and he shall retain such records for at least two years after the end of the crop year in which the applicable transaction occurred.

[26 FR 8281, Sept. 2, 1961; 26 FR 8483, Sept. 9, 1961. Redesignated at 30 FR 13312, Oct. 20, 1965]

EDITORIAL NOTE: After January 1, 1979, "Budget of Expenses and Rate of Assessment" regulations (e.g., sections .300 through .399) and "Marketing percentage" regulations (e.g., sections .200 through .299) which are in effect for a year or less, will not be carried in the Code of Federal Regulations. For FEDERAL REGISTER citations affecting these regulations, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

### Subpart—Assessment Rates

#### § 993.347 Assessment rate.

On and after August 1, 2004, an assessment rate of \$4.00 per ton is established for California dried prunes.

[69 FR 57826, Sept. 28, 2004]

### Subpart—Undersized Prune Regulation

#### § 993.400 Modifications.

Pursuant to the authority in § 993.52, the provisions in § 993.49(c) prescribing size openings for undersized prune regulations are hereby modified to permit larger size openings. For French prunes, any undersized regulation may prescribe an opening of  $\frac{23}{32}$  of an inch or  $\frac{24}{32}$  of an inch; for non-French prunes, any undersized regulation may prescribe an opening of  $\frac{28}{32}$  of an inch or  $\frac{30}{32}$  of an inch.

[40 FR 42531, Sept. 15, 1975]

#### § 993.409 Undersized prune regulation for the 2002–03 crop year.

Pursuant to §§ 993.49(c) and 993.52, an undersized prune regulation for the 2002–03 crop year is hereby established. Undersized prunes are prunes which pass through openings as follows: for French prunes,  $\frac{24}{32}$  of an inch in diame-

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ter; for non-French prunes,  $\frac{30}{32}$  of an inch in diameter.

[67 FR 31722, May 10, 2002]

### Subpart—Pack Specification as to Size

SOURCE: 26 FR 8281, Sept. 2, 1961, unless otherwise noted.

#### DEFINITIONS

#### § 993.501 Consumer package of prunes.

*Consumer package of prunes* means *consumer package* as defined in § 993.22.

#### § 993.502 Size count.

*Size count* means the count or number of prunes per pound.

#### § 993.503 Size category.

*Size category* means each of the size categories listed in § 993.515 and fixes the range or the limits of the various size counts.

#### § 993.504 In-line inspection.

*In-line inspection* means inspection of prunes where samples are drawn from a flow of prunes prior to packaging.

#### § 993.505 Floor inspection.

*Floor inspection* means inspection of prunes where samples are drawn from packaged prunes or from unpackaged prunes that are held in packing containers for later packaging.

#### § 993.506 Lot.

*Lot* for the purposes of this subpart shall have the same meaning as defined in § 993.104(b) of the Subpart—Administrative Rules and Regulations.

#### SPECIFICATIONS AS TO SIZE

#### § 993.515 Size categories.

For the purpose of this part, the pack specifications prescribed for the packing of prunes in consumer packages shall, subject to the limitation prescribed in § 993.516, be according to those commercially recognized size categories as are listed in paragraph (a) of this section by numerical designation or in paragraph (b) of this section by nomenclature designation.

(a) *Numerical designations.* Each of the following is a numerical size category described by the range of the size counts of prunes per pounds included in the respective size categories expressed as follows or in an applicable equivalent range expressed in the metric system per 500 grams: 15/20, 15/22, 18/24, 20/30, 25/35, 30/40, 35/45, 40/50, 50/60, 60/70, 70/80, 75/85, 80/90, and 90/100.

(b) *Nomenclature designations.* Each of the following is a nonnomenclature size category:

- (1) Extra large;
- (2) Large;
- (3) Medium; and
- (4) Small, breakfast, petite, or economy.

(c) *Nomenclature designations defined.* As used in paragraph (b) of this section:

- (1) *Extra large* means any size count which falls within the range of 25 to 40 prunes, inclusive, per pound;
- (2) *Large* means any size count which falls within the range of 40 to 60 prunes, inclusive, per pound;
- (3) *Medium* means any size count which falls within the range of 60 to 85 prunes, inclusive, per pound; and
- (4) *Small, breakfast, petite, or economy* means any size count which falls within the range of 85 to 100 prunes, inclusive, per pound.

[26 FR 8281, Sept. 2, 1961, as amended at 49 FR 35930, Sept. 13, 1984]

EFFECTIVE DATE NOTE: At 68 FR 43618, July 24, 2003, §993.515 was suspended, effective Aug. 1, 2003, through July 31, 2006.

**§ 993.516 Tolerances and limitations.**

With respect to in-line inspections and floor inspections, prunes in a particular lot shall, subject to the other applicable requirements of this section, be considered as being according to a particular size category prescribed in §993.515 if the average size count of the prunes in such lot falls within the range of the size counts specified for such size category, and the count per pound of 10 ounces of the smallest prunes in a sample of 100 ounces varies from the count per pound of 10 ounces of the largest prunes in such sample by no more than 45 points.

EFFECTIVE DATE NOTE: At 68 FR 43618, July 24, 2003, §993.516 was suspended, effective Aug. 1, 2003, through July 31, 2006.

LABELING

**§ 993.517 Identification.**

The size category of the prunes in any lot shall be clearly marked by the handler on each consumer package of such prunes, on the parts or panels of the package or label which are normally presented in retail display, in terms of the applicable numerical or nomenclature designation prescribed in §993.515, which designation shall not be lacking in prominence and conspicuousness. Any handler may, at his option, clearly mark on such consumer package additional information describing in numerical terms the average size count, or particular range of size counts, of the prunes in such lot so long as such numerical terms fall within the range of the size counts of the applicable numerical or nomenclature designation and do not tend to be deceptive as to the actual average size count, or range of the size counts, of the prunes in such lot. Descriptive terms other than synonyms of the prescribed nomenclature designation or words of like connotation, describing the style of pack, variety of prune, or other item of commercial significance may also be marked on the consumer package. Prunes in any lot of which the maximum size count is less than 25 shall be clearly marked by the handler in terms of the applicable numerical designation prescribed in §993.515(a); and the handler may use nomenclature terms descriptive of size other than the nomenclature designations prescribed in §993.515(b).

[26 FR 8281, Sept. 2, 1961, as amended at 46 FR 38070, July 24, 1981]

EFFECTIVE DATE NOTE: At 68 FR 43618, July 24, 2003, §993.517 was suspended, effective Aug. 1, 2003, through July 31, 2006.

COMPLIANCE

**§ 993.518 Compliance.**

Whenever the season average price to producers for prunes is below the parity level specified in section 2(1) of the act, no handler shall ship consumer packages of prunes unless such prunes are packed and labeled in accordance with the specifications prescribed in this subpart; and whether prices are above or below parity, no handler shall