

motor vehicle or cause the transportation of any shipment of fruit for which an inspection certificate is required unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto, and a copy of such inspection certificate is surrendered upon request to Texas Department of Agriculture personnel designated by the committee.

(6) The fruit meets all the applicable container and pack requirements effective under this marketing order.

(7) Beginning in 1995, this paragraph (a) is suspended each year from July 1 through August 31 of each year.

(b) Terms relating to grade, pack size, and diameter shall mean the same as in the U.S. Standards for Grades of Oranges (Texas and States other than Florida, California, and Arizona) (7 CFR 51.680 through 51.714) or in the U.S. Standards for Grades of Grapefruit (Texas and States other than Florida, 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]

PART 911—LIMES GROWN IN FLORIDA

Subpart—Order Regulating Handling

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Subpart—Pack Regulation

911.311 Florida lime pack and container marking regulation.

Subpart—Container Regulation

911.329 Florida lime container regulation.

Subpart—Grade and Size Requirements

911.344 Florida lime grade, size, and container regulation.

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

Subpart—Order Regulating Handling

SOURCE: 20 FR 4179, June 15, 1955, unless otherwise noted. Redesignated at 26 FR 12751, Dec. 30, 1961.

DEFINITIONS

§911.1 Secretary.

Secretary means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§911.2 Act.

Act means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 *et seq.*; 68 Stat. 906, 1047).

§911.3 Person.

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

§911.4 Production area.

Production area means all of the State of Florida, except the area west of the Suwannee River.

§911.5 Limes.

Limes means all varieties and clones of acid limes, grown in the production area, classified botanically as *Citrus Aurantifolia* (Christm.) Swingle, and includes the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms) and the group known as large fruited

or Persian limes (including Tahiti, Bearss, and similar varieties).

§911.6 Fiscal year.

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

§911.7 Committee.

Committee means the Florida Lime Administrative Committee established pursuant to §911.20.

§911.8 Grower.

Grower is synonymous with producer and means any person who produces limes for market and who has a proprietary interest therein: *Provided*, That as used in §911.22 the term grower shall include only those who have a proprietary interest in the production of 10 or more bearing lime trees.

[20 FR 4179, June 15, 1955, as amended at 22 FR 2527, Apr. 13, 1957. Redesignated at 26 FR 12751, Dec. 30, 1961]

§911.9 Handler.

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

§911.10 Handle or ship.

Handle is synonymous with *ship* and means to sell, consign, deliver, or transport limes 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 limes 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 limes for market; (b) the delivery of limes to such a handler solely for the purpose of having such limes prepared for market; or (c) the transportation of limes 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 limes prepared for market. In the event a grower sells his limes to a handler who

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is not so registered with the committee, such grower shall be the first handler of such limes.

[20 FR 4179, June 15, 1955. Redesignated at 26 FR 12751, Dec. 30, 1961, and amended at 37 FR 10498, May 24, 1972]

§911.11 District.

District means the applicable one of the following described subdivisions of the production area, or such other subdivisions as may be prescribed pursuant to §911.29(n):

(a) District 1 shall include Dade and Monroe counties.

(b) District 2 shall include all of the production area except Dade and Monroe counties.

§911.12 Export.

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

[43 FR 39320, Sept. 5, 1978]

ADMINISTRATIVE BODY

§911.20 Establishment and membership.

(a) There is hereby established a Florida Lime 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 who shall not be handlers of limes produced by others or employees of such handlers. Four of the members and their respective alternates shall be handlers or employees of handlers. The five members of the committee who shall be growers who shall not be handlers of limes produced by others or employees of such handlers are referred to as "grower" members of the committee; and the four members who shall be handlers or employees of handlers are referred to as "handler" members of the committee. Four of the five grower members shall be producers of limes in District 1, and one grower member shall be a producer of limes in District 2. Three of the four handler members shall be handlers, or employees of handlers, of limes in District 1, and one handler member shall be a

handler, or an employee of a handler of limes in District 2. No handler or handler organization shall be permitted to have more than one handler member and alternate on the committee from each district: *Provided*, That this requirement may be waived by the Secretary in the event that there are not enough persons available to be nominated and selected to serve on the committee.

(b) The committee may be increased by one public member and alternate. Persons for the public member positions would be nominated by the committee and selected by the Secretary. The committee, with the approval of the Secretary, shall prescribe qualifications, term of office, and the procedure for nominating the public member and alternate.

[20 FR 4179, June 15, 1955. Redesignated at 26 FR 12751, Dec. 30, 1961, and amended at 30 FR 916, Jan. 29, 1965; 43 FR 39320, Sept. 5, 1978; 52 FR 7117, Mar. 9, 1987]

§911.21 Term of office.

The term of office of each member and alternate member of the committee shall begin April 1, and shall terminate March 31 of the following year. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and qualify and until their respective successors are selected and have qualified. The consecutive terms of office of members shall be limited to three terms.

§911.22 Nomination.

(a) *Initial members.* Nominations for each of the five initial grower members and four initial handler members of the committee, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by individual growers and handlers. Such nominations may be made by means of group meetings of the growers and handlers concerned in each district. Such nominations, if made, shall be filed with the Secretary no later than the effective date hereof. In the event nominations for initial members and alternate members of the committee are not filed pursuant to, and within the time specified in, this section, the Secretary may select such

initial members and alternate members without regard to nominations, but selections shall be on the basis of the representation provided for in §911.20.

(b) *Successor members.* (1) The committee shall hold or cause to be held a meeting or meetings of growers and handlers in each district to designate nominees for successor members and alternate members of the committee, or the committee may conduct nominations by mail in District 2 in a manner recommended by the committee and approved by the Secretary. Such nominations shall be submitted to the Secretary by the committee not later than February 15 of each year. The committee shall prescribe procedural rules, not inconsistent with the provisions of this section, for the conduct of nominations.

(2) Only growers may participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he produces limes. No grower shall participate in the election of nominees in more than one district in any one fiscal year.

(3) Only handlers may participate in the nomination and election of nominees for handler members and their alternates. Each handler is entitled to cast only one vote for each nominee to be elected in the district in which such handler handles limes. Each vote shall be weighted by the volume of limes shipped by such handler during the immediately preceding twelve-month period, January through December.

[20 FR 4179, June 15, 1955. Redesignated at 26 FR 12751, Dec. 30, 1961, and amended at 40 FR 52604, Nov. 11, 1975; 52 FR 7117, Mar. 9, 1987]

§911.23 Selection.

From the nominations made pursuant to §911.22, or from other qualified persons, the Secretary shall select the five grower members of the committee, the four handler members of the committee, and an alternate for each such member.

§911.24 Failure to nominate.

If nominations are not made within the time and in the manner prescribed in §911.22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in §911.20.

