

one fiscal year or any one calendar month, and may direct that samples received from cotton breeders shall take precedence over those received from other persons.

[35 FR 8532, June 3, 1970. Redesignated at 46 FR 30075, June 5, 1981]

**§ 28.960 Confidential information.**

No information concerning individual tests under the regulations in this subpart shall be published or communicated in such a way as to disclose to others the identity of the owners of cotton represented by samples submitted for testing, except with the written permission of such owners.

[35 FR 8532, June 3, 1970. Redesignated at 46 FR 30075, June 5, 1981]

**§ 28.961 False and misleading information.**

The publication or communication by any person of false or misleading information concerning the results of tests as reported by laboratories under the regulations in this subpart shall be deemed sufficient cause for denial of testing services to such persons.

[35 FR 8532, June 3, 1970. Redesignated at 46 FR 30075, June 5, 1981]

**PART 29—TOBACCO INSPECTION**

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- 29.1005 Color.
- 29.1006 Color intensity.
- 29.1007 Color symbols.
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- 29.1009 Condition.
- 29.1010 Crude.
- 29.1011 Cured.
- 29.1012 Damage.
- 29.1013 Dirty.
- 29.1014 Elasticity.
- 29.1015 Elements of quality.
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- 29.1023 Grademark.
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- 29.1028 Leaf.
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- 29.1030 Leaf structure.
- 29.1031 Lemon (L).
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- 29.1033 Lot.
- 29.1034 Maturity.
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- 29.1047 Package.
- 29.1048 Packing.
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- 29.1050 Prematurity.
- 29.1051 Quality.
- 29.1052 Raw.
- 29.1053 Red (R).
- 29.1054 Semicured.
- 29.1055 Side.
- 29.1056 Slick.
- 29.1057 Smoked.
- 29.1058 Sound.
- 29.1059 Special factor.
- 29.1060 Steam-dried.

- 29.1061 Stem.
- 29.1062 Stemmed.
- 29.1063 Strips.
- 29.1064 Sweated.
- 29.1065 Sweating.
- 29.1066 Symbol (S).
- 29.1067 Tobacco.
- 29.1068 Tobacco products.
- 29.1069 Type.
- 29.1070 Type 11.
- 29.1071 Type 12.
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- 29.1078 Unstemmed.
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- 29.1101 Elements of quality and degrees of each element.

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- 29.1115 Rule 9.
- 29.1116 Rule 10.
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- 29.1122 Rule 16.
- 29.1123 Rule 17.
- 29.1124 Rule 18.
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- 29.1126 Rule 20.
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- 29.1162 Leaf (B Group).

- 29.1163 Smoking Leaf (H Group).
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- 29.1165 Lugs (X Group).
- 29.1166 Primings (P Group).
- 29.1167 Mixed (M Group).
- 29.1168 Nondescript (N Group).
- 29.1169 Scrap (S Group).

SUMMARY OF STANDARD GRADES

- 29.1181 Summary of standard grades.

KEY TO STANDARD GRADEMARKS

- 29.1225 Key to standard grademarks.

**Official Standard Grades for Virginia Fire-Cured Tobacco (U.S. Type 21)**

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- 29.2251 Definitions.
- 29.2252 Air-dried.
- 29.2253 Body.
- 29.2254 Brown colors.
- 29.2255 Class.
- 29.2256 Clean.
- 29.2257 Color.
- 29.2258 Color intensity.
- 29.2259 Color symbols.
- 29.2260 Condition.
- 29.2261 Crude.
- 29.2262 Cured.
- 29.2263 Damage.
- 29.2264 Dirty.
- 29.2265 Elasticity.
- 29.2266 Elements of quality.
- 29.2267 Fiber.
- 29.2268 Finish.
- 29.2269 Fire-cured.
- 29.2270 Foreign matter.
- 29.2271 Form.
- 29.2272 Grade.
- 29.2273 Grademark.
- 29.2274 Green (G).
- 29.2275 Group.
- 29.2276 Injury.
- 29.2277 Leaf scrap.
- 29.2278 Leaf structure.
- 29.2279 Length.
- 29.2280 Lot.
- 29.2281 Maturity.
- 29.2282 Mixed color or variegated (M).
- 29.2283 Nested.
- 29.2284 No grade.
- 29.2285 Offtype.
- 29.2286 Oil.
- 29.2287 Order (case).
- 29.2288 Package.
- 29.2289 Packing.
- 29.2290 Premature primings.
- 29.2291 Quality.
- 29.2292 Resweated.
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- 29.2294 Semicured.
- 29.2295 Semifired (SF).
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- 29.2300 Steam-dried.
- 29.2301 Stem.
- 29.2302 Stemmed.
- 29.2303 Strength.
- 29.2304 Strips.
- 29.2305 Subgrade.
- 29.2306 Sweated.
- 29.2307 Sweating.
- 29.2308 Tobacco.
- 29.2309 Tobacco products.
- 29.2310 Type.
- 29.2311 Type 21.
- 29.2312 Undried.
- 29.2313 Uniformity.
- 29.2314 Unsound (U).
- 29.2315 Unstemmed.
- 29.2316 Wet (W).
- 29.2317 Width.

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- 29.2351 Elements of quality and degrees of each element.

**SIZES**

- 29.2371 Standard sizes.

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- 29.2402 Rule 11.
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- 29.2404 Rule 13.
- 29.2405 Rule 14.
- 29.2406 Rule 15.
- 29.2407 Rule 16.
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- 29.2409 Rule 18.
- 29.2410 Rule 19.
- 29.2411 Rule 20.
- 29.2412 Rule 21.
- 29.2413 Rule 22.
- 29.2414 Rule 23.

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- 29.2436 Wrappers (A Group).
- 29.2437 Heavy Leaf (B Group).
- 29.2438 Thin Leaf (C Group).
- 29.2439 Lugs (X Group).
- 29.2440 (N Group).
- 29.2441 Scrap (S Group).

**SUMMARY OF STANDARD GRADES**

- 29.2461 Summary of standard grades.

**KEY TO STANDARD GRADEMARKS**

- 29.2481 Key to standard grademarks.

**Official Standard Grades for Kentucky and Tennessee Fire-Cured and Foreign-Grown Fire-Cured Tobacco (U.S. Types 22, 23, and Foreign Type 96)**

**DEFINITIONS**

- 29.2501 Definitions.
- 29.2502 Air-dried.
- 29.2503 Body.
- 29.2504 Brown colors.
- 29.2505 Class.
- 29.2506 Clean.
- 29.2507 Color.
- 29.2508 Color intensity.
- 29.2509 Color symbols.
- 29.2510 Condition.
- 29.2511 Crude.
- 29.2512 Cured.
- 29.2513 Damage.
- 29.2514 Dirty.
- 29.2515 Elasticity.
- 29.2516 Elements of quality.
- 29.2517 Fiber.
- 29.2518 Finish.
- 29.2519 Fire-cured.
- 29.2520 Foreign matter.
- 29.2521 Form.
- 29.2522 Grade.
- 29.2523 Grademark.
- 29.2524 Green (G).
- 29.2525 Greenish.
- 29.2526 Group.
- 29.2527 Injury.
- 29.2528 Leaf.
- 29.2529 Leaf scrap.
- 29.2530 Leaf structure.
- 29.2531 Length.
- 29.2532 Lot.
- 29.2533 Maturity.
- 29.2534 Mixed color or variegated (M).
- 29.2535 Nested.
- 29.2536 No grade.
- 29.2537 Offtype.
- 29.2538 Oil.
- 29.2539 Order (case).
- 29.2540 Package.
- 29.2541 Packing.
- 29.2542 Quality.
- 29.2543 Raw.
- 29.2544 Resweated.
- 29.2545 Rework.
- 29.2546 Semicured.
- 29.2547 Semifired (SF).
- 29.2548 Side.
- 29.2549 Size.
- 29.2550 Sound.
- 29.2551 Special factor.
- 29.2552 Steam-dried.
- 29.2553 Stem.
- 29.2554 Stemmed.
- 29.2555 Strength.
- 29.2556 Strips.
- 29.2557 Subgrade.
- 29.2558 Sweated.
- 29.2559 Sweating.
- 29.2560 Tobacco.
- 29.2561 Tobacco products.

- 29.2562 Type.
  - 29.2563 Type 22.
  - 29.2564 Type 23.
  - 29.2565 Type 96.
  - 29.2566 Undried.
  - 29.2567 Uniformity.
  - 29.2568 Unsound (U).
  - 29.2569 Unstemmed.
  - 29.2570 Wet (W).
  - 29.2571 Width.
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- 29.2601 Elements of quality and degrees of each element.
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- 29.2606 Standard sizes.
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  - 29.2620 Rule 4.
  - 29.2621 Rule 5.
  - 29.2622 Rule 6.
  - 29.2623 Rule 7.
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  - 29.2625 Rule 9.
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  - 29.2629 Rule 13.
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  - 29.2632 Rule 16.
  - 29.2633 Rule 17.
  - 29.2634 Rule 18.
  - 29.2635 Rule 19.
  - 29.2636 Rule 20.
  - 29.2637 Rule 21.
  - 29.2638 Rule 22.
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  - 29.2662 Heavy Leaf (B Group).
  - 29.2663 Thin Leaf (C Group).
  - 29.2664 Lugs (X Group).
  - 29.2665 Nondescript (N Group).
  - 29.2666 Scrap (S Group).
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- 29.2686 Summary of standard grades.
- KEY TO STANDARD GRADEMARKS
- 29.2696 Key to standard grademarks.
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  - 29.3002 Air-cured.
  - 29.3003 Air-dried.
  - 29.3004 Body.
  - 29.3005 Burley, Type 31.
  - 29.3006 Burley, Type 93.
  - 29.3007 Buff color (L).
  - 29.3008 Class.
  - 29.3009 Clean.
  - 29.3010 Color.
  - 29.3011 Color intensity.
  - 29.3012 Color symbols.
  - 29.3013 Combination color symbols.
  - 29.3014 Condition.
  - 29.3015 Crude.
  - 29.3016 Cured.
  - 29.3017 Damage.
  - 29.3018 Dark red color (D).
  - 29.3019 Dirty.
  - 29.3020 Elements of quality.
  - 29.3021 Fiber.
  - 29.3022 Finish.
  - 29.3023 Foreign matter.
  - 29.3024 Form.
  - 29.3025 General color.
  - 29.3026 General quality.
  - 29.3027 Grade.
  - 29.3028 Grademark.
  - 29.3029 Green (G).
  - 29.3030 Greenish (V).
  - 29.3031 Group.
  - 29.3032 Injury.
  - 29.3033 Leaf.
  - 29.3034 Leaf scrap.
  - 29.3035 Leaf structure.
  - 29.3036 Leaf surface.
  - 29.3037 Length.
  - 29.3038 Lot.
  - 29.3039 Maturity.
  - 29.3040 Mixed color (M).
  - 29.3041 Nested.
  - 29.3042 No grade.
  - 29.3043 No-G-Nested.
  - 29.3044 Offtype.
  - 29.3045 Order (case).
  - 29.3046 Oriented.
  - 29.3047 Package.
  - 29.3048 Packing.
  - 29.3049 Pink or pinkish.
  - 29.3050 Quality.
  - 29.3051 Raw.
  - 29.3052 Red color (R).
  - 29.3053 Rework.
  - 29.3054 Semicured.
  - 29.3055 Side.
  - 29.3056 Sound.
  - 29.3057 Special factor.
  - 29.3058 Steam-dried.
  - 29.3059 Stem.
  - 29.3060 Stemmed.
  - 29.3061 Strength (tensile).
  - 29.3062 Strips.
  - 29.3063 Subgrade.
  - 29.3064 Sweated.
  - 29.3065 Sweating.
  - 29.3066 Tan color.
  - 29.3067 Tannish-buff (FL).
  - 29.3068 Tannish-red color (FR).
  - 29.3069 Tobacco.

29.3070 Tobacco products.  
 29.3071 Type.  
 29.3072 Undried.  
 29.3073 Uniformity.  
 29.3074 Unsound (U).  
 29.3075 Unstemmed.  
 29.3076 Variegated (K).  
 29.3077 Wet (W).  
 29.3078 Width.

## ELEMENTS OF QUALITY

29.3101 Elements of quality and degrees of each element.

## RULES

29.3103 Rules.  
 29.3104 Rule 1.  
 29.3105 Rule 2.  
 29.3106 Rule 3.  
 29.3107 Rule 4.  
 29.3108 Rule 5.  
 29.3109 Rule 6.  
 29.3110 Rule 7.  
 29.3111 Rule 8.  
 29.3112 Rule 9.  
 29.3113 Rule 10.  
 29.3114 Rule 11.  
 29.3115 Rule 12.  
 29.3116 Rule 13.  
 29.3117 Rule 14.  
 29.3118 Rule 15.  
 29.3119 Rule 16.  
 29.3120 Rule 17.  
 29.3121 Rule 18.  
 29.3122 Rule 19.  
 29.3123 Rule 20.  
 29.3124 Rule 21.  
 29.3125 Rule 22.  
 29.3126 Rule 23.  
 29.3127 Rule 24.  
 29.3128 Rule 25.

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29.3151 Flyings (X Group).  
 29.3152 Lugs or Cutters (C Group).  
 29.3153 Leaf (B Group).  
 29.3154 Tips (T Group).  
 29.3155 Mixed (M Group).  
 29.3156 Nondescript (N Group).  
 29.3157 Scrap (S Group).

## SUMMARY OF STANDARD GRADES

29.3181 Summary of standard grades.

## KEY TO STANDARD GRADEMARKS

29.3182 Key to standard grademarks.

**Official Standard Grades for Dark Air-Cured Tobacco (U.S. Types 35, 36, 37 and Foreign Type 95)**

## DEFINITIONS

29.3501 Definitions.  
 29.3502 Air-cured.  
 29.3503 Air-dried.  
 29.3504 Body.

29.3505 Brown colors.  
 29.3506 Class.  
 29.3507 Clean.  
 29.3508 Color.  
 29.3509 Color intensity.  
 29.3510 Color symbols.  
 29.3511 Condition.  
 29.3512 Crude.  
 29.3513 Cured.  
 29.3514 Damage.  
 29.3515 Dirty.  
 29.3516 Elasticity.  
 29.3517 Finish.  
 29.3518 Foreign matter.  
 29.3519 Form.  
 29.3520 Grade.  
 29.3521 Grademark.  
 29.3522 Green (G).  
 29.3523 Group.  
 29.3524 Injury.  
 29.3525 Leaf.  
 29.3526 Leaf scrap.  
 29.3527 Leaf structure.  
 29.3528 Leaf surface.  
 29.3529 Length.  
 29.3530 Lot.  
 29.3531 Maturity.  
 29.3532 Mixed (M).  
 29.3533 Nested.  
 29.3534 No grade.  
 29.3535 Offtype.  
 29.3536 Order (case).  
 29.3537 Package.  
 29.3538 Packing.  
 29.3539 Quality.  
 29.3540 Raw.  
 29.3541 Resweated.  
 29.3542 Rework.  
 29.3543 Semicured.  
 29.3544 Side.  
 29.3545 Size.  
 29.3546 Sound.  
 29.3547 Special factor.  
 29.3548 Steam-dried.  
 29.3549 Stem.  
 29.3550 Stemmed.  
 29.3551 Strips.  
 29.3552 Subgrade.  
 29.3553 Sweated.  
 29.3554 Sweating.  
 29.3555 Tobacco.  
 29.3556 Tobacco products.  
 29.3557 Type.  
 29.3558 Type 35.  
 29.3559 Type 36.  
 29.3560 Type 37.  
 29.3561 Type 95.  
 29.3562 Undried.  
 29.3563 Uniformity.  
 29.3564 Unsound (U).  
 29.3565 Unstemmed.  
 29.3566 Variegated.  
 29.3567 Wet (W).  
 29.3568 Width.

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ELEMENTS OF QUALITY

29.3586 Elements of quality and degrees of each element.

SIZES

29.3591 Standard tobacco sizes.

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29.3601 Rules.  
 29.3602 Rule 1.  
 29.3603 Rule 2.  
 29.3604 Rule 3.  
 29.3605 Rule 4.  
 29.3606 Rule 5.  
 29.3607 Rule 6.  
 29.3608 Rule 7.  
 29.3609 Rule 8.  
 29.3610 Rule 9.  
 29.3611 Rule 10.  
 29.3612 Rule 11.  
 29.3613 Rule 12.  
 29.3614 Rule 13.  
 29.3615 Rule 14.  
 29.3616 Rule 15.  
 29.3617 Rule 16.  
 29.3618 Rule 17.  
 29.3619 Rule 18.  
 29.3620 Rule 19.  
 29.3621 Rule 20.  
 29.3622 Rule 21.  
 29.3623 Rule 22.  
 29.3624 Rule 23.  
 29.3625 Rule 24.  
 29.3626 Rule 25.

GRADES

29.3646 Wrappers (A Group).  
 29.3647 Heavy Leaf (B Group).  
 29.3648 Thin Leaf (C Group).  
 29.3649 [Reserved]  
 29.3650 Lugs (X Group).  
 29.3651 Nondescript (N Group).  
 29.3652 Scrap (S Group).

SUMMARY OF STANDARD GRADES

29.3676 Summary of standard grades.

APPLICABLE STANDARD SIZES

29.3681 Applicable standard sizes.

KEY TO STANDARD GRADEMARKS

29.3686 Key to standard grademarks.

**Official Standard Grades for Wisconsin Cigar-Binder Tobacco (U.S. Types 54 and 55)**

DEFINITIONS

29.6001 Definitions.<sup>1</sup>  
 29.6002 Air-cured.  
 29.6003 Body.  
 29.6004 Burn.  
 29.6005 Case (order).  
 29.6006 Class.  
 29.6007 Clean.  
 29.6008 Condition.

29.6009 Crude.  
 29.6010 Cured.  
 29.6011 Damage.  
 29.6012 Dirty.  
 29.6013 Elasticity.  
 29.6014 Elements of quality.  
 29.6015 Foreign matter.  
 29.6016 Form.  
 29.6017 General quality.  
 29.6018 Grade.  
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AUTHORITY: 7 U.S.C. 511b, 511r.

CROSS REFERENCE: For regulations with respect to tobacco warehouses, see part 737 of chapter VII.

**Subpart A—Policy Statement and Regulations Governing the Extension of Tobacco Inspection and Price Support Services to New Markets and to Additional Sales on Designated Markets**

AUTHORITY: Sec. 14, 49 Stat. 734, as amended; sec. 4, 62 Stat. 1070, as amended, 7 U.S.C. 511m, 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072 secs. 101, 401, 403, 63 Stat. 1051, as amended, 1054 as amended, 15 U.S.C. 714c, 7 U.S.C. 1441, 1421, 1423.

§ 29.1 Definitions.

For purposes of this subpart A, the following terms shall have the following meanings:

(a) *Additional sale* means an additional auction sale proposed to be conducted on a designated market.

(b) *Adequate set of buyers* means 5 or more buyers representing 5 or more companies or buying organizations which either will use the tobacco in the manufacture of tobacco products in

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this country or in foreign countries, or will pack and sell the tobacco later for use by manufacturers in this country or foreign countries, and who could reasonably be expected to purchase at least two-thirds of the total U.S. production of the kind of tobacco for which the additional services are requested.

(c) *Auction market* means a marketing center containing one or more warehouses where tobacco is delivered by producers thereof, or their agents, for sale by the auction process. There may be one or more auction sales on an auction market.

(d) *Bona fide auction sale* and *auction sale* mean the buying and selling of tobacco offered by producers by the auction process which customarily and usually consists of an adequate set of buyers; an auctioneer who takes each buyer's bid; a sales starter who makes the opening bid on each lot; and a ticket marker who records the applicable sales data on each lot.

(e) *Designated market* means an auction market designated by the Secretary under section 5 of the Tobacco Inspection Act including the town or city which is the population center of the market and whose name the market bears and all of the geographical area within 5 road miles of the boundaries of said city or town as they are constituted on January 1, 1993. *Provided*, That any warehouse beyond those boundaries which received tobacco inspection and price support services during the 1992 marketing season shall continue to receive such services at the same location regardless of any prohibition contained herein: *And further provided*, That this geographical limitation may be waived by the Secretary after a hearing held pursuant to §§ 29.2 and 29.3.

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

(g) *Hearing Officer* means any administrative law judge appointed pursuant to 5 U.S.C. 3105, and assigned to the proceeding involved, or such other employee of the Department of Agri-

culture as the Secretary may designate to act as hearing officer at such hearing.

(h) *New market* means an auction market, other than a designated market, at which inspection service under the tobacco Inspection Act was not provided on a regular basis during the preceding marketing season.

(i) *Hearing Clerk* means the Hearing Clerk of the U.S. Department of Agriculture, Washington, DC 20250.

(j) *Kind of tobacco* means any one of the following: Flue-cured, Burley, Fire-cured, Dark air-cured, Maryland or Virginia sun-cured.

