

§ 161.173

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and style manufactured or packed under similar conditions and handled as a single unit of trade.

(b) *Lot size.* The number of primary containers or units in the lot.

(c) *Sample size (n).* The total number of sample units drawn for examination from a lot.

(d) *Sample unit.* A container, the entire contents of a container, a portion of the contents of a container, or a composite mixture of product from small containers that is sufficient for examination or testing as a single unit.

(ii) Sampling plans:

Lot size (primary containers)	Size of container ¹ (n)
4,800 or less	13
4,801 to 24,000	21
24,001 to 48,000	29
48,001 to 84,000	48
84,001 to 144,000	84
144,001 to 240,000	126
Over 240,000	200

¹ Net weight equal to or less than 1 kg. (2.2 lb).

Lot size (primary containers)	Size of container ¹ (n)
2,400 or less	13
2,401 to 15,000	21
15,001 to 24,000	29
24,001 to 42,000	48
42,001 to 72,000	84
72,001 to 120,000	126
Over 120,000	200

n-number of primary containers in sample.

¹ Net weight greater than 1 kg (2.2 lb) but not more than 4.5 kgs (10 lb).

(3) If canned salmon falls 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 14464, Mar. 15, 1977, as amended at 58 FR 2884, Jan. 6, 1993]

§ 161.173 Canned wet pack shrimp in transparent or nontransparent containers.

(a) *Identity.* (1) Canned wet pack shrimp is the food consisting of the processed meat of peeled shrimp, free of heads and, to the extent practicable under good manufacturing practice, free of shells, legs, and antennae; in one or any combination of species enumerated in paragraph (a)(2) of this section; prepared in one of the styles spec-

ified in paragraph (a)(3) of this section, in sufficient water or other suitable aqueous packing medium to fill the interstices and permit proper processing in accordance with good manufacturing practice. Canned shrimp may contain one or more of the optional ingredients specified in paragraph (a)(4) of this section. It is packed in hermetically sealed transparent or nontransparent containers and so processed by heat as to prevent spoilage.

(2) The species of shrimp that may be used in the food are of the families: Penaeidae, Pandalidae, Crangonidae, and Palaemonidae.

(3) *Styles.* Canned shrimp is prepared in one of the following styles:

(i) Shrimp with readily visible dark vein (dorsal tract, back vein, or sand vein).

(ii) Deveined shrimp containing not less than 95 percent by weight of shrimp prepared by removing the dark vein from the first five segments by deliberate cutting action.

(iii) Shrimp, other than “deveined” as described in paragraph (a)(3)(ii) of this section, containing not less than 95 percent by weight of shrimp with no readily visible dark vein within the first five segments.

(iv) Broken shrimp, consisting of less than four segments and otherwise conforming to one of the styles described in paragraph (a)(3)(i), (ii), or (iii) of this section.

(4) *Optional ingredients.* The following safe and suitable optional ingredients may be used:

(i) Salt.
 (ii) Lemon juice.
 (iii) Organic acids.
 (iv) Nutritive carbohydrate sweeteners.

(v) Spices or spice oils or spice extracts.

(vi) Flavorings.
 (vii) Sodium bisulfite.

(viii) Calcium disodium EDTA (calcium disodium ethylenediaminetetraacetate), complying with the provisions of § 172.120 of this chapter.

(5) *Labeling.* (i) The name of the food is “shrimp” or “shrimps.” The word “prawns” may appear on the label in parentheses immediately after the word “shrimp” or “shrimps” if the shrimp are of large or extra large size

as designated in paragraph (a)(5)(iv) of this section.

(ii) When the food is of the style described in paragraph (a)(3)(ii) of this section, the words “cleaned,” “cleaned (deveined),” or “deveined” may be declared on the label.

(iii) When the food is of the style described in paragraph (a)(3)(iii) of this section, the words “contain no dark

veins” or their equivalent may be declared on the label.

(iv) When the food is whole shrimp within a size range designated in table I as “extra large,” “large,” “medium,” or “small” and does not contain broken shrimp as defined in paragraph (a)(3)(iv) of this section in excess of the amount listed in table II for the applicable size, the appropriate size designation may be declared on the label.

TABLE I

Size	Number of shrimp per 28.4 g (1 oz) of drained product		Number of shrimp per 100 g (3.5 oz) of drained product	
	Other than deveined style	Deveined style	Other than deveined style	Deveined style
Extra large or jumbo	Less than 3.5	Less than 3.8	Less than 12.3	Less than 13.4.
Large	3.5 to 5.0 inclusive	3.8 to 5.4 inclusive	12.3 to 17.7 inclusive	13.4 to 19.1 inclusive.
Medium	More than 5.0 but not more than 9.0.	More than 5.4 but not more than 9.8.	More than 17.7 but not more than 31.8.	More than 19.1 but not more than 34.6.
Small	More than 9.0 but not more than 17.0.	More than 9.8 but not more than 18.4.	More than 31.8 but not more than 60.0.	More than 34.6 but not more than 65.3.
Tiny	More than 17.0	More than 18.4	More than 60.0	More than 65.3.