§911.25 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§911.26 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§911.22 and 911.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within fifteen days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in §911.20.

§911.27 Alternate members.

An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified. In the event both a member and his alternate are unable to attend a committee meeting, the chairman may designate any alternate who is present and who is not serving for any member to serve in such absent member's place and stead: *Provided*, That only grower alternate members may be

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so designated to serve for grower members and only handler alternate members may be so designated to serve for handler members.

[20 FR 4179, June 15, 1955. Redesignated at 26 FR 12751, Dec. 30, 1961, and amended at 35 FR 16626, Oct. 27, 1970]

§ 911.28 Powers.

The committee shall have the following powers:

- (a) To administer the provisions of this part in accordance with its terms;
- (b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part.
- (c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and
- (d) To recommend to the Secretary amendments to this part.

§ 911.29 Duties.

The committee shall have, among others, the following duties:

- (a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;
- (b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties of each;
- (c) To submit to the Secretary as soon as practicable after the beginning of each fiscal year a budget for such fiscal year, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such fiscal year;
- (d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;
- (e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;
- (f) To cause its books to be audited by a certified public accountant at least once each fiscal year, and at such other times as the Secretary may request;
- (g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to limes;

(i) To submit to the Secretary such available information as he may request;

(j) To notify, as provided in this part, producers and handlers of all meetings of the committee to consider recommendations for regulation;

(k) To give the Secretary the same notice of meetings of the committee as is given to its members;

(l) To consult with such representatives of growers or groups of growers as may be deemed necessary and to pay the travel expenses incurred by such representatives in attending committee meetings at the request of the committee: *Provided*, That the committee shall not pay the travel expenses of more than three such representatives in connection with any one meeting of the committee;

(m) To investigate compliance with the provisions of this part; and

(n) With the approval of the Secretary, to redefine the districts into which the production area is divided, and to reapportion the representation of any district on the committee: *Provided*, That any such changes shall reflect, insofar as practicable, shifts in lime production within the districts and the production area.

§ 911.30 Procedure.

(a) Except as provided in paragraphs (c) and (d), of this section, six members of the committee, including alternates acting for members, shall constitute a quorum and any decision, recommendation or other action of the committee shall require not less than five concurring votes, including one by a handler, or an alternate acting as such: *Provided*, That if the committee is increased by one, the quorum requirement shall be increased to seven and any decision, recommendation or other action of the committee shall require not less than six concurring votes, including one by a handler or an alternate acting as such.

(b) The committee may provide for simultaneous meetings of groups of its members assembled at two or more designated places: *Provided*, That such

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meetings shall be subject to the establishment of telephone communication between all such groups and the availability of loud speaker receivers for each group so that each member may participate in the discussions and other actions the same as if the committee were assembled in one place.

(c) For any recommendation of the committee pursuant to §911.53 as to the total quantity of limes deemed advisable to be handled during any week immediately following two or more continuous weeks of regulation pursuant to §911.54 nine members of the committee, including alternates acting for members, shall constitute a quorum and nine concurring votes shall be required. The quorum and voting requirements specified in this paragraph shall not apply to recommendations pursuant to §911.53 to increase the quantity that may be handled during the applicable week or pursuant to §911.54 to terminate or suspend a regulation.

(d) For any recommendation of the committee for an assessment rate exceeding \$0.20 per bushel to be applied pursuant to §911.41, the quorum requirement shall be eight members or alternates acting for members and eight concurring votes shall be required.

[22 FR 2527, Apr. 13, 1957. Redesignated at 26 FR 12751, Dec. 30, 1961, and amended at 37 FR 10498, May 24, 1972; 43 FR 39320, Sept. 5, 1978]

§911.31 Expenses.

The members of the committee and their respective alternates when performing duties at the direction of the committee, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part.

[43 FR 39320, Sept. 5, 1978]

§911.32 Annual report.

The committee shall, as soon as practicable after the close of each fiscal year, prepare and mail an annual report to the Secretary and to each handler and grower who requests a copy of the report. This annual report shall contain at least: (a) A complete review of the regulatory operations during the fiscal year; (b) an appraisal of the effect of such regulatory operations upon

the lime industry; and (c) any recommendations for changes in the program.

[20 FR 4179, June 15, 1955, as amended at 22 FR 2527, Apr. 13, 1957. Redesignated at 26 FR 12751, Dec. 30, 1961]

EXPENSES AND ASSESSMENTS

§911.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred to enable the committee to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal year. The funds to cover such expenses shall be acquired by the levying of assessments as provided for in §911.41.

[20 FR 4179, June 15, 1955. Redesignated at 26 FR 12751, Dec. 30, 1961, and amended at 35 FR 16626, Oct. 27, 1970]

§911.41 Assessments.

(a) Each person who first handles limes shall, with respect to limes so handled by him, pay to the committee upon demand such person's pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the committee during each fiscal year. Each such person's share of such expenses shall be equal to the ratio between the total quantity of limes handled by him as the first handler thereof during the applicable fiscal year and the total quantity of limes so handled by all persons during the same fiscal year. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative. If a handler does not pay his assessment within the time prescribed by the committee, the unpaid assessment may be subject to an interest charge at rates prescribed by the committee with the approval of the Secretary.

(b) The Secretary shall fix the rate of assessment per 55-pounds of fruit or equivalent in any container or in bulk, to be paid by each such handler. At any time during or after a fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient

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funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all fruit handled during the applicable fiscal year. In order to provide funds for the administration of the provisions of this part, the committee may accept the payment of assessments in advance.

[20 FR 4179, June 15, 1955. Redesignated at 26 FR 12751, Dec. 30, 1961, and amended at 35 FR 16626, Oct. 27, 1970; 40 FR 52604, Nov. 11, 1975; 43 FR 39320, Sept. 5, 1978]

§ 911.42 Accounting.

(a) If, at the end of a fiscal year, the assessments collected are in excess of expenses incurred, such excess shall be accounted for as follows:

(1) Except as provided in paragraph (a)(2) of this section, each person entitled to a proportionate refund of the excess assessment shall be credited with such refund against the operation of the following fiscal year unless such person demands repayment thereof, in which event it shall be paid to him: *Provided*, That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal year may be applied by the committee at the end of such fiscal year to any outstanding obligations due the committee from such person.

(2) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that the funds remaining at the end of a fiscal year which are in excess of the expenses necessary for committee operations during such year may be carried over into following years as a reserve. Such reserve may be established at an amount not to exceed approximately 3 fiscal years' operational expenses. Funds in the reserve may also be used to cover the necessary expenses of liquidation, in the event of termination of this part to cover the expenses incurred for the maintenance and functioning of the committee during any fiscal year when there is a crop failure, or during any period of suspension of any or all the provisions of this part. Such reserve may also be used by the committee to finance its operations during any fiscal year prior to the time that assessment income is

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sufficient to cover such expenses and to cover deficits incurred during any fiscal year when income is less than expenses. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part, and shall be accounted for in the manner provided in this part. The Secretary may, at any time, require the committee and its members to account for all receipts and disbursements.