[37 FR 7765, Apr. 20, 1972, as amended at 39 FR 3548, Jan. 28, 1974; 42 FR 17097, Mar. 31, 1977; 58 FR 21343, Apr. 21, 1993]

### § 29.2 Policy statement.

Inspection and price support services currently provided in auction marketing areas are adequate and the lack of these services is not a limiting factor to accelerated marketings or the extension of price support to producers. Consequently, the extension of inspection and price support services, without limitation even though the cost of such service is paid by the seller, would not contribute to the effectuation of the purposes of either of these services. The additional cost incident to the unlimited extension of these services would be unjustifiable and excessive in relation to the total quantity of tobacco available for market. Accordingly, inspection and price support services shall be made available on new markets at warehouses which are located beyond the geographical limitation for "designated markets" set forth in § 29.1(e), and additional sales for other than flue-cured tobacco only as hereinafter provided. With regard to flue-cured tobacco, allocation of inspection services is based on producer designation, as provided for in 7 CFR 1464.2(e)(2)(iii), see subpart G. Also, since these services shall be made available to new markets to warehouses which are located beyond the geographical limitation for "designated markets" set forth in § 29.1(e), and additional sales only as herein provided, referenda incident to market designations shall not be conducted

until auction markets seeking designation have qualified for inspection and price support services as herein provided.

(a) *Reasonable inspection and price support services.* The extension of tobacco inspection and price support services to new markets to warehouses which are located beyond the geographical limitation for “designated markets” set forth in § 29.1(e), and additional sales will be conditioned upon the reasonableness of such services existing in the marketing area of the proposed new market or additional sale. Transactions in tobacco as conducted at auction markets customarily involve the sale of tobacco at a bona fide auction sale. Determination with respect to reasonableness, and consequently with respect to granting or denying additional services, will be based on evidence (1) that the proposed new market, warehouse located beyond the geographical limitation for “designated markets” set forth in § 29.1(e), or additional sale will function as a bona fide auction sale, and (2) that additional services are justifiable in relation to other market data, including the volume of tobacco produced in the area surrounding the proposed new market, warehouse located beyond the geographical limitation for “designated markets” set forth in § 29.1(e), or additional sale; the roads and road distances involved in moving tobacco to the proposed new market, warehouse located beyond the geographical limitation for “designated markets” set forth in § 29.1(e), or additional sale in relation to other tobacco marketing centers; the relative availability or congestion of all facilities for redrying and packing tobacco handled or to be handled in the proposed new market, warehouse located beyond the geographical limitation for “designated markets” set forth in § 29.1(e), or additional sale; the location of other auction markets on which tobacco produced in the marketing area of the proposed new market, warehouse located beyond the geographical limitation for “designated markets” set forth in § 29.1(e), or additional sale may be marketed; the number of tobacco growers to be affected by the proposed new market, warehouse located beyond the

geographical limitation for “designated markets” set forth in § 29.1(e), or additional sale; the volume of tobacco likely to be sold in the proposed new market, warehouse located beyond the geographical limitation for “designated markets” set forth in § 29.1(e), or additional sale; the relationship of sales in the proposed new market, warehouse located beyond the geographical limitation for “designated markets” set forth in § 29.1(e), or additional sale to sales in other auction markets in the producing area for that kind of tobacco; other economic factors affecting the marketing of tobacco, by growers, in the marketing area of the proposed new market, warehouse located beyond the geographical limitation for “designated markets” set forth in § 29.1(e), or additional sale and in the producing area for that kind of tobacco, including limitations on sales imposed by any marketing agreement and/or order, or by any other means; and also, as to flue-cured tobacco, data with regard to producer designations which shall include, but not be limited to, the markets and warehouses currently available for the producers, who would be eligible to designate the new market or, warehouse located beyond the geographical limitation for “designated markets” set forth in § 29.1(e), who already designate and who desire to designate the new market.

(b) *Order of priority.* If the Secretary finds that there are insufficient qualified tobacco inspectors available to service adequately all applicants otherwise found to be qualified for additional inspection service pursuant to this subpart for a kind of tobacco, those applicants found to be eligible for additional services on auction markets designated for mandatory inspection shall be given priority over applicants for additional inspection service on other auction markets. If it becomes necessary to determine which of several qualified applicants having an equal order of priority under the preceding sentence shall receive additional inspection and price support services, those auction sales or auction markets where the greatest number of growers needing such service may be served with the qualified inspectors

shall have priority. If an application for an additional sale on a designated market is denied for lack of qualified inspectors, the Secretary, on application from such market, may temporarily suspend the requirement of inspection and certification on such market pursuant to section 5 of the Tobacco Inspection Act.

(c) *Price support services to be through warehouses.* Price support services on any auction market will be offered through tobacco auction warehouses operating in such market, and, notwithstanding any provision of this subpart, the offering of price support services through any auction warehouse located on any auction market will be conditioned upon a qualified, responsible warehouseman entering into an approved auction warehouse contract under the provisions of the applicable tobacco price support program, published at part 1464 of this title.

[37 FR 7765, Aug. 20, 1972, as amended at 42 FR 17097, Mar. 31, 1977; 46 FR 62393, Dec. 24, 1981]

**§ 29.3 Procedures for filing, hearing, and determination of applications.**

(a) *Time and place of filing.* Applications for the extension of tobacco inspection and price support services to new markets, to warehouses located beyond the geographical limitation for "designated markets" set forth in § 29.1(e) and to additional sales on designated markets shall be filed, in triplicate, with the Hearing Clerk not later than September 15 in the case of flue-cured tobacco, December 1 in the case of Maryland tobacco, and July 15 in the case of burley and all other kinds of tobacco. Applications should be addressed to the Hearing Clerk, U.S. Department of Agriculture, Washington, DC 20250. Applications which are not received by the Hearing Clerk on or before the foregoing cutoff date for the kind of tobacco shall be rejected as untimely filed. After denial of an application for additional inspection and price support services for a marketing season, no application from the same auction market or proposed new market shall be considered for the next consecutive marketing season, unless the application contains a statement by the applicant setting forth new facts

that constitute evidence of such a substantial change in conditions since the previous hearing as the review committee as specified in paragraph (h) of this section deems would warrant such further hearing.

(b) *Form and content of application.* The application shall be in writing, shall set forth the grounds for the application and shall be signed by the applicant or applicants. If an applicant is a corporation, the application shall be executed by a responsible officer of such corporation. The application shall include a statement of the name, address and form of business organization of each party to the application and the location of the proposed new market or additional sale.

(c) *Hearings on applications.* Following the closing date for filing applications for each kind of tobacco, a hearing or hearings shall be held on the applications, if any, filed for additional inspection and price support services for the kind of tobacco in question. Such hearing or hearings shall be scheduled to begin within 60 days following the closing date for such applications. Notice of hearing shall be issued by the Secretary, filed with the Hearing Clerk, and published in the FEDERAL REGISTER, and a copy shall be mailed by the Hearing Clerk to each applicant. Such publication and mailing shall be not less than 5 days prior to the opening of the hearing.

(d) *Hearing officer.* A hearing officer shall preside over each such hearing. The hearing officer shall determine the order of procedure at the hearing, shall have power to administer oaths and affirmations, to rule on and admit evidence, and, following the opening of the hearing, to recess the hearing to such other times and places as he deems desirable or necessary.

(e) *Scope of hearing and burden of proof.* Each applicant shall have the burden of presenting evidence relative to the factors specified in § 29.2(a).

(f) *Record and evidence.* The proceedings at each such hearing shall be transcribed verbatim. All oral testimony shall be under oath or affirmation. All documentary exhibits shall be submitted in triplicate by the person offering the same. The Hearing Officer

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shall, insofar as possible, exclude testimony and exhibits which are irrelevant, immaterial, or not of the sort upon which responsible persons are accustomed to rely. Cross-examination shall be allowed only to the extent that the Hearing Officer in his discretion deems it desirable or necessary to develop the material facts.

(g) *Briefs.* If requested at the hearing, the presiding officer shall fix a time, not to exceed 20 days from the close of the hearing, within which interested persons may mail briefs to the Hearing Clerk.

(h) *Certification and referral.* As soon as practicable following the close of the hearing, the Hearing Officer shall certify the transcript of the proceedings at the hearing together with all exhibits and shall transmit the same to the Hearing Clerk for referral to a review committee comprised of the Administrator, Agricultural Marketing Service, the Administrator, Agricultural Stabilization and Conservation Service, and a representative of the Office of the Secretary to be designated by the Secretary.

(i) *Recommended action.* The review committee shall review and consider the applications, hearing record, including exhibits, and all other available information and data relating to applications for each kind of tobacco and shall submit a recommendation thereon to the Secretary.

(j) *Final decision.* The Secretary shall issue the decision on each application and such decision shall be final: *Provided*, That any determination that additional services will be provided may be reconsidered and may be vacated if it is subsequently found that any material fact upon which such determination was based was materially erroneous or false, or that the new market or additional sale in question is not functioning as a bona fide auction sale. Such decision shall be filed with the Hearing Clerk who shall mail a true copy thereof, by certified mail, to the applicant.

[37 FR 7765, Apr. 20, 1972, as amended by 39 FR 3548, Jan. 28, 1974; 41 FR 24693, June 18, 1976; 42 FR 17098, Mar. 31, 1977; 46 FR 62393, Dec. 24, 1981]

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### Subpart B—Regulations

AUTHORITY: 7 U.S.C. 511m, 511r, and 511s.

SOURCE: 13 FR 9474, Dec. 31, 1948; 19 FR 57, Jan. 6, 1954, unless otherwise noted.

#### DEFINITIONS

##### § 29.12 Terms defined.

As used in this subpart and in all instructions, forms, and documents in connection therewith, the words and phrases hereinafter defined shall have the indicated meanings so assigned unless the context or subject matter otherwise requires.

##### § 29.13 The act.

The Tobacco Inspection Act, approved August 23, 1935. (7 U.S.C. 511 *et seq.*)

##### § 29.14 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.

##### § 29.15 Department.

The U.S. Department of Agriculture.

##### § 29.16 Division.

Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture.

##### § 29.17 Director.

Director or Acting Director, Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture.

##### § 29.18 Person.

Individual, association, partnership, or corporation.

##### § 29.19 Inspector.

Person employed, licensed, or authorized by the Secretary to determine and certify the type, grade, condition, or other characteristics of tobacco.

##### § 29.20 Sampler.

Person employed, licensed, or authorized by the Secretary to select, tag, and seal official samples of tobacco.

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### **§ 29.21 Weigher.**

Person employed, licensed, or authorized by the Secretary to weigh and certify the weight of tobacco.

### **§ 29.22 Appeal inspector.**

An inspector or other person designated or authorized by the Division to hear appeals under the Act and the regulations in this subpart.

### **§ 29.23 Tobacco.**

Tobacco in its unmanufactured forms as it appears between the time it is cured and stripped from the stalk, or primed and cured and the time it enters a manufacturing process. Conditioning, sweating, and stemming are not regarded as manufacturing processes.

### **§ 29.24 Official standards.**

Standards for tobacco promulgated by the Secretary under the Act.

### **§ 29.25 Tentative standards.**

Standards for tobacco prepared by the Division for trial purposes and limited use pending promulgation by the Secretary of Official Standards.

### **§ 29.26 Office of inspection.**

A field office of the tobacco inspection service of the Division.

### **§ 29.27 Certificate.**

A certificate issued under the Act and the regulations in this subpart.

### **§ 29.28 Interested party.**

The owner or other financially interested person; including the warehouseman, commission merchant, association, and other person who has the tobacco in his custody for sale; the authorized agent of the owner; and persons to whom or by whom the tobacco has been sold on the basis of a certificate issued, or sample prepared, under the Act, but not including a person who is negotiating for its purchase.

### **§ 29.29 Regulations.**

Rules and regulations of the Secretary under the Act.

### **§ 29.30 Package.**

A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

### **§ 29.31 Lot.**

A pile, basket, bulk, package, or other definite unit.

### **§ 29.32 Identification number.**

A number or a combination of letters and numbers in a design or mark approved by the Director, stamped, printed, or stenciled on a lot of tobacco or attached thereto by an inspector, sampler, or weigher for the purpose of identifying the lot covered by a certificate issued under the Act.

### **§ 29.33 Official sample.**

A sample selected, tagged, and signed by an inspector or sampler under the Act.

### **§ 29.34 Sample seal.**

A seal approved by the Director for sealing official samples.

### **§ 29.35 Lot seal.**

A seal approved by the Director for sealing lots of tobacco certificated under the Act.

### **§ 29.36 Auction market.**

A place to which tobacco is delivered by the producers thereof, or their agents, for sale at auction through a warehouseman or commission merchant.

### **§ 29.37 Designated market.**

An auction market designated by the Secretary, under section 5 of the Act.

### **§ 29.38 Public notice.**

A proclamation by the Secretary under the Act (a) stating that an auction market is designated under the Act; (b) giving notice of such fact; (c) specifying a date when the requirement of inspection and certification under the act shall become effective; and (d) released to the press, mailed to the tobacco board of trade or warehouse association of such market, and mailed to the postmaster at such market for posting.

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**§ 29.39 Permissive inspection.**

Inspection authorized under section 6 of the Act.

**§ 29.40 Mandatory inspection.**

Inspection authorized or required under section 5 of the Act or Section 759 of the Appropriations Act.

[67 FR 36080, May 23, 2002]

DEFINITIONS

**§ 29.41 The Appropriations Act.**

The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for 2002 (Pub. L. 107-76).

[67 FR 36080, May 23, 2002]

**§ 29.42 Receiving station.**

Points at which producer tobacco is offered for marketing (other than sale at auction on a designated market), including tobacco auction warehouses, packing houses, prizeries, or places where tobacco is handled or stored.

[67 FR 36080, May 23, 2002]

ADMINISTRATION

**§ 29.51 Administration.**

The Director is charged with the supervision of the Division and the performance of all duties assigned thereto in the administration of the Act. Information concerning such administration may be obtained by addressing: The Director, Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250.

PERMISSIVE INSPECTION

**§ 29.56 Permissive inspection.**

Permissive inspection consists of inspection, including sampling and weighing, and certificating tobacco upon the request of an interested party. Upon such request, the Director may authorize and require an inspector, as a part of his duties, to supervise the preparation of tobacco to be inspected under the Act, including the sorting, handling, conditioning, or packing of such tobacco. Special tests and services may be performed for interested persons to the extent that available facilities will permit, subject

to the payment of fees as provided in § 29.123.

[13 FR 9474, Dec. 31, 1948; 19 FR 57, Jan. 6, 1954, as amended at 64 FR 67470, Dec. 2, 1999; 65 FR 36782, June 12, 2000]

**§ 29.57 Where inspection is offered.**

Tobacco may be inspected, sampled, or weighed for the purposes of the Act, upon request of an interested party, at points indicated in paragraphs (a), (b), and (c) of this section whenever official inspectors, samplers, or weighers are available and the tobacco is offered under conditions that permit of its proper examination.

(a) Points at which tobacco enters, or is offered for, interstate or foreign shipment, including packing houses, prizeries, warehouses, and other places where tobacco is handled, packed, or stored.

(b) The stations or the headquarters of inspectors, samplers, or weighers. An official station may be any town, city, or place having a market, receiving station, or other facilities for handling, packing, or storing tobacco and where there is a sufficient volume of work to justify the stationing of an inspector, sampler, or weigher.

(c) Points near an official station, to the extent permitted by the time of the inspector, sampler, or weigher at such official station.

**§ 29.58 Who may obtain inspection.**

Inspection, sampling, or weighing as described in § 29.56 may be requested by an interested party, or his authorized agent, by filing an application in accordance with §§ 29.59 and 29.60.

**§ 29.59 How to make application.**

Application for inspection, sampling, or weighing of tobacco shall be made to the Division, the office of inspection, or as the case may be, to an official inspector, sampler, or weigher. It may be made orally or in writing and delivered in person, by mail, by telegraph, or otherwise. If made orally, the Division or the official receiving it may require a written confirmation.

**§ 29.60 Form of application.**

Application for inspection, sampling, or weighing tobacco shall include the following information:

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- (a) The date of the application;
- (b) The designation of the tobacco and the crop year of its production;
- (c) The name and post-office address of the applicant and of the person, if any, making the application as agent;
- (d) The financial interest of the applicant in the tobacco;
- (e) The exact nature of the service desired as (1) inspection, (2) inspection and sealing packages, (3) sampling, or (4) weighing;
- (f) A statement that the tobacco (1) is in commerce, as defined in the act, or (2) is to be inspected, sampled, or weighed in connection with its entering such commerce;
- (g) If the tobacco has been officially inspected, sampled, or weighed previously, the application must have the previous certificate attached, or show with respect to such previous service (1) by whom, (2) the date, (3) previous determinations as certificated;
- (h) The reason for requesting reinspection, resampling, or reweighing; and
- (i) Such other necessary information as the Director may require.

### § 29.61 When application deemed filed.

An application shall be deemed filed when delivered to the Division, the office of inspection, or according to the nature of the service requested, to an official inspector, sampler, or weigher. When an application is filed, the date and time of filing shall be recorded by the official receiving it.

### § 29.62 When application may be rejected.

An application may be rejected (a) for noncompliance with the Act or the regulations in this subpart, or (b) when it is not practicable to provide the service. All expenses incurred in connection with an application rejected for noncompliance with the Act or the regulations in this subpart shall be paid by the applicant as provided in § 29.124.

### § 29.63 When application may be withdrawn.

An application may be withdrawn at any time before the requested service is rendered upon payment of expenses

incurred in connection therewith as provided in § 29.124.

### § 29.64 Authority of agent.

Proof of authority of any person making an application as agent may be required in the discretion of the official receiving the application.

### § 29.65 Accessibility of tobacco.

All tobacco to be inspected, sampled, or weighed upon application shall be made accessible by the applicant for proper examination, including any necessary display in proper light for determination of grade or other characteristics or for drawing of samples. In the case of tobacco in packages, the coverings shall be removed by the applicant in such manner as may be prescribed by the inspector, sampler, or weigher.

### § 29.66 Certificates.

(a) *Forms.* Each certificate issued under this regulation shall (1) show that it was issued under The Tobacco Inspection Act; (2) be in a form approved for the purpose by the Director and (3) embody within its written or printed terms, with respect to the particular kind of service, all applicable information required by paragraphs (b), (c), (d), (e), and (f) of this section. Each certificate may also contain any information, not inconsistent with the act and the regulations in this subpart, as may be approved or required by the Director. The Director may, in his discretion, specify or limit the period in which a certificate shall be valid.

(b) *Inspection certificate.* Each inspection certificate shall show (1) the caption "Tobacco Inspection Certificate"; (2) whether it is an original, first, second, or other copy; (3) the number of the certificate; (4) the identification number and private identification marks on the lot; (5) the date and number of the official sample, if any; (6) the location of the tobacco at the time of inspection or sampling; (7) the date of inspection; (8) the type and grade of the tobacco; (9) the kind of lot or package; and (10) the signature of the official inspector; also such additional information as may be required by the Director. An inspection certificate covering a package of tobacco shall also

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show the form and condition of the tobacco.

(c) *Sample inspection certificate.* Each sample inspection certificate shall carry the caption "Tobacco Sample Inspection Certificate" and shall otherwise comply with the requirements of an inspection certificate, and in addition include a clearly worded statement that the type, grade, or other tobacco characteristics, shown therein, apply only to the tobacco contained in the sample inspected.

(d) *Weight certificate.* Each weight certificate shall show (1) the caption "Tobacco Weight Certificate"; (2) whether it is an original, first, second, or other copy; (3) the number of the certificate; (4) the identification number or private identification marks on the lot; (5) the location of the tobacco at the time of weighing; (6) the date of weighing; (7) the weight of each lot; (8) the kind of lot or package; and (9) the signature of the official weigher.

(e) *Official sample tag.* Each official sample drawn and prepared shall have attached thereto, a certificate or tag showing (1) the caption "Official Tobacco Sample"; (2) the date of sampling; (3) the location of the tobacco at the time of sampling; (4) the kind of lot or package; (5) the condition of the tobacco; (6) the identification number and private identification marks on the lot; and (7) when a lot is found to be damaged, nested, or in doubtful keeping order, a statement of such fact.

(f) *Combination certificate.* A combination certificate of inspection and weight may be issued under the Act, if such certificate carries the caption "Tobacco Inspection and Weight Certificate" and otherwise meets all of the requirements of paragraphs (b) and (d) of this section.

**§ 29.67 Disposition of certificates.**

When a certificate of inspection or weight is issued under the Act upon the request of an interested party, the original certificate and one copy shall be delivered or mailed to the applicant or a person designated by him, and one copy shall be mailed or delivered to the Division or local office of inspection. Charges may be made for additional copies furnished the interested party upon request as provided in § 29.128.

