

a vertical depth of  $\frac{3}{4}$  inch. Use the circular receptacle for testing units of such size that a test piece can be trimmed therefrom to fit it. Use the rectangular receptacle for testing other units. Test no unit from which a test piece with rectangular peel surface at least  $\frac{1}{2}$  inch by 1 inch cannot be trimmed. Test the piece by means of a round metal rod  $\frac{3}{16}$  inch in diameter. To the upper end of the rod is affixed a device to which weight can be added. The rod is held vertically by a support through which it can freely move upward or downward. The lower end of the rod is a plane surface to which the vertical axis of the rod is perpendicular. Adjust the combined weight of the rod and device to 100 grams. Set the receptacle so that the surface of the test piece is held horizontally. Lower the end of the rod to the approximate center of such surface, and add weight to the device at a uniform, continuous rate of 12 grams per second until the rod pierces the test piece. Weigh the rod and weighted device. Test all units in containers of 50 units or less, except those units too small for testing or too soft for trimming. Test at least 50 units, taken at random, in containers of more than 50 units; but if less than 50 units are of sufficient size and firmness for testing, test those which are of sufficient size and firmness.

(3) If the quality of canned apricots falls below the standard prescribed in paragraph (b)(1) of this section, the label shall bear the general statement of substandard quality specified in §130.14(a) of this chapter, in the manner and form therein specified; but in lieu of such general statement of substandard quality, the label may bear the alternative statement "Below standard in quality \_\_\_\_\_", the blank to be filled in with the words specified after the corresponding number of each subparagraph of paragraph (b)(1) of this section which such canned apricots fail to meet, as follows:

- (i) "Not tender";
- (ii) "Mixed sizes";
- (iii) "Blemished";
- (iv) "Unevenly trimmed";
- (v) "Partly crushed or broken".

Such alternative statement shall immediately and conspicuously precede

or follow, without intervening written, printed, or graphic matter, the name "apricots" and any words and statements required or authorized to appear with such name by §145.115(a)(2).

(c) *Fill of container.* (1) The standard of fill of container for canned apricots is the maximum quantity of the optional apricot ingredient that can be sealed in the container and processed by heat to prevent spoilage, without crushing or breaking such ingredient.

(2) If canned apricots fall below the standard of fill of container prescribed in paragraph (c)(1) of this section, the label shall bear the general statement of substandard fill specified in §130.14(b) of this chapter, in the manner and form therein specified.

[42 FR 14414, Mar. 15, 1977, as amended at 58 FR 2879, Jan. 6, 1993]

#### § 145.116 Artificially sweetened canned apricots.

(a) Artificially sweetened canned apricots is the food which conforms to the definition and standard of identity prescribed for canned apricots by §145.115(a), except that in lieu of a packing medium specified in §145.115(a)(3), the packing medium used is water artificially sweetened with saccharin, sodium saccharin, or a combination of both. Such packing medium may be thickened with pectin and may contain any mixture of any edible organic salt or salts and any edible organic acid or acids as a flavor-enhancing agent, in a quantity not more than is reasonably required for that purpose.

(b)(1) The specified name of the food is "artificially sweetened \_\_\_\_\_", the blank being filled in with the name prescribed by §145.115(a) for canned apricots having the same optional apricot ingredient.

(2) The artificially sweetened food is subject to the requirements for label statement of ingredients used, as prescribed for canned apricots by §145.115(a). If the packing medium is thickened with pectin, the label shall bear the statement "thickened with pectin". When any organic salt or acid or any mixture of two or more of these

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is added, the label shall bear the common or usual name of each such ingredient.

[42 FR 14414, Mar. 15, 1977, as amended at 58 FR 2879, Jan. 6, 1993]

§ 145.120 Canned berries.

(a) *Identity*—(1) *Ingredients*. Canned berries is the food prepared from any suitable variety of one of the optional berry ingredients specified in paragraph (a)(2) of this section, which may be packed in one of the optional packing media specified in paragraph (a)(3) of this section, and may contain one or any combination of two or more of the safe and suitable optional ingredients specified in paragraph (a)(4) of this section. Such food is sealed in a container and before or after sealing is so processed by heat to prevent spoilage.

(2) *Varietal types*. The optional berry ingredients referred to in paragraph (a)(1) of this section are prepared from stemmed fruit of the following optional varietal types of berry ingredient; namely:

- (i) Raspberry varieties conforming to the characteristics of *Rubus idaeus* L. or *Rubus occidentalis* L.
- (ii) Blackberries.
- (iii) Blueberries.
- (iv) Boysenberries.
- (v) Dewberries.
- (vi) Gooseberries.
- (vii) Huckleberries.
- (viii) Loganberries.
- (ix) Strawberry varieties conforming to the characteristics of *Fragaria*.
- (x) Youngberries.

(3) *Packing media*. (i) The optional packing media referred to in paragraph (a)(1) of this section as defined in §145.3 are:

- (a) Water.
- (b) Fruit juice(s) and water.

(c) Fruit juice(s).

Such packing media may be used as such or any one or any combination of two or more safe and suitable nutritive carbohydrate sweeteners may be added. Sweeteners listed in §145.3 shall be as defined therein, except that a nutritive carbohydrate sweetener for which a standard of identity has been established in part 168 of this chapter shall comply with such standard in lieu of any definition that may appear in §145.3.

(ii) When a sweetener is added as a part of any such liquid packing medium, the four density ranges of the resulting packing media hereinafter specified for each berry ingredient, expressed as percent by weight of sucrose (degrees Brix) as determined by the procedure described in §145.3(m), shall be designated by the appropriate name for each of the respective density ranges for each berry ingredient as:

(a) “Slightly sweetened water”; or “extra light sirup”; “slightly sweetened fruit juice(s) and water”; or “slightly sweetened fruit juice(s)”, as the case may be.

(b) “Light sirup”, when the liquid used is water, “lightly sweetened fruit juice(s) and water”; or “lightly sweetened fruit juice(s)”, as the case may be.

(c) “Heavy sirup”, when the liquid used is water; or “heavily sweetened fruit juice(s) and water”; or “heavily sweetened fruit juice(s)”, as the case may be.

(d) “Extra heavy sirup”, when the liquid used is water; or “extra heavily sweetened fruit juice(s) and water”; or “extra heavily sweetened fruit juice(s)”, as the case may be.

The density ranges referred to herein are:

| Optional berry ingredient | Density ranges |                    |          |                    |          |                    |          |                        |
|---------------------------|----------------|--------------------|----------|--------------------|----------|--------------------|----------|------------------------|
|                           | (a)            |                    | (b)      |                    | (c)      |                    | (d)      |                        |
|                           | Min-imum       | Max-imum less than | Min-imum | Max-imum less than | Min-imum | Max-imum less than | Min-imum | Max-imum not more than |
| Blackberries .....        | 14             | 14                 | 19       | 19                 | 24       | 24                 | 24       | 35                     |
| Blueberries .....         | 15             | 15                 | 20       | 20                 | 25       | 25                 | 25       | 35                     |
| Boysenberries .....       | 14             | 14                 | 19       | 19                 | 24       | 24                 | 24       | 35                     |
| Dewberries .....          | 14             | 14                 | 19       | 19                 | 24       | 24                 | 24       | 35                     |
| Gooseberries .....        | 14             | 14                 | 20       | 20                 | 25       | 25                 | 25       | 35                     |
| Huckleberries .....       | 15             | 15                 | 20       | 20                 | 25       | 25                 | 25       | 35                     |
| Loganberries .....        | 14             | 14                 | 19       | 19                 | 24       | 24                 | 24       | 35                     |