[20 FR 4179, June 15, 1955, as amended at 22 FR 2527, Apr. 13, 1957. Redesignated at 26 FR 12751, Dec. 30, 1961, and amended at 35 FR 16626, Oct. 27, 1970; 43 FR 39320, Sept. 5, 1978]

RESEARCH

§ 911.45 Production research, marketing research and development.

The committee may, with the approval of the Secretary, establish or provide for the establishment of production research, marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of limes. Such projects may provide for any form of marketing promotion, including paid advertising. The expenses of such projects shall be paid from funds collected pursuant to the applicable provisions of § 911.41.

[40 FR 52604, Nov. 11, 1975]

REGULATIONS

§ 911.46 Marketing policy.

Each fiscal year prior to making any recommendation pursuant to § 911.47 or § 911.53, the committee shall submit to the Secretary a report setting forth its marketing policy for such fiscal year. Such marketing policy report shall contain information relative to (a) the estimated total production of limes within the production area; (b) the expected general quality and size of limes

in the production area and in other areas, including foreign competing areas; (c) the expected demand conditions for limes in different market outlets; (d) the expected shipments of limes produced in the production area and in other areas including foreign competing areas, together with a schedule of estimated weekly shipments of limes during such fiscal year; (e) supplies of competing commodities; (f) trend and level of consumer income; (g) other factors having a bearing on the marketing of limes; and (h) the type of regulations expected to be recommended during the season. In the event it becomes advisable, because of changes in the supply and demand situation for limes, to modify substantially such marketing policy, the committee shall submit to the Secretary a revised marketing policy report setting forth the information prescribed in this section. The committee shall publicly announce the contents of each marketing policy report and copies thereof shall be maintained in the offices of the committee where they shall be available for examination by growers and handlers.

[20 FR 4179, June 15, 1955, as amended at 22 FR 2527, Apr. 13, 1957. Redesignated at 26 FR 12751, Dec. 30, 1961, further redesignated and amended at 37 FR 10498, May 24, 1972]

§911.47 Recommendations for regulation.

(a) Whenever the committee deems it advisable to regulate the handling of any variety or varieties of limes in the manner provided in §911.48, it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply and demand for limes during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated, and such other available information as the Secretary may request.

(c) All meetings of the committee held for the purpose of formulating rec-

ommendations for regulations shall be open to growers and handlers. The committee shall give notice of such meetings to growers and handlers by mailing such notice to each grower and handler who has filed his address with the committee and requested such notice.

[20 FR 4179, June 15, 1955, as amended at 22 FR 2527, Apr. 13, 1957. Redesignated at 26 FR 12751, Dec. 30, 1961, further redesignated and amended at 37 FR 10498, May 24, 1972]

§911.48 Issuance of regulations.

(a) The Secretary shall regulate, in the manner specified in this section, the handling of limes whenever he finds, from the recommendations and information submitted by the committee or from other available information, that such regulations will tend to effectuate the declared policy of the act. Such regulations may:

(1) Prohibit, during any specified period or periods, the handling of any variety or varieties of limes which do not meet such grade, size, and quality (including internal quality and juice content) standards as shall be prescribed; *Provided*, That such regulations may require that limes not meeting minimum size requirements established under this section be marked with a Food and Drug Administration approved food dye as a necessary and incidental safeguard to prevent such limes from entering fresh marketing channels for regulated limes.

(2) Prescribe minimum standards of quality for any variety or varieties of limes and limit the handling thereof to those meeting such minimum standards;

(3) Limit the shipment of the total quantity of limes by prohibiting the shipment thereof; *Provided*, That no such prohibition shall be effective during any fiscal period other than for four periods not exceeding six days each immediately prior to, including, or following July 4, Labor Day, Thanksgiving Day, and Christmas Day.

(4) Fix the size, capacity, weight, dimensions, or pack of the container or containers which may be used in the packaging, and the transportation, sale, shipment, or other handling of limes; and

(5) Establish and prescribe pack specifications for the grading and packing of any variety or varieties of limes and require that all limes handled shall be packed in accordance with such pack specifications, and shall be identified by appropriate labels, seals, stamps, or tags, affixed to the containers by the handler under the supervision of the committee or an inspector of the Federal-State Inspection Service, showing the particular pack specifications of the lot.

(6) Provide that any or all requirements effective pursuant to paragraphs (a)(1), (3), and (4) of this section applicable to the handling of limes shall be different for the handling of limes within the production area and for the handling of limes between the production area and any point outside thereof.

(7) Prescribe requirements, as provided in this paragraph, applicable to exports of any variety of limes which are different from those applicable to the handling of the same variety to other destinations.

(b) The committee shall be informed immediately of any such regulations issued by the Secretary and the committee shall promptly give notice thereof to growers and handlers.

[20 FR 4179, June 15, 1955, as amended at 22 FR 2527, Apr. 13, 1957. Redesignated at 26 FR 12751, Dec. 30, 1961, and amended at 36 FR 14125, July 30, 1971. Redesignated at 37 FR 10498, May 24, 1972, and amended at 40 FR 52604, Nov. 11, 1975; 43 FR 39320, Sept. 5, 1978; 52 FR 7117, Mar. 9, 1987]

§ 911.49 Modification, suspension, or termination of regulations.

(a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 911.48 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of limes in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. If the Secretary

finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension.

[20 FR 4179, June 15, 1955, as amended at 22 FR 2527, Apr. 13, 1957. Redesignated at 26 FR 12751, Dec. 30, 1961, further redesignated and amended at 37 FR 10498, May 24, 1972]

§ 911.50 Exemption certificate.

In the event the handling of limes is regulated pursuant to § 911.48, the committee shall issue one or more exemption certificates to any person who furnishes evidence satisfactory to the committee that, by reason of conditions beyond his control, he will be prevented, because of such regulation, from having as large a proportion of a particular variety of his limes handled as the average proportion of all such limes which may be handled. Such exemption certificates shall authorize the person to whom the certificates are issued to handle, or have handled, a percentage of his crop of the particular variety of limes equal to the percentage determined as aforesaid. The committee shall adopt, with the approval of the Secretary, procedural rules by which such exemption certificates will be issued and the limes covered thereunder may be handled. Exemption certificates shall be transferred to the handler of the limes covered by such certificates at the time the limes are delivered to such handler.

[20 FR 4179, June 15, 1955, as amended at 22 FR 2527, Apr. 13, 1957. Redesignated at 26 FR 12751, Dec. 30, 1961, further redesignated and amended at 37 FR 10498, May 24, 1972]

§ 911.51 Inspection and certification.