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**§ 29.68 Advance information.**

Upon the request of an applicant for whom tobacco has been inspected, sampled, or weighed and certificated under the Act, all or any part of the contents of such certificate may be telegraphed or telephoned to him as his expense. Information relative to grade or other determinations contained or to be contained in a certificate shall not be divulged by an inspector, sampler, or weigher to any person other than an interested party or his agent without the approval of the Director, and such information shall not be furnished an interested party before the certificate is issued.

**§ 29.69 Weighing apparatus.**

A scale used for determination of weight to be certificated under the Act shall be subject to examination for accuracy according to the regulations of the State or municipality in which located. No disapproved scale shall be used to determine weight of tobacco for the purposes of the Act and the regulations in this subpart.

**MANDATORY INSPECTION**

**§ 29.71 Mandatory inspection.**

Mandatory inspection consists of:

(a) Inspecting and certifying tobacco under the Act on designated markets before it is offered for sale at auction; or

(b) Inspecting and certifying tobacco at receiving stations under the Appropriations Act at the time the tobacco is delivered for sale.

[67 FR 36080, May 23, 2002]

**§ 29.72 Where mandatory inspection is required.**

(a) *Auction.* All tobacco offered for sale at auction on a market designated in accordance with the Act and § 29.73 shall be inspected and certificated under the Act upon the date specified by the Secretary in public notice of such designation, and thereafter, except when the requirement of such inspection and certification is temporarily suspended by the Deputy Administrator in accordance with the Act and the regulations in this subpart.

(b) *Other.* Tobacco of the kinds specified below offered for sale by the producers thereof at receiving stations shall be inspected and certificated under the Appropriations Act at the time of delivery and prior to change of ownership. The specified kinds are flue-cured tobacco, types 11, 12, 13, and 14; burley tobacco, type 31; Kentucky-Tennessee fire-cured tobacco, types 22 and 23; Virginia fire-cured tobacco, type 21; Virginia sun-cured tobacco, type 37; and dark air-cured tobacco, types 35 and 36.

[67 FR 36080, May 23, 2002]

**§ 29.73 Designation of markets; termination of designation.**

An auction market where tobacco bought or sold thereon at auction or the products customarily manufactured therefrom move in commerce may be designated under the Act by the Secretary after the Director has advised the Secretary that two-thirds of the growers voting in the referendum held in accordance with § 29.74 favored the designation of such market. When a market is designated by the Secretary, he shall give public notice of the fact and in such public notice he shall specify the date on which the requirement of inspection and certification of tobacco sold at auction on such market shall become effective. The Director may temporarily suspend the requirement of inspection and certification on a designated market when it is found impracticable to provide such services because competent inspectors are not obtainable or because the quantity of tobacco available for inspection is insufficient to justify the cost of such service. A designation shall terminate automatically at the end of any two consecutive marketing seasons during which a designated market does not conduct any sales of tobacco at auction. A market whose designation is terminated under this section shall be considered as a new market, as defined in § 29.1, and any future application for services shall be filed and determined in accordance with the provisions of §§ 29.3 and 29.2.

[38 FR 27599, Oct. 5, 1973]

**§ 29.74 Growers' referendum.**

(a) *Method of conducting.* Any referendum held as provided in section 5 of the Act shall be conducted by the Division in accordance with this section. The Director shall determine (1) the market or group of markets to be covered by a referendum; (2) when a referendum is to be held; and (3) the period during which growers, entitled to vote therein, may cast their ballots. When a referendum is held for a group of markets, the result of such referendum may be construed to apply either individually or collectively to such markets. Before holding a referendum, the Division shall establish from the records of the collectors of internal revenue for the preceding marketing season, or in the absence of such records then from such other reliable sources of information as are available, a list showing the names of all growers who are entitled to vote in the referendum, and from the list so established the eligibility of growers to vote in a referendum shall be determined by the Division: *Provided*, That if a grower, whose name appears on such lists for two or more markets selling the same class of tobacco, votes in one referendum for a market selling such type, he shall not be eligible to vote in a referendum for any other market selling such type. If no growers sold tobacco at auction on a proposed new market during the preceding marketing season, then the list of growers entitled to vote in the referendum shall be comprised of the growers residing in the county where the proposed new market is located and in the adjacent counties.

(b) *Form of ballot.* Ballots to be used for voting in a referendum held under the Act shall be in a form approved for the purpose by the Director.

(c) *Distribution of ballots.* Ballots to be used by growers in a referendum under the act may be distributed by mail or otherwise as the Director may select. The Director may establish and publish a list of voting places for the purpose of any referendum and distribute ballots therefrom. When ballots are not

mailed directly to growers who are entitled to vote, insofar as their addresses are known, the Director shall announce the voting places at which ballots can be secured, and copies of such announcement shall be given to the press and mailed, for posting and distribution, to the post offices of the market or group of markets covered by the referendum and to post offices in the vicinity of such markets or group of markets. Any explanatory statement with reference to a referendum, provisions of the Act and these regulations, or the operation and benefits of the services authorized by the act may be attached to or supplied with ballots.

(d) *Filing and tabulation of votes.* Each ballot, when filled in and signed by a grower entitled to vote in a referendum, shall be mailed or delivered by him as specified in the ballot. Persons authorized by the Director to receive votes in any referendum shall promptly file all votes received or collected by them with the Division. All ballots filed in a referendum shall be examined to verify the eligibility of the voter and the Director shall have compiled the result of the referendum and furnish the Secretary a statement showing whether or not two-thirds of the growers voting favored the designation of the market or group of markets covered by the referendum. In verifying votes, ballots which do not show the desire of the voter, or ballots which are defective or illegible, or ballots on which the signature or other identification does not correspond with the established list shall not be counted. The choice of any individual voter shall not be divulged by any official of the Division, except to the Secretary when requested. Votes, ballots, and other documents pertaining to a referendum shall be preserved in the Division for a period of 2 years from the closing date of such referendum, and may be destroyed thereafter.

[13 FR 9474, Dec. 31, 1948; 19 FR 57, Jan. 6, 1954, as amended at 55 FR 21738, May 29, 1990]

**§ 29.74a Producer referenda on mandatory grading.**

(a)(1) *Method of conducting.* Referenda shall be conducted among producers who were engaged in the production of the following types of tobacco har-

vested in the immediately preceding crop year: flue-cured tobacco, types 11, 12, 13, 14; Kentucky-Tennessee fire-cured tobacco, types 22 and 23; Virginia fire-cured tobacco, type 21; Virginia sun-cured tobacco, type 37; dark air-cured tobacco, types 35 and 36; burley tobacco, type 31; and cigar filler and binder tobacco, types 42, 43, 53, 54, and 55. A referendum will be conducted for each kind of tobacco and the results will apply to each individual kind. A producer is eligible to vote in referenda for each kind of tobacco they produce.

(2) *Farmers engaged in the production of tobacco.* For purposes of the referenda, persons engaged in the production of tobacco includes any person who is entitled to share in a crop of the tobacco or the proceeds thereof because he or she shares in the risks of production of the crop as an owner, landlord, tenant, or sharecropper (a landlord whose return from the crop is fixed regardless of the amount of the crop produced is excluded) on a farm on which such crop is planted in a workmanlike manner for harvest: Provided, That any failure to harvest the crop because of conditions beyond the control of such person shall not affect his or her status as a person engaged in the production of the crop. In addition, persons engaged in the production of tobacco also includes each person who it is determined would have had an interest as a producer in the crop on a farm for which a farm allotment under the quota program (7 CFR part 723, subpart B) for the crop was established and no acreage of the crop was planted but an acreage of the crop was regarded as planted for history acreage purposes under the applicable Farm Service Agency commodity regulations of the Department of Agriculture.

(3) *One vote limitation.* Each person eligible to vote in a particular referendum shall be entitled to only one vote in such referendum regardless of the number of farms in which such person is interested or the number of communities, counties, or States in which farms are located in which farms such person is interested: Provided, That:

(i) The individual members of a partnership shall each be entitled to one vote, but the partnership as an entity shall not be entitled to vote;

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(ii) An individual eligible voter shall be entitled to one vote even though he or she is interested in an entity (including but not limited to a corporation) which entity is also eligible to vote;

(iii) A person shall also be entitled to vote in each instance of his or her capacity as a fiduciary (including but not limited to a guardian, administrator, executor or trustee) if in such fiduciary capacity he or she is eligible to vote but the person for whom he or she acts as a fiduciary shall not be eligible to vote.

(4) *Joint and family interest.* Where several persons, such as members of a family, have participated or will participate in the production of tobacco under the same lease or cropping agreement, only the person or persons who signed the lease or agreement, or agreed to an oral lease or agreement, shall be eligible to vote. Where two or more persons have produced or will produce tobacco as joint tenants, tenants in common, or owners of community property, each such person shall be entitled to one vote if otherwise eligible. The eligibility of one spouse does not affect the eligibility of the other spouse.

(5) *Minors.* A minor shall be entitled to one vote if he or she is otherwise eligible and is 18 years of age or older when he or she votes.

(6) *Interpretation.* In the case of tobacco on a farm where no acreage of tobacco is actually planted but an acreage of the commodity is regarded as planted under applicable regulations of the Department of Agriculture, persons on the farm who it is determined would have had an interest in the commodity as a producer if an acreage of the commodity had been actually planted shall be eligible to vote in the referendum.

(b) *Referenda procedures.* See part 717 of chapter VII of this title for eligibility criteria and the procedures to be used in carrying out mandatory grading referenda. Where not inconsistent with this part, the definitions contained in parts 717, 718 and 723 of this title will govern administration of these referenda. A copy of the regulations in parts 717, 718, and 723 of this title, a referendum ballot, and voting

procedures are available for review in any USDA Service Center.

[67 FR 9896, Mar. 5, 2002]

### § 29.75 Accessibility of tobacco.

(a) All tobacco subject to mandatory inspection shall be made readily accessible for inspection.

(b)(1) Each warehouse operator shall block off in his warehouse adequate space for each basket of flue-cured tobacco offered for sale on the auction market, and shall prominently number each 10th basket space. The blocking and numbering arrangement shall follow the order of sale; that is, down one row and back on the adjacent row.

(2) Each warehouse shall display a plainly visible sign with the total number of baskets of flue-cured tobacco allotted to be sold each day. Each warehouse operator shall designate to the inspector the number of the starting space for each day's sale and grading will begin at this designated space. All spaces, whether empty or full, shall be counted. No tobacco will be graded beyond the numbered space corresponding with the number of baskets allotted for each day's sale. The grading shall proceed from the beginning point of the sale to the closing point of the sale in an orderly sequence. An inspector shall not go back and grade any basket of tobacco placed in a space which was empty when grading for the day's sales passed such sales space.

(c) Before starting inspection of the day's sale of flue-cured tobacco in each warehouse, the head grader or market supervisor grader shall determine if there is compliance with the requirements of paragraph (b) of this section. If he determines that the prescribed system has not been followed, the inspectors shall proceed to the next scheduled warehouse and shall return to the noncomplying warehouse on the next sales day for such warehouse when the head grader or market supervisor grader shall again determine if the prescribed system has been followed before starting the inspection.

(d) A reduction in daily sales for any warehouse resulting from noncompliance with this section, including empty spaces, shall not prevent the maximum number of baskets allotted per day per

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set of buyers from being sold in the market.

(e) Each receiving station operator shall make tobacco accessible to the inspector for proper examination including any necessary display in adequate light for determination of grade, class, type, or other characteristics.

[13 FR 9477, Dec. 31, 1948; 19 FR 57, Jan. 6, 1954, as amended at 28 FR 6211, June 18, 1963; 67 FR 36081, May 23, 2002]

**§ 29.75a Display of burley tobacco on auction warehouse floors in designated markets.**

(a)(1) Each lot of burley tobacco displayed for sale on auction warehouse floors shall have a minimum space of 24 inches from butts to butts between the rows. Distances between lots of tobacco within the row shall be no less than 8 inches between immediately adjacent lots.

(2) The number of bales on a pallet shall not exceed eight. Tobacco packed in bales shall have the stems turned toward the aisle.

(3) Each warehouse operator shall display a plainly visible sign showing the total number of lots of burley tobacco allotted to be sold each day. Such sign shall be displayed at the point of lots where the days' sales will conclude and no additional tobacco shall be graded beyond that point.

(4) Each warehouse operator shall arrange his entire day's sale in a continuous and orderly arrayed sequence of lots and rows of tobacco. Any arrangement of tobacco in rows of progressively varying lengths, or any deviations from an orderly arrayed sequence of lots and rows of tobacco, shall have prior approval of the Set Work Leader or Circuit Supervisor.

(5) Each warehouse operator shall designate to the Set Work Leader or Circuit Supervisor the starting point or lot for each day's sale, and counting and grading will begin at this designated point and proceed to the closing point of the sale in an orderly sequence. All lot spaces, containing or not containing a lot of tobacco, and all lots of tobacco, covered or uncovered, shall be counted and included in the daily sales allotment. Lots of tobacco shall not be removed, added, rearranged, or substituted between the

time they are counted for the day's sale and the time they are graded for the day's sale, provided, however, that with prior approval of the Set Work Leader or Circuit Supervisor compensating lots of tobacco may be substituted for empty spaces and covered lots included in a daily sales count.

(6) Each operator of a warehouse at which baled burley tobacco is offered for sale shall open the particular bale, in a lot of tobacco, chosen by a grader for inspection and reseal that bale after inspection.

(7) Each seller, by offering burley tobacco for sale, certifies that the lot inspected by a grader is representative of the grade of all the tobacco in that lot, that the leaf was stalk-cured, that the bales do not contain any foreign matter or material, and are not nested.

(b) Before starting inspection of the day's sale of burley tobacco in each warehouse, the Set Work Leader or Circuit Supervisor shall determine if there is compliance with the requirements of paragraph (a) of this section. If he determines that the prescribed requirements have not been followed, the inspector shall proceed to the next sale or sales as originally scheduled for that day and grade the number of lots of tobacco scheduled for such sale or sales, and shall return to the noncomplying warehouse on the next regularly scheduled sales day for such warehouse, at which time the Set Work Leader or Circuit Supervisor shall again determine if the prescribed system has been followed before starting the inspection. If noncompliance or failure to observe requirements of paragraph (a) of this section are discovered after inspection for the day's sale has started, the inspector shall discontinue inspection and proceed to the next sale or sales scheduled for that day and shall return to the noncomplying warehouse on the next regularly scheduled sales day for such warehouse.

(c) The provisions of this section shall not preclude the application of other administrative remedies or the institution of criminal proceedings in appropriate cases as provided by the Act.

[30 FR 12627, Oct. 2, 1965, as amended at 47 FR 51721, Nov. 17, 1982; 56 FR 31534, July 11, 1991]

**§ 29.75b Display of baled flue-cured tobacco on auction warehouse floors in designated markets.**

Each lot of baled flue-cured tobacco displayed for sale on auction warehouse floors shall have a minimum of 30 inches from side to side between rows with the open side of the bale facing the aisles. Distance between lots of baled tobacco within the row shall be no less than 18 inches between immediately adjacent lots.

[65 FR 46086, July 27, 2000]

**§ 29.75c Display of tobacco at receiving stations.**

Each lot of tobacco delivered for sale at receiving stations and transferred to a conveyor system for unloading shall maintain a distance between adjacent lots of not less than 18 inches during the inspection process. The platform area used for examination with a conveyor system shall be a minimum of 4 × 4 feet. Any lots of tobacco displayed in a manner other than a conveyor system shall maintain a minimum clearance of 18 inches on all sides. If the tobacco is inspected or graded by the recipient, it shall be made available for mandatory inspection at the same time and location within the receiving station.

[67 FR 36081, May 23, 2002]

**§ 29.76 Mandatory inspection ticket.**

A mandatory inspection ticket shall consist of a Tobacco Inspection Certificate made and issued in combination with an auction warehouse ticket in a form approved by the Director.

**§ 29.77 Warehousemen to provide tickets.**

A mandatory inspection ticket, in the form required by § 29.76 shall be provided by each auction warehouseman on a designated market to cover each lot of tobacco offered for sale at auction by him on such market.

**§ 29.78 Changes or alterations.**

No change or alteration shall be made, in the weight or other identification of the lot, on a mandatory inspection ticket after the certification of type and grade by an official inspector, and any such change or alteration shall

constitute and be construed as a change or alteration in the certificate issued or authorized under the Act.

**§ 29.79 Disposition of ticket.**

One copy of the mandatory inspection ticket shall be attached to, or placed on, the tobacco certificated as a further identification of the lot and all copies of such ticket shall become null and void when such identifying copy is removed from the lot. When and as requested by the Director, one copy of such ticket, showing (a) the certification of type and grade; (b) the weight and other identification; and (c) the details of the sale at auction, shall be delivered by the warehouseman to the Division or the head inspector of the market.

**§ 29.80 Announcing grades.**

The grade of each lot of tobacco as certified by an official inspector on a designated market shall be clearly announced by the warehouseman or his representative at the time the lot is offered in the auction: *Provided*, That the Director may waive the requirement of announcing grades in the auction if he finds it impractical for the warehouseman to render this service.

**§ 29.81 Interference with inspectors.**

(a) *Auction*. (1) No person, including the owner, producer, warehouseman, purchaser, agent, or employee thereof shall attempt, in any manner, to influence an inspector with respect to the grade designation of tobacco, or impede, in any manner, an inspector while the inspector is in the process of grading tobacco on the warehouse auction floor, or ask any question or discuss any matter pertaining to the grading of tobacco while the inspector is grading any tobacco on the warehouse auction floor. While inspectors are engaged in grading the day's sale, all requests for information concerning the grade designation on or requests to review the grade of any lot of tobacco shall be made only to the head grader or to the market supervisor grader.

(2) In the event that the head grader or market supervisor grader determines that a person has violated any provision of this section, inspection ticket(s) if already issued on the lot(s)

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of unsold tobacco involved shall be null and void and no further inspection shall be performed on such lot(s) offered for sale by the warehouseman in whose premises the violation occurred until the next regularly-scheduled sale for such warehouse: Provided, That if violation consists of talking to the inspector while he/she is grading the tobacco, a warning shall be given on first offense and penalty provisions shall apply on any subsequent offense. A reduction in daily sales for any warehouse resulting from a violation of this section shall not prevent the maximum number of lots or pounds allotted per day per set of buyers from being sold in a designated market.

(b) *Other.* No person, including the owner, producer, receiving station operator, purchaser, agent, or employee thereof shall attempt, in any manner, to influence an inspector with respect to the grade designation of tobacco, or impede, in any manner, an inspector while the inspector is in the process of grading tobacco.

(c) *Administrative Remedies.* The provisions of this section shall not preclude the application of other administrative remedies or the institution of criminal proceedings in appropriate cases as provided by the Act.

[67 FR 36081, May 23, 2002]

**APPEAL**

**§ 29.90 When appeal may be taken.**

Whenever an interested party believes that a certificate issued or a sample prepared under the act is not correct he may file an appeal: *Provided,* That (a) the period for which such certificate was issued or sample was prepared, if any specified, has not expired; (b) all tobacco covered by such certificate or sample is accessible to an appeal inspector for making a proper re-inspection, resampling, or reweighing, and can be definitely identified by him as the tobacco covered by such certificate or sample; and (c) the tobacco has not deteriorated or undergone any material change.

**§ 29.91 How to obtain an appeal.**

An appeal shall be made in writing and filed with the Division or the office

of inspection for the type of tobacco involved. Such appeal shall show:

(a) The date; (b) the name and post office address of the appellant and of the person, if any, making the appeal in his behalf; (c) the financial interest of the appellant in the tobacco; (d) the reasons for making the appeal; and such other information as may be required by the Director. The appeal shall be accompanied by the certificate or sample from which the appeal is taken, unless such requirement is waived by the Division when it is impracticable for the appellant to furnish such certificate. The appeal inspector may require the appellant to furnish any other relevant and necessary information for the proper consideration of the appeal.

**§ 29.92 Record of filing time.**

When an appeal is filed, the date and time of filing shall be recorded by the officer receiving it.

**§ 29.93 When appeal may be refused.**

If it shall appear that the reasons stated in an appeal are frivolous or unsubstantial or that the act or this subpart have not been complied with, the appeal may be denied or dismissed. When an appeal is denied or dismissed, the appeal inspector shall (a) notify the appellant by telegraph or in writing giving the reason for such denial or dismissal; (b) mail a copy of such notification to the Division; and (c) return or release to the appellant, or other person designated by him, any certificate or sample which was filed with the appeal. All expenses incurred in connection with an appeal prior to its refusal or dismissal shall be paid by the appellant, as provided in § 29.126.

**§ 29.94 When appeal may be withdrawn.**

An appeal may be withdrawn by the appellant at any time before an appeal certificate is issued or an appeal sample is prepared, upon the payment of any expenses incurred in connection with the appeal as provided in § 29.126.

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### § 29.95 Review or second inspection not an appeal.

A review or investigation made in accordance with § 29.132, or a second inspection, sampling, or weighing made upon the request of an interested party for the purpose of securing new or later information when the correctness of an old certificate or sample is not questioned, shall not be considered an appeal.

