

**§ 993.13**

**§ 993.13 Handle.**

*Handle* means to receive, package, sell, consign, transport, or ship (except as a carrier of prunes owned by another person), or in any other way to place prunes in the current of the commerce within the area or from such area to any point outside thereof: *Provided*, That this term shall not include: (a) Sales or deliveries of prunes by a producer or dehydrator to a producer, dehydrator, or handler within the area; (b) the receiving of prunes by a producer or dehydrator from a producer or dehydrator; and (c) receipts, sales, or shipments of prunes already handled by another person other than pursuant to § 993.50(f).

**§ 993.14 Handler.**

*Handler* means any person who handles prunes.

**§ 993.15 Dehydrator.**

*Dehydrator* means any person who produces prunes by drying or dehydrating plums by means of sun-drying or artificial heat.

**§ 993.16 Producer.**

*Producer* means any person who is engaged, in a proprietary capacity, in growing plums for drying or dehydrating into prunes.

**§ 993.17 Ton.**

*Ton* means a short ton of 2,000 pounds.

**§ 993.18 Grade.**

*Grade* means the classification of prunes for quality and condition according to the grading specifications established pursuant to the provisions of this subpart.

**§ 993.19a Size.**

*Size* means either (a) the number of prunes contained in a pound and may be referred to in terms of size ranges, or (b) the diameter of a round opening, expressed in multiples of one thirty-second of an inch, through which prunes pass freely.

[37 FR 861, Jan. 20, 1972]

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

**§ 993.19b Undersized prunes.**

*Undersized prunes* means prunes which pass freely through a round opening of a specified diameter.

[37 FR 861, Jan. 20, 1972]

**§ 993.20 Crop year.**

*Crop year* means the 12-month period beginning August 1 of any year and ending July 31 of the following year.

**§ 993.21 Domestic.**

*Domestic* means the United States, Canal Zone, Puerto Rico, Virgin Islands, and Canada.

**§ 993.21a Proper storage.**

*Proper storage* means storage of such character as will maintain prunes in the same condition as when received by a handler, except for normal and natural deterioration and shrinkage.

[30 FR 9798, Aug. 6, 1965]

**§ 993.21b Trade demand.**

(a) *Domestic trade demand.* The quantity of prunes which the commercial trade will acquire from all handlers during a crop year for distribution in domestic markets for human consumption as prunes and prune products.

(b) *Foreign trade demand.* The quantity of prunes which the commercial trade will acquire from all handlers during a crop year for distribution in other than domestic markets for human consumption as prunes and prune products.

[30 FR 9798, Aug. 6, 1965]

**§ 993.21c Salable prunes.**

*Salable prunes* means those prunes which are free to be handled pursuant to any salable percentage established by the Secretary pursuant to § 993.54, or, if no reserve percentage is in effect for a crop year, all prunes, excluding the quantity of undersized prunes determined pursuant to § 993.49(c), received by handlers from producers and dehydrators during that year.

[46 FR 61637, Dec. 18, 1981]

**§ 993.21d Reserve prunes.**

*Reserve prunes* means those prunes which must be withheld in satisfaction

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of a reserve obligation arising from application of a reserve percentage established by the Secretary pursuant to § 993.54.

[30 FR 9798, Aug. 6, 1965]

EFFECTIVE DATE NOTE: At 70 FR 30613, May 27, 2005, § 993.21d was suspended indefinitely.

### § 993.22 Consumer package.

*Consumer package* means: (a) Any container of prunes holding less than 10 pounds of standard processed prunes or standard prunes; or (b) any container holding less than 10 pounds of prunes and other dried fruit if more than 60 percent of the net weight of mixed dried fruit in the lot consists of standard processed prunes or standard prunes.

### § 993.23 Part and subpart.

*Part* means the order regulating the handling of dried prunes produced in California, and all rules, regulations, and supplementary orders issued thereunder. This order regulating the handling of dried prunes produced in California shall be a *subpart* of such part.

#### PRUNE MARKETING COMMITTEE

### § 993.24 Establishment and membership.

A Prune Marketing Committee (herein referred to as the "Committee"), consisting of 22 members with an alternate member for each such member, is hereby established to administer the terms and provisions of this part, of whom with their respective alternates, 14 shall represent producers, 7 shall represent handlers, and 1 shall represent the public. Committee membership shall be allocated in accordance with the following grouping with the alternate positions identically allocated:

(a) Three handler members to represent handlers who are cooperative marketing associations of producers (referred to in this part as "cooperative handlers");

(b) Three handler members to represent handlers other than cooperative handlers (referred to in this part as "independent handlers");

(c) One handler member to represent handlers who are cooperative handlers or independent handlers, whichever of

such handlers handled as first handlers more than 50 percent of the prunes handled by all handlers during the crop year preceding the year in which nominations are made;

(d) Fourteen producer members to be selected from and to represent producers who are members of cooperative marketing associations (referred to in this part as "cooperative producers") and producers other than "cooperative producers" (referred to in this part as "independent producers"); the number of the producer members for the cooperative producer group or the independent producer group, as the case may be, shall be in the same proportion, as near as practicable, to the total of 14, as the tonnage of prunes handled by the respective group of cooperative handlers or independent handlers as first handlers during the crop year preceding the year in which nominations are made is to the total tonnage of prunes handled by all handlers as first handlers.

(e) The public member and alternate shall have no financial interest in the prune industry.

[26 FR 476, Jan. 19, 1961, as amended at 46 FR 61636, Dec. 18, 1981]

### § 993.25 Term of office.

The term of office of members, and their respective alternates, shall be two years, ending on May 31 of even numbered years, and any later date which may be necessary for the selection and qualification of their respective successors.

### § 993.26 Selection.

Selection of members of the committee, and their respective alternates, shall be made in the appropriate number specified in § 993.24, by the Secretary from nominees nominated pursuant to this part or, in the discretion of the Secretary, from other eligible persons.

### § 993.27 Eligibility.

Producer members of the Committee shall be at the time of their selection, and during their term of office, producers in the group, for which selected