Whenever the handling of any variety of limes is regulated pursuant to § 911.48, each handler who handles limes shall, prior thereto, cause each lot of limes handled to be inspected by the Federal-State Inspection Service and certified by it as meeting the applicable requirements of such regulation: *Provided*, That such inspection and certification shall be required when the limes previously have been so inspected and certified only if such limes

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have been regraded, resorted, or repackaged after the prior inspection and certification. Promptly thereafter, each such handler shall submit, or cause to be submitted, to the committee a copy of the certificate of inspection with respect to such handling.

[20 FR 4179, June 15, 1955, as amended at 22 FR 2527, Apr. 13, 1957. Redesignated at 26 FR 12751, Dec. 30, 1961, further redesignated and amended at 37 FR 10498, May 24, 1972]

§911.52 Limes not subject to regulations.

Except as otherwise provided in this section, any person may, without regard to the provisions of §§911.41, 911.48, 911.51, and 911.54 through 911.58, and the regulations issued thereunder, handle limes (a) for consumption by charitable institutions; (b) for distribution by relief agencies; (c) for commercial processing into products; or (d) in such minimum quantities or types of shipments, or for such specified purposes as the committee, with the approval of the Secretary, may prescribe. The committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to prevent limes handled under the provisions of this section from entering channels of trade for other than the specific purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications with the committee for authorization to handle limes pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the limes will not be used for any purpose not authorized by this section.

[20 FR 4179, June 15, 1955, as amended at 22 FR 2527, Apr. 13, 1957. Redesignated at 26 FR 12751, Dec. 30, 1961, further redesignated and amended at 37 FR 10498, May 24, 1972]

§911.53 Recommendation for volume regulation.

(a) The committee may, during any week, recommend to the Secretary the total quantity of limes which it deems advisable to be handled to destinations within the forty-eight contiguous States of the United States, the District of Columbia and Canada during

the next succeeding week: *Provided*, That such volume regulation shall not be recommended for any week except during the 18-week regulatory period beginning with the week preceding the first full week in May: *Provided, further*, That no such regulation shall be recommended after such regulations have been in effect for an aggregate of eight (8) weeks during the aforesaid period.

(b) In making its recommendations, the committee shall give due consideration to the following factors:

- (1) Market prices for limes;
- (2) Supply of limes en route to principal markets;
- (3) Supply, maturity, and condition of limes in the production area;
- (4) Market prices and supplies of fruits from competitive producing areas, including foreign competing areas, and supplies of other competitive fruits;
- (5) Trend and level in consumer income; and
- (6) Other relevant factors.

(c) At any time during a week for which the Secretary, pursuant to §911.54, has fixed the quantity of limes which may be handled, the committee may recommend to the Secretary that such quantity be increased for such week. Each such recommendation, together with the committee's reason for such recommendation, shall be submitted promptly to the Secretary.

[37 FR 10498, May 24, 1972, as amended at 43 FR 39321, Sept. 5, 1978]

EFFECTIVE DATE NOTE: At 61 FR 17552, Apr. 22, 1996, §911.53 was suspended indefinitely.

§911.54 Issuance of volume regulations.

Whenever the Secretary finds from the recommendation and information submitted by the committee, or from other available information, that to limit the quantity of limes which may be handled to destinations within the 48 contiguous States of the United States, the District of Columbia and Canada during a specified week of a regulatory period will tend to effectuate the declared policy of the act, he shall fix such quantity: *Provided*, That such regulations during a regulatory period shall not in the aggregate limit the volume of lime shipments for more

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than eight (8) weeks. The quantity so fixed for any week may be increased by the Secretary at any time during such week. Such regulations may, as authorized by the act, be made effective irrespective of whether the season average price of limes is in excess of the parity price. The Secretary may, upon the recommendation of the committee, or upon other available information, terminate or suspend any regulation pursuant to this section at any time.

[43 FR 39321, Sept. 5, 1978]

EFFECTIVE DATE NOTE: At 61 FR 17552, Apr. 22, 1996, §911.54 was suspended indefinitely.

§911.55 Prorate bases.

(a) Each person who desires to handle limes shall submit to the committee, at such time and in such manner as may be designated by the committee, and upon forms made available by it, a written application for a prorate base and for allotments as provided in this section and §911.56.

(b) Such application shall be substantiated in such manner and shall be supported by such information as the committee may require.

(c) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and shall give the person who submitted the information a reasonable opportunity to discuss with the committee the factors considered in making the correction.

(d) Each week during the regulatory period when volume regulation is likely to be recommended for the following week, the committee shall compute a prorate base for each handler who has made application in accordance with the provisions of this section. The prorate base for each such handler shall be computed by adding together the handler's shipments of limes in the current season and his shipments in the immediately preceding seasons, if any, within the representative period, in which he shipped limes and dividing such total by a divisor computed by adding together the number of weeks elapsed in the current season and eighteen weeks for each of such immediately

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preceding seasons within the representative period in which the handler shipped limes. For purposes of this section *shipments* shall include only those limes which were shipped to destinations within the forty-eight contiguous States of the United States, the District of Columbia and Canada; *representative period* means the two preceding seasons together with the current season; the term *season* means the eighteen-week period beginning with the week preceding the first full week in May of any fiscal year; and the term *current season* means the period beginning with the week preceding the first full week in May of the current fiscal year through the fourth full week preceding the week of regulation: *Provided*, That when official shipping records are available to the committee he said "current season" shall extend through the third full week preceding the week of regulation.

[37 FR 10499, May 24, 1972, as amended at 43 FR 39321, Sept. 5, 1978]

EFFECTIVE DATE NOTE: At 61 FR 17552, Apr. 22, 1996, §911.55 was suspended indefinitely.

§911.56 Allotments.

Whenever the Secretary has fixed the quantity of limes which may be handled during any week, the committee shall calculate the quantity of limes which may be handled during such week by each person who has applied for a prorate base and for whom such a base was computed by the committee. Such quantity shall be the allotment of such person and shall be that portion of the total quantity fixed by the Secretary which, expressed in terms of percent, is equal to the percentage that such applicant's prorate base is of the aggregate of the prorate bases of all such applicants. The committee shall give reasonable notice in writing to each person of the allotment computed for him pursuant to this section.

[37 FR 10499, May 24, 1972]

EFFECTIVE DATE NOTE: At 61 FR 17552, Apr. 22, 1996, §911.56 was suspended indefinitely.

§911.57 Overshipments.