### § 29.96 Order in which made.

Appeals shall be heard and passed upon, so far as practicable, in the order in which they are filed.

### § 29.97 Who shall pass upon appeals.

Appeals shall be passed upon by an appeal inspector designated for the purpose by the Director. When authorized, by the Director, two or more appeal inspectors may jointly pass upon an appeal. The Division may authorize an inspector, supervising inspector, or other person to act as an appeal inspector, but no appeal inspector shall pass upon an appeal involving the correctness of a certificate issued or sample prepared by him.

### § 29.98 Appeal findings.

Immediately after an appeal has been heard and the tobacco involved therein has been reexamined, an appeal certificate shall be issued or an appeal sample prepared by the appeal inspector. Such certificate or sample shall show the finding of the appeal inspector and shall be labeled "Appeal Certificate" or "Appeal Sample", as the case may be, over the signature of the appeal inspector. An appeal certificate or sample shall supersede all other certificates or samples for the same lot of tobacco and shall refer specifically to the certificate or sample from which the appeal was made. In all other respects the provisions of this subpart relative to certificates or samples shall apply to an appeal certificate or sample. The findings of the appeal inspector as certified shall be final, unless the Director shall direct a review of such findings.

### § 29.99 Superseded certificate or sample.

When superseded under this subpart by an appeal certificate or an appeal

sample, such superseded certificate or sample shall become null and void and shall not thereafter be used to represent the tobacco described therein. If the original and the copies of the old certificate were not delivered to the appeal inspector for cancellation, the appeal inspector shall notify such persons or firms as he may consider necessary to prevent fraudulent use of any such null and void certificate.

#### INSPECTORS, SAMPLERS, AND WEIGHERS

### § 29.106 Who may be employed, licensed, or authorized.

Any persons who is not financially interested directly or indirectly in merchandising tobacco, except as a grower or except in disposing of tobacco previously acquired, and who has demonstrated his competency may be employed, licensed, or authorized to inspect, sample, or weigh tobacco. Licenses issued by the Secretary shall be countersigned by a supervising official of the Division. Licenses to inspect or to sample shall specify the type or types of tobacco which the licensee is authorized to inspect or sample.

### § 29.107 Order of providing service.

When tobacco is to be inspected, sampled, or weighed upon request, such services shall be rendered as far as practicable in the order in which applications were received. In conducting mandatory inspection, the inspection shall start at the beginning of the "break" in the auction warehouse where the sale is scheduled to start and the inspection shall continue in the order of sale on each warehouse floor and from warehouse to warehouse.

### § 29.108 Certificate issuance.

A certificate shall be issued as soon as practicable after any tobacco has been inspected or weighed for the purpose of the Act. A separate certificate shall be issued for each lot of tobacco inspected or weighed, except when a certificate covering two or more lots is specifically authorized by the Director. In case of a lost or destroyed certificate, a duplicate thereof may be issued under the same number, date, and name by an authorized supervising official. Any such duplicate certificate

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shall be plainly marked "Duplicate" above the signature of the supervising official who issued it.

**§ 29.109 Inspection determinations.**

The determination of type, grade, size, form, condition, or other tobacco characteristics shall be based upon a thorough examination of the lot of tobacco to be certificated or an official sample of such lot. The certification of a lot of tobacco shall be a true representation of the lot, or of the official sample, at the time of inspection.

**§ 29.110 Method of sampling.**

In sampling tobacco under the Act, at least three breaks shall be made at different points in the lot, and in the discretion of the sampler as many more breaks shall be made as seem necessary to show the range of the entire lot. From the breaks so made tobacco to be used in the official sample shall be selected. The official shall, so far as practicable, include tobacco of each quality, color, length, and other characteristics found in the lot in such proportions as would truly represent the lot. In case a lot is found to be damaged, nested, or in doubtful keeping order, the official sample tag shall be so marked. Official sample tags shall be attached to the sample, in a manner prescribed by the Director.

**§ 29.111 Weight determinations.**

Daily before weighing any tobacco for the purposes of the Act, a weigher shall verify the accuracy of the scales to be used by him. Except as may be otherwise specified by the Director, all weights certificated shall be within an accuracy of 1 pound.

**§ 29.112 Proper light.**

Tobacco shall not be inspected or sampled for the purposes of the Act except when displayed in proper light for correct determination of grade or other characteristics of tobacco. No tobacco shall be inspected or sampled for the purposes of the Act in the direct rays of the sun or by any artificial light which does not permit the inspector correctly to determine the grade or other characteristics of tobacco.

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**§ 29.113 Suspension and termination.**

The license of an inspector, sampler, or weigher may be suspended, pending final action by the Secretary, by any official authorized to countersign licenses whenever he considers such action to be for the best interest of the service. The designation of an appeal inspector may be withdrawn at any time by the Division. Before the license of an inspector, sampler, or weigher is terminated or revoked pursuant to the Act and the regulations in this subpart, such appointee or licensee shall be furnished by the Secretary, or his designated representative, with a written statement specifying the charges, and within 7 days after his suspension, the licensee may file an appeal in writing with the Secretary supported by any evidence he may wish to offer in connection therewith.

**FEES AND CHARGES**

**§ 29.123 Fees and charges.**

Fees and charges for tobacco inspection and certification service shall be collected by the Director to cover, insofar as practicable, all costs of the services, including establishment of standards, administrative, and supervisory costs, as follows:

(a) *Mandatory inspection.* The inspection and certification fee is \$0.009 per pound. The fee shall be paid by sellers of tobacco and assessed against the warehouse or receiving station operator irrespective of ownership or interest in the tobacco. When the warehouse or receiving station operator pays the Department, it is presumed the fee was collected from the seller. Inspection and related services shall be suspended or denied if the warehouse or receiving station operator fails to pay the fees and charges imposed under this section. The fee shall be based on total poundage of tobacco inspected and sold during each calendar month. The fee shall be due and payable on the first day of the immediately following month and on the day immediately following the last sale each marketing year. Mandatory inspection and certification services shall take precedence over permissive inspections, other than reinspections.

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(b) *Domestic permissive inspection and certification.* (1) Fees and charges for inspection at redrying plants shall comprise the cost of salaries, travel, per diem, and related expenses to cover the cost of performing the service. Fees shall be for the actual time required to render the service calculated to the nearest 30-minute period. The hourly rate shall be \$47.40 per hour. The overtime rate for service performed outside the inspector's regularly scheduled tour of duty shall be \$53.70 per hour. The rate of \$64.45 per hour shall be charged for work performed on Sundays and holidays. These same fees shall be applicable for hogshead, bale, cases or sample inspections. (2) Fees and charges for inspection of tobacco performed at receiving points is \$.01 per pound.

(c) *Export permissive inspection and certification.* The inspection and certification fee for export tobacco is \$.0025 per pound.

(d) Fees and charges fixed in accordance with this subpart shall be paid by the applicant or person obtaining the service in accordance with a statement rendered by the Division. A deposit to cover all, or a part of, fees and charges for services to be rendered may be required by the Division. Fees for services rendered shall be remitted by check or draft made payable to "Agricultural Marketing Service", United States Department of Agriculture.

(e) Fees for special tests and services will be determined by agreement between the Deputy Administrator, Tobacco Programs, and the applicant or applicants for service.

[46 FR 62393, Dec. 24, 1981, as amended at 47 FR 27058, June 23, 1982; 47 FR 51723, Nov. 17, 1982; 50 FR 45805, Nov. 4, 1985; 54 FR 3406, Jan. 24, 1989; 54 FR 27856, July 3, 1989; 54 FR 47756, Nov. 17, 1989; 56 FR 31534, July 11, 1991; 56 FR 41921, Aug. 26, 1991; 60 FR 33100, June 27, 1995; 64 FR 67470, Dec. 2, 1999; 65 FR 34040, May 26, 2000; 65 FR 36782, June 12, 2000; 66 FR 28361, May 23, 2001; 67 FR 36081, May 23, 2002]

### § 29.124 When application rejected or withdrawn.

When an application for inspection, sampling, or weighing is rejected in accordance with § 29.62, or withdrawn in accordance with § 29.63, the applicant may be required to pay a reasonable charge for the time used by an inspec-

tor, sampler, or weigher, and other expenses incurred in connection with such application prior to its rejection or withdrawal.

### § 29.125 Charge for appeals.

A charge of \$5 shall be made for each appeal filed under § 29.90 and the fee for an appeal inspection, sampling, or weighing shall equal the fee for the original inspection, sampling, or weighing from which the appeal is taken, plus any charges for travel or other expenses incurred in hearing the appeal: *Provided*, That when a material error in the certificate or sample from which the appeal is taken is found by the appeal inspector the charge and fee shall be waived.

[13 FR 9474, Dec. 31, 1948; 19 FR 57, Jan. 6, 1954, as amended at 46 FR 62394, Dec. 24, 1981]

### § 29.126 When appeal refused or withdrawn.

When an appeal is refused in accordance with § 29.93 or withdrawn in accordance with § 29.94, the appellant may be required to pay a reasonable charge for the time used by the appeal inspector and other expenses incurred in connection with such appeal prior to its denial, dismissal, or withdrawal.

### § 29.127 Demonstrations and courses of instruction.

Charges, not in excess of the cost thereof, as may be approved by the Director, may be made for demonstrations, samples, or courses of instruction when such are furnished upon request.

[46 FR 62394, Dec. 24, 1981]

### § 29.128 For certificates.

A charge may be made, in the discretion of the Director, for copies of certificates other than those required to be distributed in § 29.67, and for the issuance of a duplicate certificate in accordance with § 29.108.

### § 29.129 National Advisory Committee for Inspection Services.

(a) To assist the Secretary in determining the level of inspection and related services and the fees and charges therefore, a National Advisory Committee of tobacco producers shall be

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appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. appendix I).

(b) The committee shall consist of 14 members and 14 alternates. There will be a flue-cured subcommittee, a burley subcommittee, and a fire and dark air-cured subcommittee.

(c) Recommendations to the Secretary for membership on the committee will be received from the following organizations: One from the Georgia Farm Bureau, one from the South Carolina Farm Bureau, one from the Virginia Farm Bureau, three from the North Carolina Farm Bureau, two from the North Carolina Grange, one from the Tennessee Farm Bureau, three from the Kentucky Farm Bureau, one from the Florida, Indiana, Missouri, West Virginia, or Maryland Farm Bureau, and one from the Wisconsin or Ohio Farm Bureau.

(d) The committee and/or subcommittees shall meet at the call of the Secretary.

[46 FR 62394, Dec. 24, 1981]

### MISCELLANEOUS

## § 29.131 [Reserved]

### § 29.132 Division investigations.

An inspector, sampler, or weigher, when authorized by the Division, may of his own initiative, or upon the request of an interested party, review for the purpose of verification or confirmation any tobacco which he has certificated, and any supervising official may review the work of any inspector, sampler, or weigher: *Provided*, That such review shall not be made if the ownership of the tobacco involved has changed since the date of certification, unless there is intimation or evidence of deterioration or of irregularities or fraud in connection with the certification or sampling. When such review discloses an error in the certification, the inspector, sampler, or weigher concerned, or supervising official shall immediately correct the error by making an appropriate change in the certificate or by canceling the certificate and issuing a new certificate in lieu thereof. Any correction made on a certificate shall be initialed by the issuing official or by the supervising official.

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When a new certificate is issued for a lot of tobacco, the old certificate and copies thereof shall become null and void and shall not thereafter be used to represent the tobacco described therein.

### § 29.133 Identification number.

The Director may require the use of official identification numbers in connection with tobacco certificated or sampled under the Act. When identification numbers are required, they shall be specified by the Director, and shall be attached to, or stamped, printed, or stenciled on, the lots of tobacco certificated or sampled, in a manner specified by the Director.

### § 29.400 Inspection, certification, and testing of imported tobacco.

(a) All tobacco offered for importation into the United States, including tobacco entering foreign trade zones, but excluding transshipped tobacco, oriental and cigar tobacco, shall be inspected for grade and quality. Tobacco subject to inspection shall be inspected at the point of entry.

(b) All flue-cured or burley tobacco, including stems, offered for importation into the United States, including tobacco entering foreign trade zones, but excluding transshipped tobacco, shall be accompanied by a pesticide and end user certification completed by the importer. Any flue-cured or burley tobacco that is not certified as being free of prohibited pesticide residues shall not be permitted entry into the United States until the Secretary has determined that the tobacco meets the pesticide residue requirements in these regulations.

[49 FR 27467, July 3, 1984, as amended at 51 FR 30198, Aug. 22, 1986]

### § 29.401 Definitions.

As used in §§ 29.400 through 29.500, the words and phrases hereinafter defined shall have the following meanings:

(a) *Importation*. Arriving within the territorial limits of the United States with the intent to unload.

(b) *Importer*. The owner of the tobacco at the time of importation or the owner's successor in interest if the tobacco is sold prior to the completion of the requirements of §§ 29.400 through 29.500.

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(c) *Inspection certificate.* An official written representation of a lot of tobacco made by an inspector and issued to an importer.

(d) *Invoice.* A writing on behalf of the importer that is used in commercial transactions of tobacco for selling, purchasing, shipping, or consigning.

(e) *Lot.* A unit of shipment of tobacco encompassed by a single invoice.

(f) *Package.* A hogshead, carton, case, bale, or other securely enclosed parcel or bundle.

(g) *Packing list.* A document itemizing each package covered by a single invoice listing, among other things, the kind of tobacco in each package, the net weight, and the marks and numbers identifying each package.

(h) *Point of entry.* The place at the port of entry or foreign trade zone where tobacco is unloaded from a carrier or unpacked from a container for the purpose of warehousing, manipulation, or manufacturing.

(i) *Port of entry.* Any place designated by Executive order of the President, by order of the Secretary of the Treasury, or by Act of Congress, at which a customs officer is authorized to accept entries of merchandise, to collect duties, and to enforce the various provisions of the Customs and Navigation Laws. The term "port of entry" incorporates the geographical area under the jurisdiction of the port director when such port is one other than a district headquarters port.

(j) *Tobacco.* Tobacco between the time it is cured and stripped from the stalk or primed and cured, in whole leaf or unmanufactured form, and the time it is utilized in product manufacturing. Conditioning, sweating, stemming, and threshing are not considered manufacturing.

(k) *Transshipped tobacco.* Tobacco that arrives within the territorial limits of the United States for the purpose of continuous transportation without being unloaded for warehousing, manipulation, or manufacturing, to a destination outside the territorial limits of the United States.

(l) *Unload.* To remove from a carrier at the port of entry or at a foreign trade zone.

(m) *End user certification.* A document issued by the Tobacco Division in a

form approved by the Director containing a certification by the importer or subsequent purchaser to identify any and all end users of imported flue-cured or burley tobacco.

(n) *Pesticide.* Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

(o) *Pesticide certification.* A document issued by the Tobacco Division in a form approved by the Director containing a certification by the importer that flue-cured and burley tobacco offered for importation does not exceed the maximum allowable residue levels of any banned pesticide.

(p) *Prohibited pesticide residue.* The maximum concentration of residue allowable for a specific pesticide or combination of pesticides as set forth in § 29.427.

(q) *Stems.* The midribs or large central veins of tobacco leaves.

(r) *Pesticide test sample.* An official sample or samples, collected from a lot of tobacco by the Secretary of Agriculture for analysis by a certified chemist to ascertain the residue levels of banned pesticides.

(s) *Sample Identification Form.* A document approved by the Director that identifies and accompanies the sample to the testing facility on which the test results will be certified by a chemist in charge of testing.

(t) *Subsequent purchaser.* Any entity that acquires ownership of tobacco after importation.

(u) *Testing.* The chemical analysis of a pesticide test sample to determine levels of pesticide residues.

(v) *End user.* A domestic manufacturer of cigarettes or other tobacco products; an entity that mixes, blends, processes, alters in any manner, or stores imported tobacco for export; or any individual that the Secretary may identify as making use of imported tobacco for the manufacture of tobacco products.

(w) *Reexported.* Any imported tobacco not used to manufacture tobacco products that is subsequently exported.

(x) *Blended.* Tobacco that is combined or mixed into a uniform product.

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(y) *Leaves*. Whole, undivided tobacco leaves containing lamina and stem.

(z) *Strips*. The sides (including portions of sides) of tobacco leaf from which the stem has been removed or a lot of tobacco composed of strips.

[49 FR 27467, July 3, 1984, as amended at 51 FR 30198, Aug. 22, 1986; 54 FR 24663, June 9, 1989]

**§ 29.402 Advance notice.**

The importer shall notify, orally or in writing, the Raleigh Regional Office, USDA, AMS, Tobacco Division, P.O. Box 27846, Raleigh, North Carolina 27611, or the Lexington Regional Office, USDA, AMS, Tobacco Division, 333 Waller Avenue, Lexington, Kentucky 40504, of the date and location that tobacco subject to inspection under § 29.400 will be unloaded for warehousing, manipulation, or manufacturing. This notice shall be received at the Regional Office at least five working days prior to unloading the tobacco for warehousing, manipulation, or manufacturing.

[49 FR 27468, July 3, 1984]

**§ 29.403 Accessibility of tobacco.**

All tobacco subject to inspection under § 29.400 shall be made accessible by the importer for examination in a manner prescribed by the inspector. This includes providing proper lighting, removal of package coverings, and such other provisions as the inspector may deem necessary for inspection.

[49 FR 27468, July 3, 1984]

**§ 29.404 Inspection.**

The inspector shall review each lot of tobacco through a process of selective sampling in sufficient detail to allow an accurate determination of the types and grades contained in each lot.

[49 FR 27468, July 3, 1984]

**§ 29.405 Inspection by submitted samples.**

The Director, in lieu of onsite inspection, may approve submission by the importer of samples where time, geographical distance, or availability of inspectors prevent a timely onsite inspection, or where tobacco is classified as a "temporary importation under

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bond" as defined in 19 CFR 10.31 *et seq.* The importer shall certify that sampling was conducted in accordance with procedures approved by the Director. All tobacco inspected by submitted sample is subject to spot-checking at the discretion of the Director. Submitted samples shall be disposed of in a manner approved by the Director unless return of the sample is requested by the importer at the time of submission. Samples will only be returned at the importer's expense.

[49 FR 27468, July 13, 1984]

**§ 29.406 Import inspection certificate.**

An import inspection certificate shall consist of a certificate issued by the Tobacco Division in a form approved by the Director. A certificate shall be issued to the importer as soon as practicable following the completion of inspection. A separate certificate shall be issued for each lot of tobacco. In case of a lost or destroyed certificate, a duplicate may be issued under the same number, date, and name by an authorized official. Duplicate certificates shall be plainly marked "Duplicate" above the signature of the supervising official who issued it.

[49 FR 27468, July 3, 1984]

**§ 29.407 Disposition of import inspection certificate.**

The inspector shall provide the importer with the original portion of the certificate and forward the first copy to the Director and the second copy to the appropriate Regional Office. The importer shall retain the original inspection certificate until the lot inspected has been sold, manufactured into products or exported from the United States.

[49 FR 27468, July 3, 1984]

**§ 29.425 Submission and disposition of pesticide residues and end user(s) certification.**

(a) Completion of certification: The importer shall complete a pesticide residue and end user(s) certification on a form approved by the Director for each lot of flue-cured or burley tobacco, including stems, offered for importation. If the importer is unable to identify the end user(s) or purchasers

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at the time of importation, an amended certification shall be executed within 30 days or at such time as the end user(s) or subsequent purchasers can be identified for any portion of the lot. Subsequent purchasers or end users so identified shall also complete an end user(s) certification until the tobacco is used in the manufacture of tobacco products or is reexported.

(b) Disposition of copies: The importer shall deliver the original and first copy to the inspector at the time the tobacco is inspected under the provisions of §§ 29.400 through 29.407. Subsequent purchasers or end users and importers submitting amended forms shall mail the original and first copy to Director, Tobacco Division, AMS, USDA, Washington, DC 20250.

(c) The information collection and recordkeeping requirements contained in this section have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. chapter 35 and have been assigned OMB control number 0581-0056.

[51 FR 30198, Aug. 22, 1986]

**§ 29.426 Collection of pesticide test samples.**

Any lot of tobacco not certified by the importer as being free of prohibited pesticide residues shall be sampled in sufficient detail to determine whether the lot conforms with the pesticide residue standards. Lots of imported tobacco certified by the importer shall be sampled on a random basis and tested to determine whether they conform with the pesticide residue standards.