TABLE II

Size	Maximum percent by weight of broken shrimp ^a
Extra large or jumbo	5
Large	5
Medium	5
Small	10
Tiny	15

^aGrams of broken shrimp per 100 g of cut-out weight as determined in §161.173(c) of this section.

(v) When the food consists of tiny shrimp, as designated in table I in paragraph (a)(5)(iv) of this section and does not contain broken shrimp as defined in paragraph (a)(3)(iv) of this section in excess of 15 percent by weight, the name of the food on the label shall be accompanied by the word “tiny” in type size equal to that used in the name of the food.

(vi) When the food consists of tiny shrimp, as designated in table I in paragraph (a)(5)(iv) of this section and contains more than 15 percent by weight of broken shrimp as defined in paragraph (a)(3)(iv) of this section, the name of the food on the label shall be accompanied by the word “broken” or “pieces” rather than the word “tiny,” in type size equal to that used in the name of the food.

(vii) When the food consists wholly or in part of sizes other than tiny, as des-

ignated in table I in paragraph (a)(5)(iv) of this section and contains more than 10 percent by weight of broken shrimp as defined in paragraph (a)(3)(iv) of this section, the name of the food on the label shall be accompanied by the word “broken” or “pieces” in type size equal to that used in the name of the food.

(viii) The name of the food shall include a declaration of any flavoring that characterizes the food, as specified in §101.22 of this chapter, and the term “spiced” if spice characterizes the food.

(ix) *Label declaration.* Each of the ingredients used in the food shall be declared on the label as required by the applicable sections of parts 101 and 130 of this chapter.

(6) *Sampling and acceptance procedure.* A lot is to be considered acceptable when the number of defectives does not exceed the acceptance number in the sampling plans given in paragraph (a)(6)(ii) of this section.

(i) Definitions of terms to be used in the sampling plans in paragraph (a)(6)(ii) of this section are as follows:

(a) *Lot.* A collection of primary containers or units of the same size, type, and style manufactured or packed under similar conditions and handled as a single unit of trade.

(b) *Lot size.* The number of primary containers or units in the lot.

(c) *Sample size (n).* The total number of sample units drawn for examination from a lot.

(d) *Sample unit.* A container, the entire contents of a container, a portion of the contents of a container, or a composite mixture of product from small containers that is sufficient for the examination or testing as a single unit.

(e) *Defective.* Any sample unit shall be regarded as defective when it fails to meet the minimum requirements in paragraph (a)(3) (ii) or (iii) of this section for the applicable style, when it exceeds the tolerances in paragraph (a)(5)(iv) of this section for the applicable size, or when the labeling fails to meet the requirements of paragraph (a)(5) (v), (vi), or (vii) of this section of the applicable size.

(f) *Acceptance number (c).* The maximum number of defective sample units permitted in the sample in order to consider the lot as meeting the specified requirements.

(g) *Acceptable quality level (AQL).* The maximum percent of defective sample units permitted in a lot that will be accepted approximately 95 percent of the time.

(ii) Sampling plans:

ACCEPTABLE QUALITY LEVEL 6.5

Lot size (primary containers)	Size of container	
	n ¹	c ²
NET WEIGHT EQUAL TO OR LESS THAN 1 KG (2.2 LB)		
4,800 or less	13	2
4,801 to 24,000	21	3
24,001 to 48,000	29	4
48,001 to 84,000	48	6
84,001 to 144,000	84	9
144,001 to 240,000	126	13
Over 240,000	200	19
NET WEIGHT GREATER THAN 1 KG (2.2 LB) BUT NOT MORE THAN 4.5 KG (10 LB)		
2,400 or less	13	2
2,401 to 15,000	21	3
15,001 to 24,000	29	4
24,001 to 42,000	48	6
42,001 to 72,000	84	9
72,001 to 120,000	126	13
Over 120,000	200	19

¹ n=Number of primary containers in sample.
² c=Acceptance number.

