

Agricultural Marketing Service, USDA

§915.2

California and Arizona) (7 CFR 51.620 through 51.653).

[47 FR 1266, Jan. 12, 1982, as amended at 51 FR 41070, Nov. 13, 1986; 54 FR 3421, Jan. 24, 1989; 54 FR 41584, Oct. 11, 1989; 56 FR 55983, Oct. 31, 1991; 58 FR 52401, Oct. 8, 1993; 58 FR 54926, Oct. 25, 1993; 59 FR 56383, Nov. 14, 1994; 60 FR 33679, June 29, 1995; 60 FR 54292, Oct. 23, 1995; 61 FR 43141, Aug. 21, 1996; 64 FR 47358, Aug. 31, 1999]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Subpart—Order Regulating Handling

DEFINITIONS

Sec.

- 915.1 Secretary.
- 915.2 Act.
- 915.3 Person.
- 915.4 Production area.
- 915.5 Avocados.
- 915.6 Fiscal year.
- 915.7 Committee.
- 915.8 Grower.
- 915.9 Handler.
- 915.10 Handle.
- 915.11 District.
- 915.12 Export.

ADMINISTRATIVE BODY

- 915.20 Establishment and membership.
- 915.21 Term of office.
- 915.22 Nomination.
- 915.23 Selection.
- 915.24 Failure to nominate.
- 915.25 Acceptance.
- 915.26 Vacancies.
- 915.27 Alternate members.
- 915.28 Powers.
- 915.29 Duties.
- 915.30 Procedure.
- 915.31 Expenses.
- 915.32 Annual report.

EXPENSES AND ASSESSMENTS

- 915.40 Expenses.
- 915.41 Assessments.
- 915.42 Accounting.

RESEARCH AND DEVELOPMENT

- 915.45 Production research, marketing research and development.
- 915.49 Marketing policy.

REGULATIONS

- 915.50 Recommendations for regulation.
- 915.51 Issuance of regulations.
- 915.52 Modification, suspension, or termination of regulations.
- 915.53 Exemption certificates.
- 915.54 Inspection and certification.
- 915.55 Avocados not subject to regulations.

- 915.60 Reports.

MISCELLANEOUS PROVISIONS

- 915.61 Compliance.
- 915.62 Right of the Secretary.
- 915.63 Effective time.
- 915.64 Termination.
- 915.65 Proceedings after termination.
- 915.66 Effect of termination or amendment.
- 915.67 Duration of immunities.
- 915.68 Agents.
- 915.69 Derogation.
- 915.70 Personal liability.
- 915.71 Separability.

Subpart—Rules and Regulations

- 915.110 Exemption certificates.
- 915.115 Nomination procedure.
- 915.120 Handler registration.
- 915.140 Avocados not subject to regulation.
- 915.141 Handling avocados for commercial processing into products.
- 915.142 Reserve fund.
- 915.150 Reports.
- 915.155 Delinquent assessments.
- 915.160 Public member eligibility requirements and nomination procedures.

Subpart—Assessment Rates

- 915.235 Assessment rate.

Subpart—Container and Pack Regulations

- 915.305 Florida Avocado Container Regulation 5.
- 915.306 Florida avocado grade, pack, and container marking regulation.
- 915.332 Florida avocado maturity regulation.

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

SOURCE: 19 FR 3439, June 11, 1954, unless otherwise noted. Redesignated at 26 FR 12751, Dec. 30, 1961.

Subpart—Order Regulating Handling

DEFINITIONS

§915.1 Secretary.

Secretary means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is, or may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture of the United States.

§915.2 Act.

Act means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as

§915.3

reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended, 68 Stat. 906, 1047; 7 U.S.C. 601 *et seq.*).

[19 FR 3439, June 11, 1954, as amended at 20 FR 4177, June 15, 1955. Redesignated at 26 FR 12751, Dec. 30, 1961]

§915.3 Person.

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

§915.4 Production area.

Production area means the counties of Brevard, Orange, Lake, Polk, Hillsborough, and Pinellas in the State of Florida, and all of the counties of that State situated south of such counties.

[20 FR 4177, June 15, 1955. Redesignated at 26 FR 12751, Dec. 30, 1961]

§915.5 Avocados.

Avocados means all varieties of avocados grown in the production area.

§915.6 Fiscal year.

Fiscal year means the twelve-month period ending March 31 of each year.

§915.7 Committee.

Committee means the Avocado Administrative Committee established pursuant to §915.20.

§915.8 Grower.

Grower is synonymous with producer and means any person who produces avocados for market and who has a proprietary interest therein: *Provided*, That as used in §915.22 the term grower shall include only those who have a proprietary interest in the production of 10 or more bearing avocado trees.

[19 FR 3439, June 11, 1954, as amended at 22 FR 3513, May 21, 1957. Redesignated at 26 FR 12751, Dec. 30, 1961]

§915.9 Handler.

Handler is synonymous with shipper and means any person (except a common or contract carrier transporting avocados owned by another person) who handles avocados or causes avocados to be handled.

7 CFR Ch. IX (1-1-07 Edition)

§915.10 Handle.

Handle means to sell, consign, deliver, or transport avocados within the production area or between the production area and any point outside thereof: *Provided*, That such term shall not include: (a) The sale or delivery of avocados to a handler, registered as such with the committee in accordance with such rules and regulations as it may prescribe with the approval of the Secretary, who has facilities within the production area for preparing avocados for market; (b) the delivery of avocados to such a handler solely for the purpose of having such avocados prepared for market; or (c) the transportation of avocados by a handler, so registered with the committee, from the grove to his packing facilities within the production area for the purpose of having such avocados prepared for market. In the event a grower sells his avocados to a handler who is not so registered with the committee, such grower shall be the first handler of such avocados.

[19 FR 3439, June 11, 1954, as amended at 20 FR 4177, June 15, 1955. Redesignated at 26 FR 12751, Dec. 30, 1961]

§915.11 District.

District means the applicable one of the following described subdivisions of the production area:

(a) *District 1* shall include Dade County.

(b) *District 2* shall include all of the production area except Dade County.

§915.12 Export.

Export means to ship avocados to any destination which is not within the 48 contiguous States of the District of Columbia of the United States or Canada.

[43 FR 39322, Sept. 5, 1978]

ADMINISTRATIVE BODY

§915.20 Establishment and membership.

(a) There is hereby established an Avocado Administrative Committee consisting of nine members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. Five of the members and their respective alternates shall be growers