[51 FR 30199, Aug. 22, 1986]

**§ 29.427 Pesticide residue standards.**

The maximum concentration of residues of the following pesticides allowed in flue-cured or burley tobacco, expressed as parts by weight of the residue per one million parts by weight of the tobacco (ppm) are:

CHLORDANE .....	3.0
DIBROMOCHLOROPROPANE (DBCP) .....	1.0
DICAMBA (Temporary) .....	5.0
ENDRIN .....	0.1
ETHYLENE DIBROMIDE (EDB) .....	0.1
FORMOTHION .....	0.5
HEXACHLOROBENZENE (HCB) .....	0.1
METHOXYCHLOR .....	0.1
TOXAPHENE .....	0.3

2,4-D (Temporary) .....	5.0
2,4,5-T .....	0.1
Sum of ALDRIN and DIELDRIN .....	0.1
Sum of CYPERMETHRIN and PERMETHRIN (Temporary) .....	3.0
Sum of DDT, TDE (DDD), and DDE .....	0.4
Sum of HEPTACHLOR and HEPTACHLOR EPOXIDE .....	0.1

[54 FR 24663, June 9, 1989; 54 FR 27855, July 3, 1989]

**§ 29.428 Identification of sample for testing.**

Samples of imported tobacco shall be identified by the inspector on a form approved by the Director. The original and first two copies shall accompany the sample to the designated testing facility. The remaining copy of the identification form will be sent to the Director. Upon the completion of testing the designated facility will complete the form and mail the original and one copy to the Director and retain one copy for their records.

[51 FR 30199, Aug. 22, 1986]

**§ 29.429 Disposition of imported tobacco exceeding pesticide residue standards.**

Within 10 days of the receipt of test results from pesticide test samples, the Director shall notify the importer or entity responsible for the lot of tobacco of the test results. If the test results indicate that the lot or any portion of the lot contains prohibited pesticide residues, the Director will notify the importer or entity responsible for the affected tobacco and the appropriate U.S. Customs officials that the tobacco cannot enter the United States. The importer or other entity shall notify the Director in writing of the methods by which the tobacco will be disposed of and provide 5 days advance notice of time and place of final disposition. The Department will monitor the disposition procedures to verify that the tobacco has been accurately identified as to lot, kind, type, and grade.

[54 FR 24663, June 9, 1989]

**§ 29.430 Appeals.**

Appeals of test results for imported tobacco must be made in writing to the Director within 30 days from the receipt of notification. The statement

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must specify in detail the relief requested. The importer or entity requesting the appeal will bear the cost of any subsequent sampling and testing. Subsequent samples will be selected only from tobacco which is in the original package and from tobacco which has not been mixed, blended, or altered in any manner since the initial sampling.

[51 FR 30199, Aug. 22, 1986]

### § 29.431 Handling of imported tobacco pending test results.

After an individual shipment of imported flue-cured or burley tobacco has been sampled, regardless of whether it is certified as being free from prohibited pesticide residues, it must be kept in the original packages, and not be mixed, blended, manipulated, or altered in any manner, or moved, shipped, or transported from the point of entry until it has been determined that the tobacco does not contain prohibited pesticide residues.

[54 FR 24663, June 9, 1989]

### § 29.500 Fees and charges for inspection and acceptance of imported tobacco.

(a) The fee for inspection of imported tobacco is \$.0099 per kilogram and shall be paid by the importer. This inspection fee applies to all tobacco imported into the United States except as provided in § 29.400. Fees for services rendered shall be remitted by check or draft in accordance with a statement issued by the Director, and shall be made payable to "Agricultural Marketing Service."

(b) The fee for sampling, accepting, and certification of imported flue-cured and burley tobacco for prohibited pesticide residues is \$.0077 per kilogram and shall be paid by the importer.

(c) The fee for accepting imported flue-cured and burley tobacco not accompanied by a certification that it is free of prohibited pesticide residues shall be an additional \$.0077 per kilogram. The minimum fee assessed pursuant to this paragraph shall be \$162.00 per lot. Fees for services rendered shall be remitted by check or draft in accordance with a statement issued by the Director, and shall be made pay-

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able to "Agricultural Marketing Service."

[56 FR 34003, July 25, 1991, as amended at 58 FR 42413, Aug. 9, 1993]

### Subpart C—Standards

OFFICIAL STANDARD GRADES FOR FLUE-CURED TOBACCO (U.S. TYPES 11, 12, 13, 14 AND FOREIGN TYPE 92)

AUTHORITY: 7 U.S.C. 511b, 511m, and 511r.

SOURCE: 42 FR 21092, Apr. 25, 1977, unless otherwise noted.

#### DEFINITIONS

##### § 29.1001 Definitions.

As used in these standards, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

##### § 29.1002 Body.

The thickness and density of a leaf or the weight per unit of surface. (See Elements of Quality Chart.)

##### § 29.1003 Class.

A major division of tobacco based on method of cure or principal usage.

##### § 29.1004 Clean.

Tobacco is described as clean when it contains only a normal amount of sand or soil particles. Leaves grown on the lower position of the stalk normally contain more sand or dirt than those from higher stalk positions. (See Rule 4.)

##### § 29.1005 Color.

The third factor of a grade based on the relative hues, saturations or chromas, and color values common to the type.

##### § 29.1006 Color intensity.

The varying degree of saturation or chroma. Color intensity as applied to tobacco describes the strength or weakness of a specific color or hue. (See Elements of Quality Chart.)

##### § 29.1007 Color symbols.

As applied to flue-cured tobacco, color symbols are L—lemon, F—orange, FR—orange red, R—red, V—

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greenish, K—variegated, KR—variegated red or scorched, G—green, GR—green red, GK—green variegated (may be scorched), GG—gray green, KL—variegated lemon, KF—variegated orange, KV—variegated greenish, KM—variegated (scorched) mixed, KD—variegated dark red, and LL—whitish-lemon.

[48 FR 29670, June 28, 1983]

### § 29.1008 Combination symbols.

A color or group symbol used with another symbol to form the third factor of a grademark to denote a particular side or characteristic of the tobacco. As applied to flue-cured tobacco, the combination symbols are XL—lug side, PO—oxidized primings, XO—oxidized lugs or cutters, BO—oxidized leaf or smoking leaf, GL—thin-bodied nondescript, GF—medium-bodied nondescript, LP—lemon (primings side), and FP—orange (primings side), KK—excessively scorched.

[48 FR 29671, June 28, 1983, as amended at 51 FR 25027, July 10, 1986]

### § 29.1009 Condition.

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are: Undried, air-dried, steam-dried, sweating, sweated, and aged.

### § 29.1010 Crude.

A subdegree of maturity. Crude leaves are usually hard and slick as a result of extreme immaturity. A similar condition may result from fire-kill, sunburn, or sunscald. Any leaf which is crude to the extent of 20 percent or more of its surface may be described as crude. (See Rule 20.)

### § 29.1011 Cured.

Tobacco dried of its sap by either natural or artificial processes.

### § 29.1012 Damage.

The effect of mold, must, rot, black rot, or other fungus or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must, or rot is considered damaged. (See Rule 21.)

### § 29.1013 Dirty.

The state of tobacco containing moderate to excessive amounts of dirt or sand, or tobacco to which additional quantities of dirt or sand have been added. (See Rule 24.)

### § 29.1014 Elasticity.

The flexible, springy nature of the tobacco leaf to recover approximately its original size and shape after it has been stretched.

### § 29.1015 Elements of quality.

Elements of quality and the degrees used in the specifications of the Official Standard Grades for Flue-cured, U.S. Types 11–14, and Foreign Type 92 are shown in chart form. Words have been selected to describe the degrees of each element.

[42 FR 21092, Apr. 25, 1977, as amended at 49 FR 16755, Apr. 20, 1984]

### § 29.1016 Excessively scorched.

As applied to flue-cured tobacco, the combination symbol “KK” when used as the third factor of a grademark denotes that a lot contains over 50 percent of unripe tobacco.

[51 FR 25027, July 10, 1986]

### § 29.1017 Finish.

The reflectance factor in color perception. Finish indicates the sheen or shine of the surface of a tobacco leaf.

[42 FR 21092, Apr. 25, 1977. Redesignated at 51 FR 25027, July 10, 1986]

### § 29.1018 Fire-killed.

Any leaf of which 5 percent or more of its surface has a set green color caused by excessive heat in the curing process. Any lot containing 5 percent or more of such tobacco may be described as fire-killed. (See Rule 23.)

[42 FR 21092, Apr. 25, 1977. Redesignated at 51 FR 25027, July 10, 1986]

### § 29.1019 Flue-cured.

Tobacco cured under artificial atmospheric conditions by a process of regulating the heat and ventilation without allowing smoke or fumes from the fuel to come in contact with the tobacco; or tobacco cured by some other

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process which accomplishes the same results.

[42 FR 21092, Apr. 25, 1977. Redesignated at 51 FR 25027, July 10, 1986]

## § 29.1020 Foreign matter.

Any extraneous substance or material such as straw, strings, rubber bands, grass, weeds, or an excessive amount of dirt or sand. (See Rule 24.)

[42 FR 21092, Apr. 25, 1977. Redesignated at 51 FR 25027, July 10, 1986]

## § 29.1021 Form.

The stage or preparation of tobacco such as stemmed or unstemmed.

[42 FR 21092, Apr. 25, 1977. Redesignated at 51 FR 25027, July 10, 1986]

## § 29.1022 Grade.

A subdivision of a type according to group, quality, and color.

[42 FR 21092, Apr. 25, 1977. Redesignated at 51 FR 25027, July 10, 1986]

## § 29.1023 Grademark.

A grademark normally consists of three symbols which indicate group, quality, and color. A letter is used to indicate group, a number to indicate quality, and a letter or letters to indicate color. For example, B3F means Leaf, good quality, orange color.

[42 FR 21092, Apr. 25, 1977. Redesignated at 51 FR 25027, July 10, 1986]

## § 29.1024 Green (G).

A color term applied to immature or crude tobacco. Any leaf which has a green color affecting 20 percent or more of its surface may be described as green. (See Rule 19.)

[42 FR 21092, Apr. 25, 1977. Redesignated at 51 FR 25027, July 10, 1986]

## § 29.1025 Greenish (V).

A color term applied to greenish-tinged tobacco. Any leaf which has a greenish tinge or a pale green color affecting 20 percent or more of its surface may be described as greenish. (See Rule 18.)

[42 FR 21092, Apr. 25, 1977. Redesignated at 51 FR 25027, July 10, 1986]

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## § 29.1026 Group.

A division of a type covering closely related grades based on certain characteristics which are related to stalk position, body, or the general quality of the tobacco. Groups in Flue-cured, U.S. Types 11-14, and Foreign Type 92 are: Leaf (B), Smoking Leaf (H), Cutters (C), Lugs (X), Primings (P) Mixed (M), Nondescript (N), and Scrap (S).

[52 FR 28533, July 31, 1987]

## § 29.1027 Injury.

Hurt or impairment from any cause except the fungus or bacterial diseases which attack tobacco in its cured state, but which is not serious enough to be classified as waste. (See definitions of Damage and Waste; see also Rule 14.)

[42 FR 21092, Apr. 25, 1977. Redesignated at 51 FR 25027, July 10, 1986]

## § 29.1028 Leaf.

Whole, unstemmed leaf. Leaf, when applied to tobacco in strip form, shall describe the divided unit of a whole leaf.

[49 FR 16755, Apr. 20, 1984. Redesignated at 51 FR 25027, July 10, 1986]

## § 29.1029 Leaf scrap.

A byproduct of stemmed and unstemmed tobacco.

[42 FR 21092, Apr. 25, 1977. Redesignated at 49 FR 16755, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

## § 29.1030 Leaf structure.

The cell development of a leaf as indicated by its porosity. (See Elements of Quality Chart.)

[42 FR 21092, Apr. 25, 1977. Redesignated at 49 FR 16755, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

## § 29.1031 Lemon (L).

Yellow.

[42 FR 21092, Apr. 25, 1977. Redesignated at 49 FR 16755, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

## § 29.1032 Length.

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip. Length, as an

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element of quality, does not apply to tobacco in strip form.

[42 FR 21092, Apr. 25, 1977. Redesignated and amended at 49 FR 16755, Apr. 20, 1984, and further redesignated at 51 FR 25027, July 10, 1986]

### § 29.1033 Lot.

A pile, basket, bulk, or more than one bale, case, hogshead, tierce, package, or other definite package unit.

[42 FR 21092, Apr. 25, 1977. Redesignated at 49 FR 16755, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

### § 29.1034 Maturity.

The degree of ripeness. (See Elements of Quality Chart.)

[42 FR 21092, Apr. 25, 1977. Redesignated at 49 FR 16755, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

### § 29.1035 Mixed color (KM).

Distinctly different colors of the type mingled together. (See Rule 16.)

[42 FR 21092, Apr. 25, 1977. Redesignated at 49 FR 16755, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

### § 29.1036 Mixed Group (M).

This group consists of tobacco from three or more groups or two distinctly different groups which are mixed together in various combinations.

[49 FR 16755, Apr. 20, 1984. Redesignated at 51 FR 25027, July 10, 1986]

### § 29.1037 Nested.

Any lot of Types 11-14 tobacco which has been loaded, packed or arranged to conceal tobacco of inferior grade, quality or condition. Nested includes: (a) Any lot of tobacco which contains injured or other inferior tobacco, any of which cannot be readily detected upon inspection because of the way the lot is packed or arranged; (b) Any lot of tobacco which consists of distinctly different grades, qualities or conditions and which is stacked or arranged with the same kinds together so that the tobacco in the lower portions of the lot is distinctly inferior in grade, quality or condition from the tobacco in the top portion of the lot.

[52 FR 28534, July 31, 1987]

### § 29.1038 No-G.

A designation applied to a lot of tobacco which is offtype, semicured, fire-killed, smoked, oxidized over 10 percent, or has an odor foreign to the type. (See Rule 23.)

[47 FR 51721, Nov. 17, 1982. Redesignated at 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

### § 29.1039 No-G-F.

A designation applied to a lot of tobacco that contains stalks, suckers, or foreign matter. (See Rule 24.)

[42 FR 21092, Apr. 25, 1977. Redesignated at 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

### § 29.1040 No-G-Nested.

A designation applied to a lot of Types 11-14 tobacco which is classified as nested. (See Rule 27.)

[47 FR 51721, Nov. 17, 1982. Redesignated at 48 FR 29671, June 28, 1983. Redesignated and amended at 49 FR 16756, Apr. 20, 1984, and further redesignated at 51 FR 25027, July 10, 1986]

### § 29.1041 Oil.

A soft, semifluid constituent of tobacco. (See Elements of Quality Chart.)

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

### § 29.1042 Offtype.

Tobacco of distinctly different characteristics which cannot be classified as Flue-cured, U.S. Types 11-14 or Foreign Type 92. (See Rule 23.)

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, and at 48 FR 29671, June 28, 1983. Redesignated and amended at 49 FR 16756, Apr. 20, 1984, and further redesignated at 51 FR 25027, July 10, 1986]

### § 29.1043 Orange (F).

A reddish yellow.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

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### § 29.1044 Orange Red (FR).

A yellowish red.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

### § 29.1045 Order (case).

The state of tobacco with respect to its moisture content.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

### § 29.1046 Oxidized (O).

A term applied to tobacco that has deteriorated and turned black during the curing process. Any leaf of which 10 percent or more of its surface has been blackened during the curing process may be described as oxidized. Oxidized tobacco is also known as barn scald or barn rot. (See Rules 23 and 25.)

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

### § 29.1047 Package.

A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

### § 29.1048 Packing.

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspecting. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

### § 29.1049 Papery.

A term used to describe thin-bodied, oilless tobacco usually associated with whitish-lemon color.

[51 FR 25027, July 10, 1986; 51 FR 28687, Aug. 11, 1986]

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### § 29.1050 Prematurity.

A condition of growth and development characteristic of the lower leaves of the tobacco plant. Premature leaves have some appearance of ripeness due to a process of starvation caused by translocation of plant food elements from these leaves to other leaves higher on the stalk.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

### § 29.1051 Quality.

A division of a group or the second factor of a grade based on the relative degree of one or more elements of quality.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

### § 29.1052 Raw.

Tobacco as it appears between the time of harvesting and the beginning of the curing process.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

### § 29.1053 Red (R).

A brownish red.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

### § 29.1054 Semicured.

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, swelled stems, frozen tobacco, frozen stems, or stems that have not been thoroughly dried in the curing process. (See Rule 23.)

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

### § 29.1055 Side.

A certain phase of quality, color, or length as contrasted with some other

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phase of quality, color, or length; or any peculiar characteristic of tobacco.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

### § 29.1056 Slick.

A term used to denote tobacco having a close or tight leaf structure. Any leaf of lemon or orange color of which 20 percent or more of its surface is close or tight may be described as slick. (See Rule 17.)

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

### § 29.1057 Smoked.

Any tobacco affected by smoke or fumes in the curing process. (See Rule 23.)

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

### § 29.1058 Sound.

Free of damage.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

### § 29.1059 Special factor.

A symbol or term authorized to be used with specified grades. Tobacco to which a special factor is applied may meet the general specifications but which has a peculiar side or characteristic which tends to modify the grade. (See Rules 10, 21, 22, 26, 28, 29, and 30.)

[60 FR 36027, July 13, 1995, as amended at 65 FR 46086, July 27, 2000]

### § 29.1060 Steam-dried.

The condition of unfermented tobacco as customarily prepared for storage by means of a redrying machine or other steam-conditioning equipment.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

### § 29.1061 Stem.

The midrib or large central vein of a tobacco leaf.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

### § 29.1062 Stemmed.

A form of tobacco, including strips or strip scrap, from which the stems or midribs have been removed.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

### § 29.1063 Strips.

The sides of a tobacco leaf from which the stem has been removed from a lot of tobacco composed of strips.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

### § 29.1064 Sweated.

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition sometimes is described as aged.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

### § 29.1065 Sweating.

The condition of tobacco in the process of fermentation.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

### § 29.1066 Symbol (S).

As applied to Flue-cured tobacco the symbol (S) when used (a) as the third factor of a grademark, denotes slick, unripe tobacco in lemon or orange color, and (b) when used preceding a grademark, denotes tobacco in strip form. (See Rules 17 and 28.)

[49 FR 16756, Apr. 20, 1984. Redesignated at 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

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### § 29.1067 Tobacco.

Tobacco as it appears between the time it is primed and cured, and the time it enters into the different manufacturing processes. The acts of stemming, threshing, sweating, and conditioning are not regarded as manufacturing processes. Tobacco, as used in these standards, does not include manufactured or semi-manufactured products, stems, cuttings, clippings, trimmings, siftings, or dust.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, and at 48 FR 29671, June 28, 1983. Redesignated and amended at 49 FR 16756, Apr. 20, 1984, and further redesignated at 51 FR 25027, July 10, 1986]

### § 29.1068 Tobacco products.

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

### § 29.1069 Type.

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

### § 29.1070 Type 11.

That type of flue-cured tobacco commonly known as Western Flue-cured or Old Belt and Middle Belt Flue-cured, produced principally in the Piedmont sections of Virginia and North Carolina and the district extending eastward to the coastal plains region. That portion of this type known as Old Belt Flue-cured, normally characterized by a heavier body and darker color shade and produced principally in the Piedmont sections of Virginia and North Carolina, may be classified as Type 11a; and that portion of the type known as

Middle Belt Flue-cured, normally characterized by a thinner body and lighter color shade and produced principally in a section lying between the Piedmont and coastal plains regions of Virginia and North Carolina, may be classified as Type 11b.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

### § 29.1071 Type 12.

That type of flue-cured tobacco commonly known as Eastern Flue-cured or Eastern Carolina Flue-cured, produced principally in the coastal plains section of North Carolina, north of the South River.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

### § 29.1072 Type 13.

That type of flue-cured tobacco commonly known as Southeastern Flue-cured or South Carolina Flue-cured, produced principally in the coastal plains section of South Carolina and the southeastern counties of North Carolina, south of the South River.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

### § 29.1073 Type 14.

That type of flue-cured tobacco commonly known as Southern Flue-cured, produced principally in the southern section of Georgia, in northern Florida, and to some extent in Alabama.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

### § 29.1074 Type 92.

That type of flue-cured tobacco commonly known as Foreign-grown Flue-cured, produced in countries other than the United States.

[49 FR 16756, Apr. 20, 1984. Redesignated at 51 FR 25027, July 10, 1986]

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### § 29.1075 Undried.

The condition of unfermented tobacco which has not been air-dried or steam-dried.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

### § 29.1076 Uniformity.

An element of quality which describes the consistency of a lot of tobacco as it is prepared for market. Uniformity is expressed as a percentage in grade specifications. (See Rule 13.)

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

### § 29.1077 Unsound (U).

Damaged. (See Rule 21.)

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

### § 29.1078 Unstemmed.

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

### § 29.1079 Variegated (K).

Any tobacco that does not blend with the normal colors of the types; any leaf of which 20 percent or more of its surface is grayish, mottled, bleached, doty-faced, scalded, or sunbaked. (See Rule 15.)

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

### § 29.1080 Variegated dark red (KD).

A dark brownish-red discoloration which usually results from excessive sunbaking during the growing process or from storing cured tobacco over extended periods of time. Any leaf of which 20 percent or more of its surface

is dark brownish-red may be described as variegated dark red.