During any week for which the Secretary has fixed the total quantity of

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limes which may be handled, any person who has received an allotment including any handler who received zero allotment computed pursuant to §§911.55 and 911.56 may handle, in addition to the total allotment available to him, an amount of limes equal to 50 bushels or two percent of such total allotment, whichever is the greater, except that during two weeks of each regulatory period any handler may overship his total allotment by more than such amount: *Provided*, That such overshipment shall not exceed an amount equal to 10 percent of such total allotment: *And provided, further*, That each handler who intends to so overship notifies the committee of his intended overshipment no later than the close of business on Thursday during the week of such intended overshipment.

[40 FR 52604, Nov. 11, 1975]

EFFECTIVE DATE NOTE: At 61 FR 17552, Apr. 22, 1996, §911.57 was suspended indefinitely.

§911.58 Undershipments.

If any person handles during any week a quantity of limes, covered by a regulation issued pursuant to §911.54, in an amount less than the total allotment available to him for such week, he may handle, during the next week, only, a quantity of limes, in addition to that permitted by the allotment available to him for such week, equivalent to such undershipment or 50 percent of the allotment issued to him for the week during which the undershipment was made, whichever is the lesser: *Provided*, That the committee, with the approval of the Secretary, may increase or decrease such percentage.

[37 FR 10499, May 24, 1972]

EFFECTIVE DATE NOTE: At 61 FR 17552, Apr. 22, 1996, §911.58 was suspended indefinitely.

§911.59 Allotment loans and transfers.

(a) A person to whom an allotment has been issued for a particular week may lend or transfer all or part of such allotment to other persons to whom allotments also have been issued.

(b) Loaned or transferred allotment may be used only during the particular week for which issued.

(c) Each party to any loan or transfer, shall, prior to the handling of any

limes covered by a loan or transferred allotment, notify the committee of the loan or transfer including the applicable dates, if any, of repayment.

(d) If not volume regulation is in effect in the week when a loan repayment is due the repayment requirement shall be deemed canceled.

(e) Any handler to whom an allotment has been issued and who desires to be a party to any such loan or transfer arrangement, may communicate such information to the committee. As a service to handlers, the committee shall act as a clearinghouse of such information and make it available to all such handlers upon request. However, as required by paragraph (c) of this section each party to any such loan or transfer shall, prior to the handling of any limes covered by the loan or transferred allotment, notify the committee of the loan or transfer, including the applicable dates, if any, of repayment.

[37 FR 10499, May 24, 1972]

EFFECTIVE DATE NOTE: At 61 FR 17552, Apr. 22, 1996, §911.59 was suspended indefinitely.

REPORTS

§911.60 Reports.

(a) Each handler shall furnish to the committee, at such times and for such periods as the committee may designate, certified reports covering, to the extent necessary for the committee to perform its functions, the following: (1) The quantities of each variety of limes he received; (2) a complete record of the quantities disposed of by him, segregated as to varieties and as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition, the destination, by State, zone, or market area, of each lot of limes handled, and identification of the carrier transporting such fruit; (4) identification of the inspection certificates and the exemption certificates, if any, pursuant to which the fruit was handled, together with the destination of each such exempted disposition, and of all fruit handled pursuant to §911.56; and (5) the quantity of each variety held by him at the end of the period.

(b) Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to

the committee, in such manner and at such times as it may prescribe, such other information as may be necessary to enable the committee to perform its duties under this part.

(c) Each handler shall maintain for at least two succeeding fiscal years, such records of the limes received and disposed of by him as may be necessary to verify the reports he submits to the committee pursuant to this section.

(d) All reports and records submitted by handlers pursuant to the provisions of this section shall be received by, and at all times be in custody of, one or more designated employees of the committee. No such employee shall disclose to any person, other than the Secretary upon request therefor, data or information obtained or extracted from such reports and records which might affect the trade position, financial condition, or business operation of the particular handler from whom received: *Provided*, That such data and information may be combined, and made available to any person, in the form of general reports in which the identities of the individual handler furnishing the information is not disclosed and may be revealed to any extent necessary to effect compliance with the provisions of this part and the regulations issued thereunder.

[20 FR 4179, June 15, 1955, as amended at 22 FR 2527, Apr. 13, 1957. Redesignated at 26 FR 12751, Dec. 30, 1961]

MISCELLANEOUS PROVISIONS

§911.61 Compliance.

Except as provided in this part, no person shall handle limes, the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall handle limes except in conformity with the provisions of this part and the regulations issued under this part.

§911.62 Right of the Secretary.

The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject

to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§911.63 Effective time.

The provisions of this part, and of any amendment thereto, shall become effective at such time as the Secretary may declare above his signature to this part, and shall continue in force until terminated in one of the ways specified in §911.64.

§911.64 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part whenever the Secretary finds by referendum or otherwise that such termination is favored by a majority of the producers: *Provided*. That such majority has, during a representative period determined by the Secretary, produced more than 50 percent of the volume of the limes produced within the production area: *And provided further*, That such termination shall be announced by March 15 of the then current fiscal year.

(d) The Secretary shall conduct a referendum as soon as practicable after the end of the fiscal year ending March 31, 1990, and at such time every sixth year thereafter, to ascertain whether continuance of this part is favored by lime producers. The Secretary may terminate the provisions of this part at the end of any fiscal year in which the Secretary has found that continuance of this part is not favored by producers who, during a representative period determined by the Secretary, have been engaged in the production for market of limes in the production area: *Provided*, That termination of this part

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shall be effective only if announced on or before March 15 of the then current fiscal year.

(e) The provisions of this part shall, in any event, terminate whenever the provisions of the Act authorizing them cease to be in effect.

[20 FR 4179, June 15, 1955. Redesignated at 26 FR 12751, Dec. 30, 1961, and amended at 52 FR 7117, Mar. 9, 1987]

§ 911.65 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 911.66 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part, or (b) release or extinguish any violation of this part or of any regulation issued under this part, or (c) affect or impair any rights

or remedies of the Secretary or of any other person with respect to any such violation.

§ 911.67 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 911.68 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the United States Department of Agriculture to act as his agent or representative in connection with any of the provisions of this part.

§ 911.69 Derogation.

Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 911.70 Personal liability.

No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 911.71 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

Subpart—Rules and Regulations**§ 911.110 Exemption certificates.**

Exemption certificates under § 911.50 shall be issued by the Florida Lime Administrative Committee pursuant to the following rules and regulations:

(a) The grower must make application for exemption on a form supplied by the committee. A separate application must be made for each variety or classification of limes and shall contain the following:

(1) Name and mailing address of the applicant;

(2) Location (from established landmarks) of grove from which limes are to be shipped pursuant to the requested exemption certificate;

(3) Regulation from which exemption is requested;

(4) The reasons for requesting exemption from such regulation;

(5) Date when it is proposed to ship the limes for which exemption is requested; and

(6) Certification as to the correctness of the information contained in the application.