(b) [Reserved]

(c) *Fill of container.* (1) The standard of fill of transparent or nontransparent containers for canned wet pack shrimp is a fill such that the cut-out weight of shrimp taken from each container is not less than 60 percent of the weight of the water required to fill the container. The weight of the water required to fill the container is determined by the general method provided in §130.12(a) of this chapter. Cut-out weight is determined by the following method: Keep the unopened canned shrimp container at a temperature of not less than 68° nor more than 75 °Fahrenheit for at least 12 hours immediately preceding the determination. After opening, distribute the shrimp evenly over the meshes of a circular sieve that has been previously weighed. The diameter of the sieve is 20.3 centimeters (8 inches) if the quantity of the contents of the container is less than 1.36 kilograms (3 pounds), and 30.5 centimeters (12 inches), if such quantity is 1.36 kilograms (3 pounds) or more. The bottom of the sieve is woven-wire cloth that complies with the specifications for such cloth set forth as a 2.38 mm (No. 8) sieve in the "Definitions of Terms and Explanatory Notes" of the "Official Methods of Analysis of the Association of Official Analytical Chemists," 13th Ed. (1980), which is incorporated by reference. Copies may be obtained from the AOAC INTERNATIONAL, 481 North Frederick Ave., suite 500, Gaithersburg, MD 20877, or may be examined at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. Without shifting the material on the sieve, incline the sieve at an angle of approximately 17° to 20° to facilitate drainage. Allow the shrimp to drain for 2 minutes, measured from the moment the product is poured onto the sieve. Weigh the sieve and the drained shrimp. The weight so found, less the weight of the sieve, shall be considered to be the cut-out weight of the shrimp.

(2) Sampling and acceptance procedure: A container that falls below the

requirement for minimum fill prescribed in paragraph (c)(1) of this section is considered a "defective." Determine compliance with paragraph (c)(1) of this section as specified in paragraph (a)(6) of this section except that the sample unit shall be the entire contents of the container.

(3) If canned wet pack shrimp in transparent or nontransparent containers falls below the applicable standard of fill of container prescribed in paragraph (c)(1) of this section, the label shall bear the general statement of substandard fill provided in §130.14(b) of this chapter, in the manner and form therein specified.

[43 FR 19840, May 9, 1978; 43 FR 25423, June 13, 1978, as amended at 47 FR 11833, Mar. 19, 1982; 49 FR 10102, Mar. 19, 1984; 54 FR 24896, June 12, 1989; 58 FR 2884, Jan. 6, 1994; 63 FR 14035, Mar. 24, 1998]

EFFECTIVE DATE NOTE: Paragraphs (a) and (c) of §161.173 were stayed until further notice by a document published at 44 FR 50328, Aug. 28, 1979.

§ 161.175 Frozen raw breaded shrimp.

(a) Frozen raw breaded shrimp is the food prepared by coating one of the optional forms of shrimp specified in paragraph (c) of this section with safe and suitable batter and breading ingredients as provided in paragraph (d) of this section. The food is frozen.

(b) The food tests not less than 50 percent of shrimp material as determined by the method prescribed in paragraph (g) of this section, except that if the shrimp are composite units the method prescribed in paragraph (h) of this section is used.

(c) The term *shrimp* means the tail portion of properly prepared shrimp of commercial species. Except for composite units, each shrimp unit is individually coated. The optional forms of shrimp are:

(1) Fantail or butterfly: Prepared by splitting the shrimp; the shrimp are peeled, except that tail fins remain attached and the shell segment immediately adjacent to the tail fins may be left attached.

(2) Butterfly, tail off: Prepared by splitting the shrimp; tail fins and all shell segments are removed.

(3) Round: Round shrimp, not split; the shrimp are peeled, except that tail

fins remain attached and the shell segment immediately adjacent to the tail fins may be left attached.

(4) Round, tail off: Round shrimp, not split; tail fins and all shell segments are removed.

(5) Pieces: Each unit consists of a piece or a part of a shrimp; tail fins and all shell segments are removed.

(6) Composite units: Each unit consists of two or more whole shrimp or pieces of shrimp, or both, formed and pressed into composite units prior to coating; tail fins and all shell segments are removed; large composite units, prior to coating, may be cut into smaller units.

(d) The batter and breading ingredients referred to in paragraph (a) of this section are the fluid constituents and the solid constituents of the coating around the shrimp. These ingredients consist of suitable substances which are not food additives as defined in section 201(s) of the Federal Food, Drug, and Cosmetic Act; or if they are food additives as so defined, they are used in conformity with regulations established pursuant to section 409 of the act. Batter and breading ingredients that perform a useful function are regarded as suitable, except that artificial flavorings, artificial sweeteners, artificial colors, and chemical preservatives, other than those provided for in this paragraph, are not suitable ingredients of frozen raw breaded shrimp. Chemical preservatives that are suitable are:

(1) Ascorbic acid, which may be used in a quantity sufficient to retard development of dark spots on the shrimp; and

(2) The antioxidant preservatives listed in subpart D of part 182 of this chapter that may be used to retard development of rancidity of the fat content of the food, in amounts within the limits prescribed by that section.

(e) The label shall name the food, as prepared from each of the optional forms of shrimp specified in paragraph (c) (1) to (6), inclusive, of this section, and following the numbered sequence of such subparagraph, as follows:

(1) "Breaded fantail shrimp." The word "butterfly" may be used in lieu of "fantail" in the name.