[48 FR 29671, June 28, 1983. Redesignated at 49 FR 16756, Apr. 20, 1984 and 51 FR 25027, July 10, 1986]

### § 29.1081 Variegated red or scorched (KR).

A red discoloration which usually results from excessive heat in the curing process. Any leaf of which 20 percent or more of its surface has been reddened in the curing process may be described as variegated red or scorched. (See Rule 16.)

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

### § 29.1082 Waste.

The portion or portions of the web of tobacco leaves which have been lost or rendered less serviceable for use in tobacco products, including:

(a) Portions which have decomposed or largely decomposed by field diseases and field-firing, pole-burning, bulk-burning; (b) portions which are dead, lifeless, and do not have sufficient strength or stability to hold together in the normal manufacturing process due to excessive injury of any kind.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

### § 29.1083 Wet (W).

Any sound tobacco containing excessive moisture to the extent that it is in unsafe or doubtful-keeping order. Wet applies to any tobacco which is not damaged but which is likely to damage if treated in the customary manner. (See Rule 22.)

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

### § 29.1084 Whitish-lemon (LL).

A whitish-yellow color which usually results during wet growing seasons when rain leaches or washes out the yellow color from the leaf. Any leaf of

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which 20 percent or more of its leaf surface has whitish-yellow color may be described as whitish-lemon.

[48 FR 29671, June 28, 1983. Redesignated at 49 FR 16756, Apr. 20, 1984 and 51 FR 25027, July 10, 1986]

**§ 29.1085 Width.**

The relative breadth of a tobacco leaf expressed in relation to its length. Width, as an element of quality, does not apply to tobacco in strip form. (See Elements of Quality Chart.)

Elements			Degrees		
Maturity .....	Immature .....	Unripe .....	Mature .....	Ripe .....	Mellow.
Leaf structure .....	Tight .....	Close .....	Firm .....	Open.	
Body .....	Heavy .....	Fleshy .....	Medium .....	Thin.	
Oil .....	Lean .....	Oily .....	Rich.		
Color intensity .....	Pale .....	Weak .....	Moderate .....	Strong .....	Deep.
Width .....	Stringy .....	Narrow .....	Normal .....	Spready.	
Length .....		( <sup>1</sup> ) .....	( <sup>1</sup> ) .....	( <sup>1</sup> ) .....	
Uniformity .....		( <sup>2</sup> ) .....	( <sup>2</sup> ) .....	( <sup>2</sup> ) .....	
Injury tolerance .....		( <sup>2</sup> ) .....	( <sup>2</sup> ) .....	( <sup>2</sup> ) .....	
Waste tolerance .....		( <sup>2</sup> ) .....	( <sup>2</sup> ) .....	( <sup>2</sup> ) .....	

<sup>1</sup> Expressed in inches.  
<sup>2</sup> Expressed in percentage.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, and at 48 FR 29671, June 28, 1983. Redesignated and amended at 49 FR 16756, Apr. 20, 1984, and further redesignated at 51 FR 25027, July 10, 1986]

**ELEMENTS OF QUALITY**

**§ 29.1101 Elements of quality and degrees of each element.**

These standardized words or terms are used to describe tobacco quality and to assist in interpreting grade specifications. Tobacco attributes or characteristics which constitute quality are designated as elements of quality. The range within each element is expressed by the use of words or terms designated as degrees. These several degrees are arranged to show their relative value, but the actual value of each degree varies with group.

**RULES**

**§ 29.1106 Rules.**

The application of these official standard grades shall be in accordance with the following rules.

**§ 29.1107 Rule 1.**

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

**§ 29.1108 Rule 2.**

The determination of a grade shall be based upon a thorough examination of a lot of tobacco or of an official sample of the lot.

**§ 29.1109 Rule 3.**

In drawing an official sample from a hogshead or other package of tobacco, three or more breaks shall be made at such points and in such manner as the inspector or sampler may find necessary to determine the kinds of tobacco and the percentage of each kind contained in the lot. All breaks shall be made so that the tobacco contained in the center of the package is visible to the sampler, except for baled tobacco that is not opened for inspection (see Rule 30). Tobacco shall be drawn from at least three breaks from which a representative sample shall be selected. The sample shall include tobacco of each different group, quality, color, length, and kind found in the lot in proportion to the quantities of each contained in the lot.

[65 FR 46086, July 27, 2000]

**§ 29.1110 Rule 4.**

All standard grades must be clean unless otherwise noted by a special factor.

**§ 29.1111 Rule 5.**

The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot of tobacco does not

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comply with the specifications of the grade previously assigned, it shall not thereafter be represented as such grade.

**§ 29.1112 Rule 6.**

A lot of tobacco on the marginal line between two colors shall be placed in the color with which it best corresponds with respect to body or other associated elements of quality.

**§ 29.1113 Rule 7.**

Any lot of tobacco which meets the specifications of two grades shall be placed in the higher grade. Any lot of tobacco on the marginal line between two grades shall be placed in the lower grade.

**§ 29.1114 Rule 8.**

A lot of tobacco meets the specifications of a grade when it is not lower in any degree of any element of quality than the minimum specifications of such grade.

**§ 29.1115 Rule 9.**

The use of any grade may be restricted by the Director during any marketing season when it is found that the grade is not needed or appears in insufficient volume to justify its use.

**§ 29.1116 Rule 10.**

Any special factor approved by the Director of the Tobacco Division, Agricultural Marketing Service, may be used to show a peculiar side or characteristic of the tobacco which tends to modify the grade.

[42 FR 21092, Apr. 25, 1977, as amended at 49 FR 16756, Apr. 20, 1984]

**§ 29.1117 Rule 11.**

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Marketing Programs Branch and approved by the Director.

**§ 29.1118 Rule 12.**

In determining the grade of a lot of tobacco, the lot as a whole shall be considered. Minor irregularities which do not affect over one percent of the tobacco shall be overlooked.

**§ 29.1119 Rule 13.**

Degrees of uniformity shall be expressed in terms of percentages. The percentages shall govern the portion of a lot which must meet the specifications of the grade. (These percentages shall not affect limitations established by other rules.) The minor portion must be closely related, but may be of a different group, quality, and color from the major portion.

**§ 29.1120 Rule 14.**

The application of injury tolerance as an element of quality shall be expressed in terms of a percentage. The appraisal of injury shall be based upon the percentage of affected leaf surface or the degree of injury. In appraising injury, consideration shall be given to the normal characteristics of the group as related to injury.

**§ 29.1121 Rule 15.**

Any lot of tobacco containing 20 percent or more of variegated tobacco other than variegated red or scorched shall be described as variegated and designated by the color symbol "K," "KL," "KF," "KD," or "KV."

[42 FR 21092, Apr. 25, 1977, as amended at 48 FR 29671, June 28, 1983]

**§ 29.1122 Rule 16.**

Any lot of ripe tobacco which contains 20 percent or more of variegated red or scorched tobacco shall be designated by the color symbol "KR." Any lot of unripe tobacco which is under 20 percent greenish or green but which contains 20 percent or more of scorched tobacco, or any lot of tobacco which contains 20 percent or more of a color distinctly different from the major color shall be classified as mixed color and designated by the color symbol "KM". Any lot of unripe tobacco in the C, or B groups which is under 20 percent greenish or green but which contains 50 percent or more of scorched tobacco shall be classified as excessively scorched and designated by the combination symbol "KK".

[42 FR 21092, Apr. 25, 1977, as amended at 51 FR 25028, July 10, 1986]

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**§ 29.1123 Rule 17.**

Any lot of lemon, or orange colored tobacco containing over 20 percent of slick tobacco shall be designated by the symbol "S" in the X, C, or B groups.

**§ 29.1124 Rule 18.**

Any lot of mature tobacco in lemon or orange color containing 20 percent or more of greenish tobacco, or any lot which is not green but which contains 20 percent or more of greenish and green tobacco combined shall be designated by the color symbol "V."

**§ 29.1125 Rule 19.**

Any lot of tobacco containing 20 percent or more of green tobacco, or any lot which is not crude but contains 20 percent or more of green and crude combined shall be designated by the color symbols "G," "GR," "GK," "GG," or the combination symbols "GL," or "GF."

**§ 29.1126 Rule 20.**

Crude tobacco shall not be included in any grade of any color except green, green red, green variegated, gray green, or the combination symbols "GL," or "GF" in the nondescript group. Any lot containing 20 percent or more of crude tobacco shall be classified as nondescript.

**§ 29.1127 Rule 21.**

Damaged tobacco which otherwise meets the specifications of a grade shall be treated as a special factor grade by placing the special factor "U" after the grademark.

**§ 29.1128 Rule 22.**

Sound tobacco that is wet or in doubtful-keeping order but which otherwise meets the specifications of a grade shall be treated as a special factor grade by placing the special factor "W" after the grademark.

**§ 29.1129 Rule 23.**

Tobacco shall be designated by the grademark "No-G," when it is offtype, semicured, fire-killed, smoked, oxidized over 10 percent, has an odor foreign to the type, or is packed in bales which are not approximately 42

inches wide × 42 inches high × 40 inches long.

[65 FR 46086, July 27, 2000]

**§ 29.1130 Rule 24.**

Tobacco shall be designated by the grademark, "No-G-F," when it contains stalks, suckers, or foreign matter such as straw, strings, rubber bands, grass, weeds, or an excessive amount of dirt or sand.

**§ 29.1131 Rule 25.**

Any lot of tobacco containing 10 percent or less of oxidized tobacco, except as provided in rule 12, shall be designated by the combination symbols "PO," "XO," or "BO." Crude or green tobacco containing 10 percent or less of oxidized shall be grade "N2."

**§ 29.1132 Rule 26.**

Tobacco that contains a moderate amount of dirt or sand, but which otherwise meets the specifications of any Primings grade, including the first quality Nondescript from the Primings group, shall be designated by placing the special factor, "dirt" or "sand" after the grademark.

**§ 29.1133 Rule 27.**

Tobacco in Types 11-14 shall be designated by the grademark "No-G-Nested" when it is nested.

[47 FR 51721, Nov. 17, 1982, as amended at 49 FR 16756, Apr. 20, 1984]

**§ 29.1134 Rule 28.**

Tobacco in strip form which otherwise meets the specifications of a grade shall be treated as a special factor grade by placing the special factor "S" preceding the grademark.

[49 FR 16756, Apr. 20, 1984]

**§ 29.1135 Rule 29.**

Any lot of tobacco containing 25 percent or more of an adjacent group, which otherwise meets the specifications of a grade shall be treated as a special factor grade by placing the special factor "M" preceding the grademark.

[60 FR 36028, July 13, 1995]

**§ 29.1136 Rule 30.**

Any lot of baled tobacco that is not opened for inspection but which otherwise meets the specifications of a grade shall be graded by the exterior only.

[65 FR 46086, July 27, 2000]

GRADES

**§ 29.1161 [Reserved]**

**§ 29.1162 Leaf (B Group).**

This group consists of leaves normally grown at or above the midportion of the stalk. Leaves of the B group have a pointed tip, tend to fold, usually are heavier in body than the other groups, and show little or no ground injury.

*Grades, Grade Names, Minimum Specifications, and Tolerances*

**B1L—Choice Quality Lemon Leaf**

Ripe, firm leaf structure, medium body, rich in oil, deep color intensity, spready, 20 inches or over in length. Uniformity, 90 percent; injury tolerance, 5 percent.

**B2L—Fine Quality Lemon Leaf**

Ripe, firm leaf structure, medium body, rich in oil, deep color intensity, normal width, 18 inches or over in length. Uniformity, 85 percent; injury tolerance, 10 percent.

**B3L—Good Quality Lemon Leaf**

Ripe, firm leaf structure, medium body, oily, strong color intensity, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

**B4L—Fair Quality Lemon Leaf**

Ripe, firm leaf structure, medium body, only, moderate color intensity, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

**B5L—Low Quality Lemon Leaf**

Ripe, firm leaf structure, medium body, lean in oil, weak color intensity, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

**B6L—Poor Quality Lemon Leaf**

Ripe, firm leaf structure, medium body, lean in oil, weak color intensity, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

**B1F—Choice Quality Orange Leaf**

Ripe, firm leaf structure, fleshy, rich in oil, deep color intensity, spready, 20 inches or over in length. Uniformity, 90 percent; injury tolerance, 5 percent.

**B2F—Fine Quality Orange Leaf**

Ripe, firm leaf structure, fleshy, rich in oil, deep color intensity, normal width, 18

inches or over in length. Uniformity, 85 percent; injury tolerance, 10 percent.

**B3F—Good Quality Orange Leaf**

Ripe, firm leaf structure, fleshy, oily, strong color intensity, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

**B4F—Fair Quality Orange Leaf**

Ripe, firm leaf structure, fleshy, oily, moderate color intensity, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

**B5F—Low Quality Orange Leaf**

Ripe, firm leaf structure, fleshy, lean in oil, weak color intensity, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

**B6F—Poor Quality Orange Leaf**

Ripe, firm leaf structure, fleshy, lean in oil, weak color intensity, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

**B1FR—Choice Quality Orange Red Leaf**

Ripe, firm leaf structure, fleshy, rich in oil, deep color intensity, spready, 20 inches or over in length. Uniformity, 90 percent; injury tolerance, 5 percent.

**B2FR—Fine Quality Orange Red Leaf**

Ripe, firm leaf structure, fleshy, rich in oil, deep color intensity, normal width, 18 inches or over in length. Uniformity, 85 percent; injury tolerance, 10 percent.

**B3FR—Good Quality Orange Red Leaf**

Ripe, firm leaf structure, fleshy, oily, strong color intensity, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

**B4FR—Fair Quality Orange Red Leaf**

Ripe, firm leaf structure, fleshy, oily, moderate color intensity, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

**B5FR—Low Quality Orange Red Leaf**

Ripe, firm leaf structure, fleshy, lean in oil, weak color intensity, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

**B6FR—Poor Quality Orange Red Leaf**

Ripe, firm leaf structure, fleshy, lean in oil, weak color intensity, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

**B5R—Low Quality Red Leaf**

Ripe, firm leaf structure, heavy, lean in oil, weak color intensity, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

**B3K—Good Quality Variegated Leaf**

Ripe, firm leaf structure, fleshy, oily, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

**B4K—Fair Quality Variegated Leaf**

Ripe, firm leaf structure, fleshy, lean in oil, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

**B5K—Low Quality Variegated Leaf**

Ripe, firm leaf structure, fleshy, lean in oil, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

**B6K—Poor Quality Variegated Leaf**

Ripe, firm leaf structure, fleshy, lean in oil, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

**B3KR—Good Quality Variegated Red or Scorched Leaf**

Ripe, firm leaf structure, fleshy, oily, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance 15 percent.

**B4KR—Fair Quality Variegated Red or Scorched Leaf**

Ripe, firm leaf structure, fleshy, lean in oil, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

**B5KR—Low Quality Variegated Red or Scorched Leaf**

Ripe, firm leaf structure, fleshy, lean in oil, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

**B3V—Good Quality Greenish Leaf**

Mature, firm leaf structure, fleshy, oily, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance 15 percent.

**B4V—Fair Quality Greenish Leaf**

Mature, firm leaf structure, fleshy, oily, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

**B5V—Low Quality Greenish Leaf**

Mature, firm leaf structure, fleshy, lean in oil, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

**B3KL—Good Quality Variegated Lemon Leaf**

Unripe, close leaf structure, heavy, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

**B4KL—Fair Quality Variegated Lemon Leaf**

Unripe, close leaf structure, heavy, normal width. Uniformity, 70 percent; injury tolerance 20 percent of which not over 5 percent may be waste.

**B5KL—Low Quality Variegated Lemon Leaf**

Unripe, tight leaf structure, heavy, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

**B6KL—Poor Quality Variegated Lemon Leaf**  
Unripe, tight leaf structure, heavy, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

**B3KF—Good Quality Variegated Orange Leaf**

Unripe, close leaf structure, heavy, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

**B4KF—Fair Quality Variegated Orange Leaf**

Unripe, close leaf structure, heavy, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

**B5KF—Low Quality Variegated Orange Leaf**

Unripe, tight leaf structure, heavy, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

**B6KF—Poor Quality Variegated Orange Leaf**

Unripe, tight leaf structure, heavy, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

**B3KD—Good Quality Variegated Dark Red Leaf**

Unripe, close leaf structure, heavy, normal width, 16 inches (40.6 cm) or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

**B4KD—Quality Variegated Dark Red Leaf**

Unripe, close leaf structure, heavy, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

**B5KD—Low Quality Variegated Dark Red Leaf**

Unripe, tight leaf structure, heavy, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

**B6KD—Poor Quality Variegated Dark Red Leaf**

Unripe, tight leaf structure, heavy, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

**B3KM—Good Quality Variegated Mixed Leaf**

Unripe, close leaf structure, heavy, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

**B4KM—Fair Quality Variegated Mixed Leaf**

Unripe, close leaf structure, heavy, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

**B5KM—Low Quality Variegated Mixed Leaf**

Unripe, tight leaf structure, heavy, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

**B6KM—Poor Quality Variegated Mixed Leaf**

Unripe, tight leaf structure, heavy, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

**B3KK Good Quality Excessively Scorched Leaf**

Unripe, close leaf structure, heavy, normal width, 16 inches (40.6 cm) or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

**B4KK Fair Quality Excessively Scorched Leaf**

Unripe, close leaf structure, heavy, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

**B5KK Low Quality Excessively Scorched Leaf**

Unripe, tight leaf structure, heavy, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

**B6KK Poor Quality Excessively Scorched Leaf**

Unripe, tight leaf structure, heavy, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

**B4KV—Fair Quality Variegated Greenish Leaf**

Unripe, firm leaf structure, medium body, normal width. Uniformity, 70 percent; tolerance, 25 percent waste.

**B5KV—Low Quality Variegated Greenish Leaf**

Unripe, firm leaf structure, medium body, narrow. Uniformity, 70 percent; tolerance, 30 percent waste.

**B6KV—Poor Quality Variegated Greenish Leaf**

Unripe, firm leaf structure, medium body, stringy. Uniformity, 70 percent; tolerance, 40 percent waste.

**B3S—Good Quality Slick Leaf**

Unripe, close leaf structure, fleshy, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

**B4S—Fair Quality Slick Leaf**

Unripe, close leaf structure, fleshy, normal width. Uniformity, 70 percent; injury tolerance, 20 percent, of which not over 5 percent may be waste.

**B5S—Low Quality Slick Leaf**

Unripe, tight leaf structure, fleshy, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

**B4G—Fair Quality Green Leaf**

Immature, close leaf structure, fleshy, oily, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

**B5G—Low Quality Green Leaf**

Immature, tight leaf structure, fleshy, lean in oil, narrow. Uniformity, 70 percent; injury

tolerance 30 percent, of which not over 10 percent may be waste.

**B6G—Poor Quality Green Leaf**

Immature, tight leaf structure, fleshy, lean in oil, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

**B5GR—Low Quality Green Red Leaf**

Immature, tight leaf structure, heavy, lean in oil, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

**B4GK—Fair Quality Green Variegated Leaf**

Immature, close leaf structure, heavy, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

**B5GK—Low Quality Green Variegated Leaf**

Immature, tight leaf structure, heavy, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

**B6GK—Poor Quality Green Variegated Leaf**

Immature, tight leaf structure, heavy, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

**B5GG—Low Quality Gray Green Leaf**

Immature, tight leaf structure, heavy, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

[42 FR 21092, Apr. 25, 1977, as amended at 48 FR 29671, June 28, 1983; 49 FR 16756, Apr. 20, 1984; 51 FR 25028, July 10, 1986]

**§ 29.1163 Smoking Leaf (H Group).**

This group consists of leaves normally grown at or above the midportion of the stalk. Leaves of the H group show a high degree of maturity, more open leaf structure in relation to the B Group, and a material amount of injury characteristic of very ripe leaf tobacco.

*Grades, Grade Names, Minimum Specifications, and Tolerances*

**H3F—Good Quality Orange Smoking Leaf**

Mellow, open leaf structure, medium body, lean in oil, strong color intensity, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

**H4F—Fair Quality Orange Smoking Leaf**

Mellow, open leaf structure, medium body, lean in oil, moderate color intensity, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

**H5F—Low Quality Orange Smoking Leaf**

Mellow, open leaf structure, medium body, lean in oil, weak color intensity, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

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H6F—Poor Quality Orange Smoking Leaf

Mellow, open leaf structure, medium body, lean in oil, weak color intensity, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

H4FR—Fair Quality Orange Red Smoking Leaf

Mellow, open leaf structure, fleshy, lean in oil, moderate color intensity, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

H5FR—Low Quality Orange Red Smoking Leaf

Mellow, open leaf structure, fleshy, lean in oil, weak color intensity, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

H6FR—Poor Quality Orange Red Smoking Leaf

Mellow, open leaf structure, medium body, lean in oil, weak color intensity, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

H4K—Fair Quality Variegated Smoking Leaf

Mellow, open leaf structure, medium body, lean in oil, moderate color intensity, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

H5K—Low Quality Variegated Smoking Leaf

Mellow, open leaf structure, medium body, lean in oil, weak color intensity, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

H6K—Poor Quality Variegated Smoking Leaf

Mellow, open leaf structure, medium body, lean in oil, weak color intensity, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

§ 29.1164 Cutters (C Group).