(b) Upon receipt of an application for exemption certificate, the Florida Lime Administrative Committee shall check all information furnished by the applicant and shall conduct such investigations concerning the grade, size, and quality of the applicant's limes as may be necessary to determine whether the application shall be approved or denied.

(c) Approval of the application shall be evidenced by the issuance to the applicant, by the Manager of the Florida Lime Administrative Committee on its behalf, of one or more exemption certificates which shall authorize the handling of such quantity of the applicant's limes as may be necessary to accomplish the purposes of § 911.50.

(d) If the application is denied, the applicant shall be informed of such denial by written notice stating the reasons therefor.

[20 FR 6018, Aug. 18, 1955. Redesignated at 26 FR 12751, Dec. 30, 1961, and amended at 43 FR 39321, Sept. 5, 1978]

§ 911.111 Pack-out reports.

(a) Each handler shall, at the end of each day's operation, report to the

committee the percent of that day's pack-out in the following five size categories:

(1) Sizes 28 and 36,

(2) Size 42,

(3) Size 48,

(4) Size 54, and

(5) Sizes 63 and 72.

(b) Each handler shall, at the end of each day's operation, report to the committee the number of containers of limes sold and delivered in the State of Florida in the following containers: (1) $\frac{1}{5}$ Bushel, (2) $\frac{2}{5}$ Bushel, and (3) $\frac{3}{5}$ Bushel. Upon request by the committee, such reports shall be confirmed in writing on a weekly basis on a form prescribed by the committee.

[52 FR 24134, June 29, 1987, as amended at 53 FR 1743, Jan. 22, 1988]

EFFECTIVE DATE NOTE: At 61 FR 17552, Apr. 22, 1996, § 911.111 was suspended indefinitely.

§ 911.115 Nomination procedure.

(a) Any grower who resides outside the production area and desires to be represented at a particular nomination meeting by a duly authorized agent and to participate through such agent in the nomination and election of nominees for grower members and alternate members to fill positions on the Florida Lime Administrative Committee, as provided in § 911.22(b)(2), shall submit to the committee, prior to such meeting but not later than January 20, a written statement containing the following:

(1) Name of grower;

(2) Mailing address;

(3) Location of each lime grove (either legal or from established landmarks);

(4) Number of lime trees owned;

(5) Number of 55-pound units of limes marketed to date during the current season;

(6) Name of the handler of the fruit marketed;

(7) Authorization, including the name and address, of the person who is to represent said grower at the nomination meeting.

(b) Any grower who has not filed the statement as prescribed in paragraph (a) of this section must be present at the nomination meeting and cast his

own vote for it to be counted in connection with the nomination and election of nominees.

(c) Notwithstanding that a grower has authorized an agent to cast his vote as specified in paragraph (a) of this section, such grower may appear at the nomination meeting and cast his vote in person to the exclusion of such agent.

[23 FR 8974, Nov. 19, 1958. Redesignated at 26 FR 12751, Dec. 30, 1961]

§911.120 Handler registration.

(a) Each handler who desires to handle limes pursuant to the exemptions in §911.10 shall, prior thereto, register with the committee. Such registration shall be by application for registration filed with the Florida Lime Administrative Committee on a form, prescribed and furnished by the committee, which shall contain the following information:

- (1) Business name of applicant;
- (2) Applicant's business location and mailing address;
- (3) Type of business organization (individual, corporation, partnership, etc.);
- (4) If other than an individual, the names and addresses of officers, partners, and principal stockholders or others having financial interest in the business;
- (5) Nature of business (Handler trucker, wholesaler, etc.);
- (6) Number of years engaged in lime business;
- (7) Estimated seasonal volume of limes handled;
- (8) Name and address of three references, one of which shall be a bank;
- (9) Certification as to accuracy of information furnished; and
- (10) An agreement to comply with the provisions of this part.

(b) When the committee receives an application for registration, it shall issue the applicant a certificate of registration, if it determines based upon an investigation that the applicant may be expected to handle limes in accordance with this part.

(c) If it is determined from the available information that the applicant is not entitled to be registered with the committee, he shall be so informed by

written notice stating why the certificate of registration was not issued.

(d) Any certificate of registration issued to a handler pursuant to this section may be canceled by the committee under circumstances which would have justified denial of his application.

(e) The committee shall suspend the certificate of registration issued under this section of any handler who fails to pay assessments or furnish reports as required under this part, and so advise the handler in writing of the suspension and the effective date. The committee shall lift such suspension at such time as the handler pays such assessments and furnishes such reports, and the committee determines that the handler may be expected to handle limes in the future in accordance with this part.

[20 FR 6018, Aug. 18, 1955. Redesignated at 26 FR 12751, Dec. 30, 1961, and amended at 49 FR 33203, Aug. 22, 1984]

§911.130 Limes not subject to regulation.

(a) *Minimum quantity.* During any one day any handler may handle not to exceed 55 pounds total of limes exempt from the provisions of §§911.41, 911.51, and 911.54, and the regulations issued thereunder: *Provided,* That such exempted quantity shall not be included as part of a shipment exceeding 55 pounds.

(b) *Gift shipments.* Any handler may, exempt from the provisions of §§911.41, 911.48, and 911.51, and the regulations issued thereunder, handle limes in individually addressed gift containers not exceeding 20 pounds net weight for use by the addressee other than for resale.

(c) *Commercial processing into products.* The term *commercial processing into products*, as used in §911.52(c) means the manufacture of any lime product which has been preserved by any recognized commercial process, including canning, freezing, dehydrating, drying, the addition of chemical substances, or by fermentation. Limes handled for conversion into juice without further processing or preservative treatment, as herein described, shall be deemed fresh

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limes subject to all regulations under this part.

[21 FR 3413, May 23, 1956, as amended at 23 FR 9259, Nov. 29, 1958. Redesignated at 26 FR 12751, Dec. 30, 1961, and amended at 30 FR 10834, Aug. 20, 1965; 43 FR 39321, Sept. 5, 1978]

§911.131 Limes for processing.

(a) No person shall handle any limes for commercial processing into products unless (1) such limes meet the applicable grade, size, and quality requirements in effect pursuant to §911.52; or (2) prior to such handling such person notifies the Florida Lime Administrative Committee of the proposed handling and furnishes such committee with a statement executed by the intended processor that the limes will be used for the stated purpose only; or (3) the processor is an approved manufacturer of lime products, as prescribed in paragraph (b) of this section.