This group consists of leaves normally grown at or just below the midportion of the stalk. Leaves of the C group have a tendency to roll concealing the stem or midrib. Cutters usually have a rounded tip, are thin to medium in body, and show some ground injury.

*Grades, Grade Names, Minimum Specifications, and Tolerances*

C1L—Choice Quality Lemon Cutters

Ripe, open leaf structure, medium body, oily, deep color intensity, spready, 20 inches or over in length. Uniformity, 90 percent, injury tolerance, 5 percent.

C2L—Fine Quality Lemon Cutters

Ripe, open leaf structure, thin, oily, deep color intensity, spready, 20 inches or over in length. Uniformity, 85 percent; injury tolerance, 10 percent.

C3L—Good Quality Lemon Cutters

Ripe, open leaf structure, thin, oily, strong color intensity, spready, 18 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

C4L—Fair Quality Lemon Cutters

Ripe, open leaf structure, thin, lean in oil, moderate color intensity, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

C5L—Low Quality Lemon Cutters

Ripe, open leaf structure, thin, lean in oil, weak color intensity, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

C4LL—Fair Quality Whitish-Lemon Cutters

Unripe, firm leaf structure, thin (papery), lean in oil, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

C5LL—Low Quality Whitish-Lemon Cutters

Unripe, firm leaf structure, thin (papery), lean in oil, normal width, 16 inches (40.6 cm) or over in length. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

C5LP—Low Quality Lemon Cutters (Primings Side)

Prematurely ripe, open leaf structure, thin, lean in oil, pale color intensity, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

C1F—Choice Quality Orange Cutters

Ripe, open leaf structure, medium body, oily, deep color intensity, spready, 20 inches or over in length. Uniformity, 90 percent; injury tolerance, 5 percent.

C2F—Fine Quality Orange Cutters

Ripe, open leaf structure, medium body, oily, deep color intensity, spready, 20 inches or over in length. Uniformity, 85 percent; injury tolerance, 10 percent.

C3F—Good Quality Orange Cutters

Ripe, open leaf structure, medium body, oily, strong color intensity, spready, 18 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

C4F—Fair Quality Orange Cutters

Ripe, open leaf structure, medium body, lean in oil, moderate color intensity, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

C5F—Low Quality Orange Cutters

Ripe, open leaf structure, medium body, lean in oil, weak color intensity, normal

width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

**C5FP—Low Quality Orange Cutters (Primings Side)**

Prematurely ripe, open leaf structure, medium body, lean in oil, pale color intensity, normal width, 16 inches or over length. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

**C4KR—Fair Quality Variegated Red or Scorched Cutters**

Ripe, open leaf structure, medium body, lean in oil, moderate color intensity, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

**C4V—Fair Quality Greenish Cutters**

Mature, open leaf structure, medium body, lean in oil, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

**C4KL—Fair Quality Variegated Lemon Cutters**

Unripe, close leaf structure, medium body, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

**C4KF—Fair Quality Variegated Orange Cutters**

Unripe, close leaf structure, medium body, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

**C4KM—Fair Quality Variegated Mixed Cutters**

Unripe, close leaf structure, medium body, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

**C4KK—Fair Quality Excessively Scorched Cutters**

Unripe, close leaf structure, medium body, normal width, 16 inches (40.6 cm) or over in length. Uniformity, 70 percent; injury tolerance, 20 percent, of which not over 5 percent may be waste.

**C4S—Fair Quality Slick Cutters**

Unripe, close leaf structure, medium body, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

**C4G—Fair Quality Green Cutters**

Immature, close leaf structure, medium body, lean in oil, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

**C4GK—Fair Quality Green Variegated Cutters**

Immature, close leaf structure, medium body, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

[42 FR 21092, Apr. 25, 1977, as amended at 48 FR 29671, June 28, 1983; 49 FR 16756, Apr. 20, 1984; 51 FR 25028, July 10, 1986]

**§ 29.1165 Lugs (X Group).**

This group consists of leaves normally grown near the bottom of the stalk. Leaves of the X group usually have a blunt tip and open face; they show some ground injury characteristic of the group.

*Grades, Grade Names, Minimum Specifications, and Tolerances*

**X1L—Choice Quality Lemon Lugs**

Ripe, open leaf structure, thin, oily, strong color intensity. Uniformity, 80 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

**X2L—Fine Quality Lemon Lugs**

Ripe, open leaf structure, thin, oily, strong color intensity. Uniformity, 75 percent; injury tolerance 25 percent, of which not over 10 percent may be waste.

**X3L—Good Quality Lemon Lugs**

Ripe, open leaf structure, thin, lean in oil, moderate color intensity. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

**X4L—Fair Quality Lemon Lugs**

Ripe, open leaf structure, thin, lean in oil, weak color intensity. Uniformity, 70 percent; tolerance, 30 percent waste.

**X5L—Low Quality Lemon Lugs**

Ripe, open leaf structure, thin, lean in oil, pale color intensity. Uniformity, 70 percent; tolerance, 40 percent waste.

**X3LL Good Quality Whitish-Lemon Lugs**

Unripe, firm leaf structure, thin (papery), lean in oil. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

**X4LL—Fair Quality Whitish-Lemon Lugs**

Unripe, firm leaf structure, thin (papery), lean in oil. Uniformity, 70 percent; tolerance, 30 percent waste.

**X1F—Choice Quality Orange Lugs**

Ripe, open leaf structure, medium body, oily, strong color intensity. Uniformity, 80 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

**X2F—Fine Quality Orange Lugs**

Ripe, open leaf structure, medium body, oily, strong color intensity. Uniformity, 75 percent; injury tolerance 25 percent, of which not over 10 percent may be waste.

**X3F—Good Quality Orange Lugs**

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Ripe, open leaf structure, medium body, lean in oil, moderate color intensity. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

X4F—Fair Quality Orange Lugs

Ripe, open leaf structure, medium body, lean in oil, weak color intensity. Uniformity, 70 percent; tolerance, 30 percent waste.

X5F—Low Quality Orange Lugs

Ripe, open leaf structure, medium body, lean in oil, pale color intensity. Uniformity, 70 percent; tolerance, 40 percent waste.

X3KR—Good Quality Variegated Red or Scorched Lugs

Ripe, open leaf structure, medium body, lean in oil, moderate color intensity. Uniformity, 70 percent, injury tolerance 40 percent, of which not over 20 percent may be waste.

X4KR—Fair Quality Variegated Red or Scorched Lugs

Ripe, open leaf structure, medium body, lean in oil, weak color intensity. Uniformity, 70 percent; tolerance, 30 percent waste.

X3V—Good Quality Greenish Lugs

Mature, open leaf structure, medium body, lean in oil. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

X4V—Fair Quality Greenish Lugs

Mature, open leaf structure, medium body, lean in oil. Uniformity, 70 percent; tolerance, 30 percent waste.

X4KL—Fair Quality Variegated Lemon Lugs

Unripe, close leaf structure, thin. Uniformity, 70 percent; tolerance, 30 percent waste.

X4KF—Fair Quality Variegated Orange Lugs

Unripe, close leaf structure, medium body. Uniformity, 70 percent; tolerance, 30 percent waste.

X4KV—Fair Quality Variegated Greenish Lugs

Unripe, firm leaf structure, medium body. Uniformity, 70 percent; tolerance, 30 percent waste.

X3KM—Good Quality Variegated Mixed Lugs

Unripe, close leaf structure, medium body. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

X4KM—Fair Quality Variegated Mixed Lugs

Unripe, close leaf structure, medium body. Uniformity, 70 percent; tolerance, 30 percent waste.

X3S—Good Quality Slick Lugs

Unripe, close leaf structure, medium body. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

X4S—Fair Quality Slick Lugs

Unripe, close leaf structure, medium body. Uniformity, 70 percent; tolerance, 30 percent waste.

X4G—Fair Quality Green Lugs

Immature, firm leaf structure, medium body, lean in oil. Uniformity, 70 percent; tolerance, 30 percent waste.

X5G—Low Quality Green Lugs

Immature, firm leaf structure, medium body, lean in oil. Uniformity, 70 percent; tolerance, 40 percent waste.

X4GK—Fair Quality Green Variegated Lugs

Immature, close leaf structure, medium body. Uniformity, 70 percent; tolerance, 30 percent waste.

[42 FR 21092, Apr. 25, 1977, as amended at 48 FR 29671, June 28, 1983; 49 FR 16756, Apr. 20, 1984; 51 FR 25028, July 10, 1986]

§ 29.1166 Primings (P Group).

This group consists of round-tipped leaves from the lowest portion of the stalk. Leaves of the P group ripen prematurely as a result of starvation and show a material amount of injury characteristic of leaves grown close to the ground.

Grades, Grade Names, Minimum Specifications, and Tolerances

P2L—Fine Quality Lemon Primings

Prematurely ripe, open leaf structure, thin, oily, moderate color intensity. Uniformity, 75 percent; injury tolerance 25 percent, of which not over 10 percent may be waste.

P3L—Good Quality Lemon Primings

Prematurely ripe, open leaf structure, thin, lean in oil, weak color intensity. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

P4L—Fair Quality Lemon Primings

Prematurely ripe, open leaf structure, thin, lean in oil, pale color intensity. Uniformity, 70 percent; tolerance, 30 percent waste.

P5L—Low Quality Lemon Primings

Prematurely ripe, open leaf structure, thin, lean in oil, pale color intensity. Uniformity, 70 percent; tolerance, 40 percent waste.

P2F—Fine Quality Orange Primings

Prematurely ripe, open leaf structure, medium body, oily, moderate color intensity. Uniformity, 75 percent; injury tolerance 25 percent, of which not over 10 percent may be waste.

P3F—Good Quality Orange Primings

Prematurely ripe, open leaf structure, medium body, lean in oil, weak color intensity. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

P4F—Fair Quality Orange Primings

Prematurely ripe, open leaf structure, medium body, lean in oil, pale color intensity. Uniformity, 70 percent; tolerance, 30 percent waste.

P5F—Low Quality Orange Primings

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Prematurely ripe, open leaf structure, medium body, lean in oil, pale color intensity. Uniformity, 70 percent; tolerance, 40 percent waste.

### P4G—Fair Quality Green Primings

Immature, firm leaf structure, medium body, lean in oil. Uniformity, 70 percent; tolerance, 30 percent waste.

### P5G—Low Quality Green Primings

Immature, firm leaf structure, medium body, lean in oil. Uniformity, 70 percent; tolerance, 40 percent waste.

[42 FR 21092, Apr. 25, 1977, as amended at 49 FR 16756, Apr. 20, 1984]

### § 29.1167 Mixed (M Group).

This group consists of tobacco from three or more groups or two distinctly different groups which are mixed together in various combinations.

*Grades, Grade Names, Minimum Specifications, and Tolerances*

#### M4F—Fair Quality Mixed Groups

Ripe, firm leaf structure, heavy, lean in oil. Injury tolerance 30 percent, of which not over 10 percent may be waste.

#### M5F—Low Quality Mixed Groups

Ripe, firm leaf structure, heavy, lean in oil. Injury tolerance 40 percent, of which not over 20 percent may be waste.

#### M4KR—Fair Quality Variegated Red or Scorched Mixed Groups

Ripe, firm leaf structure, fleshy, lean in oil. Injury tolerance 30 percent, of which not over 10 percent may be waste.

#### M4KM—Fair Quality Variegated Mixed Groups

Unripe, close leaf structure, heavy. Injury tolerance 30 percent, of which not over 10 percent may be waste.

#### M5KM—Low Quality Variegated Mixed Groups

Unripe, tight leaf structure, heavy. Injury tolerance 40 percent, of which not over 20 percent may be waste.

#### M4GK—Fair Quality Green Variegated Mixed Groups

Immature, close leaf structure, heavy. Injury tolerance 30 percent, of which not over 10 percent may be waste.

#### M5GK—Low Quality Green Variegated Mixed Groups

Immature, tight leaf structure, heavy. Injury tolerance, 40 percent, of which not over 20 percent may be waste.

[49 FR 16756, Apr. 20, 1984]

### § 29.1168 Nondescript (N Group).

Extremely common tobacco which does not meet the minimum specifications or which exceeds the tolerance of the lowest grade of any other group except Scrap.

*Grades, Grade Names, Minimum Specifications, and Tolerances*

#### N1L—

Best Nondescript from the P Group  
Tolerance: 50 percent waste.

#### N1XL—

Best Nondescript from the X Group  
Tolerance: 50 percent waste.

#### N1K—

Best Nondescript from the B or H Groups  
Tolerance: 50 percent injury or waste.

#### N1R—

Best, Heavy, Dark-colored Nondescript from the B Group  
Tolerance: 50 percent injury or waste.

#### N1KV—

Best, Variegated, Medium-bodied Greenish Nondescript from the B Group  
Tolerance: 50 percent waste.

#### N1GL—

Best, Thin, Crude Green Nondescript from the P or X Groups  
Tolerance: 50 percent crude or waste.

#### N1GF—

Best, Fleshy, Medium-colored, Crude Green Nondescript from the B Group  
Tolerance: 50 percent crude, injury or waste.

#### N1GR—

Best, Heavy, Dark-colored, Crude Green Nondescript from the B Group  
Tolerance: 50 percent crude, injury or waste.

#### N1GG—

Best, Crude, Gray Green Nondescript from the B Group  
Tolerance: 50 percent crude, injury or waste.

#### N1PO—

Oxidized Tobacco from the P Group  
Tolerance: 50 percent waste.

#### N1XO—

Oxidized Tobacco from the X or C Groups  
Tolerance: 50 percent waste.

#### N1BO—

Oxidized Tobacco from the B or H Groups  
Tolerance: 50 percent injury or waste.

#### N2—

Poorest Nondescript of any Group or Color  
Tolerance: Over 50 percent crude, injury or waste.

Pursuant to Rule 25, this grade also includes crude or green tobacco containing 10 percent or less of oxidized.

[54 FR 7926, Feb. 24, 1989]

### § 29.1169 Scrap (S Group).

A byproduct of stemmed and unstemmed tobacco. Scrap accumulates from handling tobacco in farm buildings, warehouses, packing and conditioning plants, and stemmeries.

*Grade, Grade Name and Specifications*

S—Scrap. Loose, whole, or broken unstemmed leaves; or the web portion of

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tobacco leaves reduced to scrap by any process.

[42 FR 21092, Apr. 25, 1977, as amended at 49 FR 16756, Apr. 20, 1984]

SUMMARY OF STANDARD GRADES

**§ 29.1181 Summary of standard grades.**

**23 GRADES OF LEAF**

B1L	B1F	B1FR		
B2L	B2F	B2FR		
B3L	B3F	B3FR		B3K
B4L	B4F	B4FR		B4K
B5L	B5F	B5FR	B5R	B5K
B6L	B6F	B6FR		B6K

**10 GRADES OF SMOKING LEAF**

	H3F		
	H4F	H4FR	H4K
	H5F	H5FR	H5K
	H6F	H6FR	H6K

**10 GRADES OF CUTTERS**

C1L		C1F
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**20 GRADES OF VARIEGATED**

B3KL	B3KF	B3KD						
B4KL	B4KF	B4KD	B4KV	C4KL	C4KF	X4KL	X4KF	X4KV
B5KL	B5KF	B5KD	B5KV					
B6KL	B6KF	B6KD	B6KV					

**7 MIXED GRADES**

M4F	M4KR	M4KM	M4GK
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**7 MIXED GRADES—Continued**

M5F	M5KM	M5GK
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**15 GRADES OF GREEN**

B4G		B4GK		C4G	C4GK	X4G	X4GK	P4G
B5G	B5GR	B5GK	B5GG			X5G		P5G
B6G		B6GK						

**7 GRADES OF VARIEGATED MIXED**

B3KM			X3KM
B4KM		C4KM	X4KM
B5KM			
B6KM			

**6 GRADES OF SLICK**

B3S		X3S
B4S	C4S	X4S
B5S		

**6 GRADES OF VARIEGATED RED OR SCORCHED**

B3KR		X3KR
B4KR	C4KR	X4KR
B5KR		

**4 GRADES OF WHITISH-LEMON**

X3LL	C4LL
X4LL	C5LL

**5 GRADES OF EXCESSIVELY SCORCHED**

	B3KK
	B4KK
	B5KK
	B6KK
	C4KK

**2 GRADES OF CUTTERS (PRIMINGS SIDE)**

C5LP	C5FP
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**13 GRADES OF NONDESCRIPT**

N1L	N1KV	N1GG
N1XL	N1GL	N1PO
N1K	N1GF	N1XO

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**10 GRADES OF CUTTERS—Continued**

C2L	C2F
C3L	C3F
C4L	C4F
C5L	C5F

**10 GRADES OF LUGS**

X1L	X1F
X2L	X2F
X3L	X3F
X4L	X4F
X5L	X5F

**8 GRADES OF PRIMINGS**

P2L	P2F
P3L	P3F
P4L	P4F
P5L	P5F

**6 GRADES OF GREENISH**

B3V		X3V
B4V	C4V	X4V
B5V		

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13 GRADES OF NONDESCRIPT—Continued		
N1R	N1GR	N1BO N2
1 GRADE OF SCRAP		
S		

Special factors “U” (unsound), “W” (doubtful-keeping order), “S” (strip), and “M” (mixed) may be applied to all grades. The special factors “dirt” or “sand” may be applied to any grade in the Primings group, including first quality Nondescript from the Primings group. Tobacco not covered by the standard grades is designated “No-G,” “No-G-F,” or “No-G-Nested.”

[48 FR 29671, June 28, 1983, as amended at 49 FR 16756, Apr. 20, 1984; 51 FR 25028, July 10, 1986; 52 FR 28534, July 31, 1987; 60 FR 36028, July 13, 1995]

**KEY TO STANDARD GRADEMARKS**

**§ 29.1225 Key to standard grademarks.**

*Groups*

B—Leaf. H—Smoking Leaf. C—Cutters. X—Lugs. P—Primings. M—Mixed Group. N—Nondescript. S—Scrap.

*Qualities*

1—Choice. 2—Fine. 3—Good. 4—Fair. 5—Low. 6—Poor.

*Color Symbols*

L—Lemon. LL—Whitish-lemon. F—Orange. FR—Orange red. R—Red. K—Variegated. KR—Variegated red or scorched. G—Green. V—Greenish. GR—Green red. GK—Green variegated. GG—Gray green. KL—Variegated lemon. KF—Variegated orange. KV—Variegated greenish. KM—Variegated mixed. KD—Variegated dark red. LL—Whitish-lemon.

*Combination Symbols*

XL—Lug side. PO—Oxidized primings. XO—Oxidized lugs or cutters. BO—Oxidized leaf or smoking leaf. GL—Thin-bodied nondescript. GF—Medium-bodied nondescript. LP—Lemon (primings side). FP—Orange (primings side). KK—Excessively scorched.

*Special Symbol*

S—Slick.

[42 FR 21092, Apr. 25, 1977, as amended at 48 FR 29672, June 28, 1983; 49 FR 16757, Apr. 20, 1984; 51 FR 25028, July 10, 1986; 52 FR 28534, July 31, 1987]

**OFFICIAL STANDARD GRADES FOR VIRGINIA FIRE-CURED TOBACCO (U.S. TYPE 21)**

**AUTHORITY:** Sections 29.2251 to 29.2481, issued under 7 U.S.C. 511m and 511r.

**SOURCE:** Sections 29.2251 through 29.2481 appear at 37 FR 13521, July 11, 1972, unless otherwise noted.

**DEFINITIONS**

**§ 29.2251 Definitions.**

As used in these standards, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

**§ 29.2252 Air-dried.**

The condition of unfermented tobacco as customarily prepared for storage under natural atmospheric conditions.

**§ 29.2253 Body.**

The thickness and density of a leaf or the weight per unit of surface. (See chart, § 29.2351.)

**§ 29.2254 Brown colors.**

A group of colors ranging from a reddish brown to yellowish brown. These colors vary from low to medium saturation and from very low to medium brilliance. As used in these standards, the range is expressed as light brown (L), medium brown (F), and dark brown (D).

**§ 29.2255 Class.**

A major division of tobacco based on method of cure or principal usage.

**§ 29.2256 Clean.**

Tobacco is described as clean when it contains only a normal amount of sand or soil particles. Leaves grown on the lower portion of the stalk normally contain more dirt or sand than those from higher stalk positions. (See Rule 4, § 29.2395.)

**§ 29.2257 Color.**

The third factor of a grade based on the relative hues, saturation or chroma, and color values common to the type.