(b) Any person who desires to buy, as an approved manufacturer of lime products, limes for commercial processing shall, prior thereto, submit to the Florida Lime Administrative Committee an application containing the following information: (1) Name and address of applicant; (2) location of processing facilities; (3) proposed type of product or products to be made or derived from limes; (4) description of facilities for processing limes; (5) quantity of limes processed during the previous year and estimate of quantity to be processed during current year; (6) expected source of limes for processing; (7) method of transporting and unloading point; (8) Lime Administrative Committee handler certificate of registration number, if any; (9) a statement that the limes obtained for processing into products will be used for that purpose only and will not be resold or disposed of in fresh fruit channels; and (10) an agreement to submit such reports as are required by the Florida Lime Administrative Committee. Each application shall be investigated by the Florida Lime Administrative Committee. Based upon the results of such investigation and other available information, the committee shall approve or disapprove the application and notify the applicant accordingly. If the application is approved the

applicant's name shall be placed upon the list of approved manufacturers of lime products.

[21 FR 6637, Sept. 5, 1956, as amended at 25 FR 11206, Nov. 26, 1960. Redesignated at 26 FR 12751, Dec. 30, 1961]

§911.142 Reserve fund.

(a) The establishment of a reserve fund at an amount not to exceed approximately 3 fiscal years' operational expenses is appropriate and necessary to the maintenance and functioning of the Florida Lime Administrative Committee. Such reserve, including funds carried forward from prior fiscal years, shall be used to provide for the maintenance and functioning of the committee in accordance with the provisions of the marketing agreement, as amended, and this part.

(b) Terms used in this section shall have the same meaning as when used in said amended marketing agreement and order.

[36 FR 16570, Aug. 24, 1971. Redesignated at 45 FR 47653, July 16, 1980]

§911.155 Delinquent assessments.

Each handler shall pay interest of one percent per month on any unpaid assessment balance beginning 30 days after date of billing. Such interest charge is to apply to any unpaid assessments which become due the Florida Lime Administrative Committee after the effective date of this section.

[40 FR 49786, Oct. 24, 1975]

§911.160 Public member eligibility requirements and nomination procedures.

(a) Public member and alternate member candidates shall not represent an agricultural interest and shall not have a financial interest in, or be associated with the production, processing, financing, or marketing of limes.

(b) Public member and alternate member candidates should be able to devote sufficient time to attend committee activities regularly and to familiarize themselves with the background and economics of the time industry.

(c) The public member and alternate member shall be a resident of the production area.

(d) The public member and alternate member shall be nominated by the Florida Lime Administrative Committee, and shall serve a one-year term which coincides with the term of the producer and handler members of the committee.

[44 FR 9370, Feb. 13, 1979]

EDITORIAL NOTE: After January 1, 1979, "Budget of Expenses and Rate of Assessment" regulations (e.g., sections .200 through .299) and "Handling" regulations (e.g., sections .345 through .399) 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" in the Finding Aids section of this volume.

Subpart—Pack Regulation

§911.311 Florida lime pack and container marking regulation.

(a) No handler shall handle any limes grown in the production area, of the group known as seedless, large fruited, or Persian limes (including Tahiti, Bearss and similar varieties), in any container specified in §911.329, unless such limes meet the requirements of standard pack and each container in each lot is marked or stamped on one outside end in letters at least ¼ inch in height to show the United States grade applicable to such lot and either the average juice content of the limes in such lot or the phrase *average juice content forty-two percent (42%) or more: Provided*, That, in lieu of such marking requirement, any handler may affix to the container a label, brand, or trademark, registered with the Florida Lime Administrative Committee in accordance with the following, which appropriately identifies the grade:

(1) Registration of each label, brand, or trademark with the Florida Lime Administrative Committee shall be on forms prescribed by it and shall be filed with such committee not less than 30 days prior to use in lieu of the foregoing marking requirement.

(2) A label, brand, or trademark registered with the committee, during a fiscal year, to identify a specific grade may not be reregistered during the same fiscal year to identify any other grade until 30 days after notice of such

reregistration has been filed with the committee.

(3) Each label, brand, or trademark registered with the committee shall include the name and address of the handler and shall be sufficiently distinctive otherwise that it can be readily identified and distinguished from other registered labels, brands, or trademarks.

(4) If a label, brand, or trademark is registered by a handler to identify a specific grade, in order for a label, brand, or trademark of practically the same design and lettering with a different color, or additional terms or name, to be registered to represent a different grade, the name of the color and the additional terms or name shall appear on the label, brand, or trademark in block letters of at least one-half (½) inch in height, of contrasting color.

(5) A label, brand, or trademark registered with the committee to identify a specific grade shall not be used on any container packed with limes of a lower grade than that for which the label, brand, or trademark is registered.

(b) No handler shall handle any limes grown in the production area in any container specified in §911.329 unless such container is marked with a Federal-State Inspection Service lot stamp number showing that the limes have been inspected in accordance with regulations issued under §911.48 of the marketing order: Provided, That when inspection occurs after palletization, only all exposed or outside containers of limes must be plainly marked with the lot stamp number corresponding to the lot inspection conducted by an authorized inspector.

(c) The provisions of paragraphs (a) and (b) of this section shall not apply to individual packages of limes not exceeding four pounds, net weight, that are within master containers, except that if such packages are individual bags, either such bags or the master containers thereof shall be marked or labeled in accordance with the requirements of paragraph (a) of this section, and master containers shall be marked or labeled in accordance with the requirements of paragraph (b) and the requirements of §911.329(a)(2)(v).

(d) No handler shall handle any container of seedless limes, grown in the production area, unless such container is marked on two sides with letters at least one inch in height with one of the size designations shown in column 1 of the following table: *Provided*, That the number of seedless limes in a ten pound sample of a particular size designation, representative of the limes in the container, corresponds to the permissible size range in column 2 of such table for such size designation: *Provided further*, That not more than 10 percent of the containers in any lot may fail to meet these requirements.

TABLE 1

Column 1 size designations	Column 2 size range
72	68 to 76
63	59 to 67
54	51 to 58
48	45 to 51
42	39 to 44
36	33 to 38
28	25 to 32
Jumbo	24 and larger

(e) Terms used in this section shall mean the same as in the marketing order, and terms relating to grade and standard pack shall mean the same as in the U.S. Standards for Grades of Persian (Tahiti) Limes (7 CFR 51.1000 through 51.1016).

[29 FR 8461, July 7, 1964, as amended at 43 FR 39321, Sept. 5, 1978; 45 FR 76429, Nov. 19, 1980; 45 FR 80270, Dec. 4, 1980; 50 FR 15097, Apr. 17, 1985; 50 FR 20889, May 21, 1985; 52 FR 4598, Feb. 13, 1987; 53 FR 403, Jan. 7, 1988; 53 FR 11832, Apr. 11, 1988; 53 FR 22126, June 14, 1988; 56 FR 66778, Dec. 26, 1991; 61 FR 31005, June 19, 1996]

Subpart—Container Regulation

§911.329 Florida lime container regulation.

(a)(1) No handler shall handle between the production area and any point outside thereof any variety of limes, grown in the production area, in individual bags having a capacity of more than four pounds net weight of limes.

(2) No handler shall handle between the production area and any point outside thereof any variety of limes, grown in the production area, in containers having a capacity of more than

4 pounds of limes unless such limes are handled in containers meeting the following specifications and conform to all other applicable requirements of this section:

(i) Containers with inside dimensions of 7½ by 11⅞ by 4¼ inches: *Provided*, That such containers shall contain not less than 5.5 pounds or 2.5 kilograms net weight of limes.

(ii) Containers with inside dimensions of 13½ by 16½ by 5 inches: *Provided*, That any such container shall contain not less than 20 pounds nor more than 22 pounds net weight of limes.

(iii) Containers with inside dimensions of 12 by 9⅞ by 3¾ inches: *Provided*, That any such container shall contain not less than 10 pounds net weight of limes.

(iv) Containers with inside dimensions of 12 by 9⅞ by 5 inches: *Provided*, That any such container shall contain not less than 10 pounds nor more than 12 pounds net weight of limes.

(v) Containers with inside dimensions of 12¾ x 15¼ x 10¾ inches: *Provided*, That any such container shall contain not less than 38 pounds nor more than 42 pounds net weight of limes; *Provided further*, That when this container is used as a master container for bagged limes, the minimum net weight of limes shall be 35 pounds, provided the container is marked "Master Container."

(vi) Containers with inside dimensions of 11¼ x 16¾, with depth varying from 7 to 7½ inches: *Provided*, That any such container shall contain not less than 20 pounds nor more than 22 pounds net weight of limes.

(vii) Containers with inside dimensions of 11⅞ x 7½ x 6⅞ inches: *Provided*, That any such container shall contain not less than 10 pounds nor more than 12 pounds net weight of limes.

(viii) Containers with inside dimensions of 7¾ by 11 by 5⅞ inches; except that any such container shall contain not less than 8 nor more than 9 pounds net weight of limes and shall be for export shipments only.

(ix) Containers with inside dimensions of 11 x 16¾ x 10 inches: *Provided*, That any such containers shall contain not less than 38 pounds nor more than 42 pounds net weight of limes.

(x) Containers with inside dimensions of 12 $\frac{3}{8}$ by 8 $\frac{3}{4}$ by 5 $\frac{7}{8}$ inches: *Provided*, That such containers shall contain not less than 10 pounds net weight of limes.

(xi) Such other types and sizes of containers as may be approved by the Florida Lime Administrative Committee, with the approval of the Secretary, for testing in connection with a research project conducted by or in cooperation with said committee: *Provided*, That the handling of each lot of limes in such test containers shall be subject to the prior approval, and under the supervision of, the Florida Lime Administrative Committee.

(3) The limitations set forth in paragraph (a)(2) of this section shall not apply to master containers of individual packages, including individual bags of limes: *Provided*, That the individual packages within such master container are of a capacity not exceeding 4 pounds net weight of limes and the markings or labels, if any, on such packages do not conflict with the markings or labels on the master container.

(b) The terms *handler*, *handle*, *limes*, and *production area* when used in this section shall have the same meaning as when used in the amended marketing agreement and this part.

[47 FR 22073, May 21, 1982, as amended at 47 FR 29647, July 8, 1982; 47 FR 45865, Oct. 14, 1982; 51 FR 27517, Aug. 1, 1986; 52 FR 1314, Jan. 13, 1987; 52 FR 4598, Feb. 13, 1987; 53 FR 403, Jan. 7, 1988; 53 FR 11831, Apr. 11, 1988; 53 FR 13217, Apr. 21, 1988; 53 FR 22126, June 14, 1988; 54 FR 46714, Nov. 7, 1989; 55 FR 28016, July 9, 1990]

Subpart—Grade and Size Requirements

§ 911.344 Florida lime grade, size, and container regulation.

(a) No handler shall handle any variety of limes grown in the production area unless:

(1) Such limes of the group known as seeded or true limes (also known as Mexican, West Indian, and Key limes and by other synonyms) meet the requirements specified for U.S. No. 2 Grade limes in the U.S. Standards for Persian (Tahiti) Limes, except as to color: *Provided*, That such limes not meeting these requirements may be

handled within the production area, if they meet the minimum juice content requirement of at least 42% by volume specified in the U.S. Standards for Persian (Tahiti) Limes, and if they are handled in containers other than those authorized in § 911.329.

(2) Such limes of the group known as seedless, large-fruited, or Persian limes (including Tahiti, Bearss, and similar varieties) meet the requirements of §§ 911.311 and 911.329 and grade at least U.S. Combination, Mixed Color: *Provided*, That at least 75 percent, by count, of the limes in the lot meet the requirements of the U.S. No. 1 grade, and the remainder meet the requirements of the U.S. No. 2 grade: *Provided further*, That stem length shall not be considered a factor of grade: *Provided further*, That such limes not meeting these requirements may be handled within the production area if:

(i) They meet the size requirements in paragraph (a)(3) of this section;

(ii) They contain not less than 42 percent juice content by volume;

(iii) They are packed in containers other than those authorized under § 911.329: *Provided*, That they are packed in closed new or used rigid cardboard or wire-bound containers which are fairly well filled with the fruit not more than $\frac{1}{2}$ inch below the top edge of the container, containing not more than 60 pounds, net weight, of limes; and

(iv) They are in containers marked with a Federal-State Inspection Service (FSIS) lot stamp number applied to an adhesive tape seal affixed to the container in a manner to prevent the container from being opened and/or the fruit being removed without breaking the seal. The stamp and tape shall be affixed to the container by the FSIS or by the handler under the supervision of the FSIS. Only stamps and tape which have been approved by the Fresh Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, may be used for purposes of stamping and sealing containers to meet these requirements.

(3) Such limes of the group known as seedless, large-fruited, or Persian limes (including Tahiti, Bearss, and similar varieties) shall be at least 2 inches in

diameter from January 1 through May 31, and at least 1 $\frac{7}{8}$ inches in diameter from June 1 through December 31; *Provided*, That not more than 10 percent, by count, of the limes in any lot of containers may fail to meet these minimum size requirements; *Provided further*, That not more than 15 percent, by count, in any individual container containing more than four pounds of limes may fail to meet these minimum size requirements.

(b) Terms relating to grade and diameter shall mean the same as defined in the United States Standards for Grades of Persian (Tahiti) Limes (7 CFR 51.1000 through 51.1016).

[46 FR 35911, July 13, 1981, as amended at 49 FR 28038, July 10, 1984; 50 FR 23665, June 5, 1985; 54 FR 46840, Nov. 8, 1989; 56 FR 66778, Dec. 26, 1991; 61 FR 64257, Dec. 4, 1996; 62 FR 30432, June 4, 1997]

PARTS 912–913 [RESERVED]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

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AUTHORITY: 7 U.S.C. 601–674.

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