**§ 29.2258**

**§ 29.2258 Color intensity.**

The varying degree of saturation or chroma. Color intensity as applied to tobacco describes the strength or weakness of a specific color or hue. It is applicable to brown colors. (See chart, § 29.2351.)

**§ 29.2259 Color symbols.**

As applied to this type, color symbols are: L—light brown, F—medium brown, D—dark brown, M—mixed or variegated, G—green, GL—light green, and GD—dark green.

[45 FR 47115, July 14, 1980]

**§ 29.2260 Condition.**

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are undried, air-dried, steam-dried, sweating, sweated, and aged.

**§ 29.2261 Crude.**

A subdegree of maturity. Crude leaves are usually hard and slick as a result of extreme immaturity. A similar condition may result from fire-kill, sunburn, or sunscald. Any leaf which is crude to the extent of 20 percent or more of its surface may be described as crude. (See Rule 19, § 29.2410.)

**§ 29.2262 Cured.**

Tobacco dried of its sap by either natural or artificial processes.

**§ 29.2263 Damage.**

The effect of mold, must, rot, black rot, or other fungous or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must, or rot is considered damaged. (See Rule 20, § 29.2411.)

**§ 29.2264 Dirty.**

The state of tobacco containing an abnormal amount of dirt or sand, or tobacco to which additional quantities of dirt or sand have been added. (See Rule 22, § 29.2413.)

**§ 29.2265 Elasticity.**

The flexible, springy nature of the tobacco leaf to recover approximately its original size and shape after it has been stretched. (See chart, § 29.2351.)

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**§ 29.2266 Elements of quality.**

Physical characteristics used to determine the quality of tobacco. Words selected to describe degrees within each element are shown in the chart in § 29.2351.

**§ 29.2267 Fiber.**

The term applied to the veins in a tobacco leaf. The large central vein is called the midrib or stem. The smaller lateral and cross veins are considered from the standpoint of size and color.

**§ 29.2268 Finish.**

The reflectance factor in color perception. Finish indicates the sheen or shine of the surface of a tobacco leaf. (See chart, § 29.2351.)

**§ 29.2269 Fire-cured.**

Tobacco cured under artificial atmospheric conditions by the use of open fires from which the smoke and fumes of burning wood are partly absorbed by the tobacco.

**§ 29.2270 Foreign matter.**

Any extraneous substance or material such as stalks, suckers, straw, strings, rubber bands, and abnormal amounts of dirt or sand. (See Rule 22, § 29.2413.)

**§ 29.2271 Form.**

The stage of preparation of tobacco such as unstemmed or stemmed.

**§ 29.2272 Grade.**

A subdivision of a type according to group, quality, and color.

**§ 29.2273 Grademark.**

A grademark normally consists of three symbols which indicate group, quality, and color. A letter is used to indicate group, a number to indicate quality, and a letter or letters to indicate color. For example, B3D means Heavy Leaf, good quality, and dark-brown color.

**§ 29.2274 Green (G).**

A term applied to green-colored tobacco. Any leaf which has a green color affecting 20 percent or more of its surface may be described as green. (See Rule 18, § 29.2409.)

**§ 29.2275 Group.**

A division of a type covering closely related grades based on certain characteristics which are usually related to stalk position, body, or the general quality of the tobacco. Groups in this type are Wrappers (A), Heavy Leaf (B), Thin Leaf (C), Lugs (X), Nondescript (N), and Scrap (S).

**§ 29.2276 Injury.**

Hurt or impairment from any cause except the fungous or bacterial diseases which attack tobacco in its cured state. (See Rule 16, § 29.2407.)

**§ 29.2277 Leaf scrap.**

A byproduct of unstemmed tobacco. Leaf scrap results from handling unstemmed tobacco and consists of tangled whole or broken leaves.

**§ 29.2278 Leaf structure.**

The cell development of a leaf as indicated by its porosity. (See chart, § 29.2351.)

**§ 29.2279 Length.**

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip.

**§ 29.2280 Lot.**

A pile, basket, bulk, or more than one bale, case, hogshead, tierce, package, or other definite package unit.

**§ 29.2281 Maturity.**

The degree of ripeness. (See chart, § 29.2351.)

**§ 29.2282 Mixed color or variegated (M).**

Distinctly different colors of the type mingled together, or any leaf of which 20 percent or more of its surface is off brown, grayish, mottled, or bleached and does not blend with the normal colors of the type or group. (See Rule 17, § 29.2408.)

**§ 29.2283 Nested.**

Any tobacco which has been loaded, packed, or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. (See Rule 22, § 29.2413.)

**§ 29.2284 No grade.**

A designation applied to a lot of tobacco classified as nested, offtype, rework, semicured, or premature primings; tobacco that is damaged 20 percent or more, abnormally dirty, extremely wet or watered, contains foreign matter, or has an odor foreign to the type. (See Rule 22, § 29.2413.)

**§ 29.2285 Offtype.**

Tobacco of distinctly different characteristics which cannot be classified as Fire-cured, U.S. Type 21. (See Rule 22, § 29.2413.)

**§ 29.2286 Oil.**

A soft, semifluid constituent of tobacco. (See chart, § 29.2351.)

**§ 29.2287 Order (case).**

The state of tobacco with respect to its moisture content.

**§ 29.2288 Package.**

A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

**§ 29.2289 Packing.**

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspection. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

**§ 29.2290 Premature primings.**

Ground leaves harvested before reaching complete growth and development. These leaves lack body and strength. (See Rule 22, § 29.2413.)

**§ 29.2291 Quality.**

A division of a group or the second factor of a grade based on the relative degree of one or more elements of quality.

**§ 29.2292 Resweated.**

The condition of tobacco which has passed through a second fermentation under abnormally high temperatures or re-fermented with a relatively high percentage of moisture. Resweated includes tobacco which has been dipped

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or reconditioned after its first fermentation and put through a forced or artificial sweat.

**§ 29.2293 Rework.**

Any lot of tobacco which needs to be resorted or otherwise reworked to prepare it properly for market, including: (a) Tobacco which is so mixed that it cannot be classified properly in any grade of the type, because the lot contains a substantial quantity of two or more distinctly different grades which should be separated by sorting; (b) tobacco which contains an abnormally large quantity of foreign matter or an unusual number of muddy or extremely dirty leaves which should be removed; and (c) tobacco not packed straight or otherwise not properly prepared for market. (See Rule 22, § 29.2413.)

**§ 29.2294 Semicured.**

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, wet butts, swelled stems, or stems that have not been thoroughly dried in the curing process. (See Rule 22, § 29.2413.)

**§ 29.2295 Semifired (SF).**

Tobacco that is partially or lightly smoked or has not received the amount of smoke that is characteristic of fire-cured tobacco.

[51 FR 40406, Nov. 7, 1986]

**§ 29.2296 Side.**

A certain phase of quality, color, or length as contrasted with some other phase of quality, color, or length; or any peculiar characteristics of tobacco.

[37 FR 13521, July 11, 1972. Redesignated at 51 FR 40406, Nov. 7, 1986]

**§ 29.2297 Size.**

The length of tobacco leaves. (See chart, § 29.2371.)

[37 FR 13521, July 11, 1972. Redesignated at 51 FR 40406, Nov. 7, 1986]

**§ 29.2298 Sound.**

Free of damage.

[37 FR 13521, July 11, 1972. Redesignated at 51 FR 40406, Nov. 7, 1986]

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**§ 29.2299 Special factor.**

A symbol or term authorized to be used with specified grades. Tobacco to which a special factor is applied may meet the general specifications but has a peculiar side or characteristic which tends to modify the grade. (See Rule 10, § 29.2401.)

[37 FR 13521, July 11, 1972. Redesignated at 51 FR 40406, Nov. 7, 1986]

**§ 29.2300 Steam-dried.**

The condition of unfermented tobacco as customarily prepared for storage by means of a redrying machine or other steam-conditioning equipment.

[37 FR 13521, July 11, 1972. Redesignated at 51 FR 40406, Nov. 7, 1986]

**§ 29.2301 Stem.**

The midrib or large central vein of a tobacco leaf.

[37 FR 13521, July 11, 1972. Redesignated at 51 FR 40406, Nov. 7, 1986]

**§ 29.2302 Stemmed.**

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

[37 FR 13521, July 11, 1972. Redesignated at 51 FR 40406, Nov. 7, 1986]

**§ 29.2303 Strength.**

The stress a tobacco leaf can bear without tearing. (See chart, § 29.2351.)

[37 FR 13521, July 11, 1972. Redesignated at 51 FR 40406, Nov. 7, 1986]

**§ 29.2304 Strips.**

The sides of a tobacco leaf from which the stem has been removed or a lot of tobacco composed of strips.

[37 FR 13521, July 11, 1972. Redesignated at 51 FR 40406, Nov. 7, 1986]

**§ 29.2305 Subgrade.**

Any grade modified by a special factor symbol.

[37 FR 13521, July 11, 1972. Redesignated at 51 FR 40406, Nov. 7, 1986]

**§ 29.2306 Sweated.**

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This

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condition is sometimes described as aged.

[37 FR 13521, July 11, 1972. Redesignated at 51 FR 40406, Nov. 7, 1986]

### **§ 29.2307 Sweating.**

The condition of tobacco in the process of fermentation.

[37 FR 13521, July 11, 1972. Redesignated at 51 FR 40406, Nov. 7, 1986]

### **§ 29.2308 Tobacco.**

Tobacco as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters into the different manufacturing processes. The acts of stemming, sweating, and conditioning are not regarded as manufacturing processes. Tobacco, as used in these standards, does not include manufactured or semimanufactured products, stems, cuttings, clippings, trimmings, siftings, or dust.

[37 FR 13521, July 11, 1972. Redesignated at 51 FR 40406, Nov. 7, 1986]

### **§ 29.2309 Tobacco products.**

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff.

[37 FR 13521, July 11, 1972. Redesignated at 51 FR 40406, Nov. 7, 1986]

### **§ 29.2310 Type.**

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

[37 FR 13521, July 11, 1972. Redesignated at 51 FR 40406, Nov. 7, 1986]

### **§ 29.2311 Type 21.**

That type of fire-cured tobacco, known as Virginia Fire-cured or Dark-fired, produced principally in the Pied-

mont and mountain sections of Virginia.

[37 FR 13521, July 11, 1972. Redesignated at 51 FR 40406, Nov. 7, 1986]

### **§ 29.2312 Undried.**

The condition of unfermented tobacco which has not been air-dried or steam-dried.

[37 FR 13521, July 11, 1972. Redesignated at 51 FR 40406, Nov. 7, 1986]

### **§ 29.2313 Uniformity.**

An element of quality which describes the consistency of a lot of tobacco as it is prepared for market. Uniformity is expressed as a percentage in grade specifications. (See Rule 15, § 29.2406.)

[37 FR 13521, July 11, 1972. Redesignated at 51 FR 40406, Nov. 7, 1986]

### **§ 29.2314 Unsound (U).**

Damaged under 20 percent. (See Rule 20, § 29.2411.)

[37 FR 13521, July 11, 1972. Redesignated at 51 FR 40406, Nov. 7, 1986]

### **§ 29.2315 Unstemmed.**

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

[37 FR 13521, July 11, 1972. Redesignated at 51 FR 40406, Nov. 7, 1986]

### **§ 29.2316 Wet (W).**

Any sound tobacco containing excessive moisture to the extent that it is in unsafe or doubtful-keeping order. Wet applies to any tobacco which is not damaged but which is likely to damage if treated in the customary manner. (See Rule 21, § 29.2412.) (For extremely wet or watered tobacco, see Rule 22, § 29.2413.)

[37 FR 13521, July 11, 1972. Redesignated at 51 FR 40406, Nov. 7, 1986]

### **§ 29.2317 Width.**

The relative breadth of a tobacco leaf expressed in relation to its length. (See chart, § 29.2351.)

[37 FR 13521, July 11, 1972. Redesignated at 51 FR 40406, Nov. 7, 1986]

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**ELEMENTS OF QUALITY**

**§ 29.2351 Elements of quality and degrees of each element.**

Tobacco attributes or characteristics which constitute quality are designated as elements of quality. The range within each element is expressed by words or terms designated as degrees. These degrees are arranged to show their relative value and are used in determining the quality of tobacco. The actual value of each degree varies with group.

Elements	Degrees			
Body .....	Thin .....	Medium .....	Heavy.	
Maturity .....	Immature .....	Mature .....	Ripe.	
Leaf structure .....	Close .....	Firm .....	Open.	
Oil .....	Lean .....	Oily .....	Rich.	
Elasticity .....	Inelastic .....	Semielastic ..	Elastic.	
Strength .....	Weak .....	Normal .....	Strong.	
Finish .....	Dull .....	Clear .....	Bright.	
Color Intensity.	Pale .....	Moderate .....	Deep.	
Width .....	Narrow .....	Normal .....	Spready Broad.	

Uniformity. Expressed in percentages.  
Injury tolerance. Expressed in percentages.

**SIZES**

**§ 29.2371 Standard sizes.<sup>1</sup>**

Inches	Size
12-20 .....	1
20-28 .....	2
Over 28 .....	3

<sup>1</sup> The application of sizes is governed by the major portion of the lot or package.

[51 FR 40406, Nov. 7, 1986]

**RULES**

**§ 29.2391 Rules.**

The application of these official standard grades shall be in accordance with the following rules.

**§ 29.2392 Rule 1.**

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

**§ 29.2393 Rule 2.**

The determination of a grade shall be based upon a thorough examination of a lot of tobacco or of an official sample of the lot.

**§ 29.2394 Rule 3.**

In drawing an official sample from a hogshead or other package of tobacco, two or more breaks shall be made at such points and in such manner as the inspector or sampler may find necessary to determine the kinds of tobacco and the percentage of each kind contained in the lot. All breaks shall be made so that the tobacco contained in the center of the package is visible to the sampler. Tobacco shall be drawn from at least two breaks from which a representative sample shall be selected.

**§ 29.2395 Rule 4.**

All standard grades must be clean.

**§ 29.2396 Rule 5.**

The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot of tobacco does not comply with the specifications of the grade previously assigned it shall not thereafter be represented as such grade.

**§ 29.2397 Rule 6.**

A lot of tobacco on the marginal line between two colors shall be placed in the color with which it best corresponds with respect to body or other associated elements of quality.

**§ 29.2398 Rule 7.**

Any lot of tobacco which meets the specifications of two grades shall be placed in the higher grade. Any lot of tobacco on the marginal line between two grades shall be placed in the lower grade.

**§ 29.2399 Rule 8.**

A lot of tobacco meets the specifications of a grade when it is not lower in any degree of any element of quality than the minimum specifications of such grade.

**§ 29.2400 Rule 9.**

In determining the grade of a lot of tobacco, the lot as a whole shall be considered. Minor irregularities which do not affect over 1 percent of the tobacco shall be overlooked.

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### § 29.2401 Rule 10.

Any special factor symbol approved by the Director of the Tobacco Division, Agricultural Marketing Service, may be used after a grademark to show a peculiar side or characteristic of the tobacco which tends to modify the grade.

### § 29.2402 Rule 11.

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Standards and Testing Branch and approved by the Director.

### § 29.2403 Rule 12.

The use of any grade may be restricted by the Director during any marketing season, when it is found that the grade is not needed or appears in insufficient volume to justify its use.

### § 29.2404 Rule 13.

Length shall be stated in connection with each grade of the A, B and C groups and may be stated in connection with the grades of other groups. The standard tobacco sizes shall be used.

[51 FR 40406, Nov. 7, 1986]

### § 29.2405 Rule 14.

The standard tobacco size 2 shall be used to designate X group tobacco of M or G color when such tobacco is 20 inches or over in length.

[51 FR 40406, Nov. 7, 1986]

### § 29.2406 Rule 15.

Uniformity shall be expressed in percentages. These percentages shall govern the portion of a lot which must meet each specification of the grade. The minor portion must be closely related but may be of a different group, quality, and color from the major portion. Specified percentages of uniformity shall not affect limitations established by other rules.

### § 29.2407 Rule 16.

Injury tolerance shall be expressed in percentages. The appraisal of injury shall be based upon the percentage of

affected leaf surface or the degree of injury. In appraising injury, consideration shall be given to the normal characteristics of the group.

### § 29.2408 Rule 17.

Any lot of tobacco of the B, C, or X groups containing over 30 percent of mixed color or variegated leaves or over 30 percent of mixed color and variegated leaves combined shall be classified as "mixed" and designated by the color symbol "M."

### § 29.2409 Rule 18.

Any lot of tobacco containing 20 percent or more of green leaves or any lot which is not crude but contains 20 percent or more of green and crude combined shall be designated by the color symbols "G", "GL", or "GD".

[45 FR 47115, July 14, 1980]

### § 29.2410 Rule 19.

Crude leaves shall not be included in any grade of any color except green, light green, or dark green. Any lot containing 20 percent or more of crude leaves shall be designated nondescript.

[45 FR 47115, July 14, 1980]

### § 29.2411 Rule 20.

Tobacco damaged under 20 percent but which otherwise meets the specifications of a grade shall be treated as a subgrade by placing the special factor "U" after the grademark. Tobacco damaged 20 percent or more shall be designated "No-G."

### § 29.2412 Rule 21.

Sound tobacco that is wet or in doubtful-keeping order but which otherwise meets the specifications of a grade shall be treated as a subgrade by placing the special factor "W" after the grademark. This special factor does not apply to tobacco designated "No-G."

### § 29.2413 Rule 22.

Tobacco shall be designated No Grade, using the grademark "No-G," when it is classified as dirty, nested, offtype, semicured, premature primings, damaged 20 percent or more, extremely wet or watered or when it

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needs to be reworked, contains foreign matter, or has an odor foreign to type.

§ 29.2414 Rule 23.

Tobacco that is semifired but which otherwise meets the specifications of a grade shall be treated as a subgrade by placing the special factor “SF” after the grademark. This factor does not apply to tobacco designated “No-G”.

[51 FR 40406, Nov. 7, 1986]

GRADES

§ 29.2436 Wrappers (A Group).

This group consists of leaves usually grown at or above the center portion of the stalk. Cured leaves of the A group show a low percentage of injury affecting wrapper yield. Wrappers are high in oil, very elastic, and have a smooth leaf surface.

<i>U.S. grades</i>	<i>Grade names and specifications</i>
A1F .....	Choice Medium-brown Wrappers. Medium body, ripe, firm, rich in oil, elastic, strong, bright finish, deep color intensity, broad, 95 percent uniform, and 5 percent injury tolerance.
A2F .....	Fine Medium-brown Wrappers. Medium body, ripe, firm, rich in oil, elastic, strong, clear finish, deep color intensity, spready, 90 percent uniform, and 10 percent injury tolerance.
A1D .....	Choice Dark-brown Wrappers. Heavy, ripe, firm, rich in oil, elastic, strong, bright finish, deep color intensity, broad, 95 percent uniform, and 5 percent injury tolerance.
A2D .....	Fine Dark-brown Wrappers. Heavy, ripe, firm, rich in oil, elastic, strong, clear finish, deep color intensity, spready, 90 percent uniform, and 10 percent injury tolerance.

§ 29.2437 Heavy Leaf (B Group).

This group consists of leaves usually grown at or above the center portion of the stalk. These leaves have a pointed tip, tend to fold, are heavier in body than those of the X or C groups, and show no ground injury. Choice- and fine-quality leaves of this group have a distinctive, smooth leaf surface.

<i>U.S. grades</i>	<i>Grade names and specifications</i>
B1F .....	Choice Medium-brown Heavy Leaf. Medium body, ripe, firm, oily, semi-elastic, strong, bright finish, deep color intensity, broad, 95 percent uniform, and 5 percent injury tolerance.
B2F .....	Fine Medium-brown Heavy Leaf.

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<i>U.S. grades</i>	<i>Grade names and specifications</i>
B3F .....	Medium body, ripe, firm, oily, semi-elastic, strong, clear finish, deep color intensity, spready, 90 percent uniform, and 10 percent injury tolerance. Good Medium-brown Heavy Leaf.
B4F .....	Medium body, mature, firm, oily, semielastic, normal strength, clear finish, moderate color intensity, normal width, 80 percent uniform, and 20 percent injury tolerance. Fair Medium-brown Heavy Leaf.
B5F .....	Medium body, mature, close, lean in oil, inelastic, weak, dull-finish, pale color intensity, narrow, 70 percent uniform, and 30 percent injury tolerance. Low Medium-brown Heavy Leaf.
B1D .....	Medium body, mature, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 60 percent uniform, and 40 percent injury tolerance. Choice Dark-brown Heavy Leaf.
B2D .....	Heavy, ripe, firm, oily, semielastic, strong, bright finish, deep color intensity, spready, 95 percent uniform, and 5 percent injury tolerance. Fine Dark-brown Heavy Leaf.
B3D .....	Heavy, ripe, firm, oily, semielastic, strong, clear finish, deep color intensity, spready, 90 percent uniform, and 10 percent injury tolerance. Good Dark-brown Heavy Leaf.
B4D .....	Heavy, mature, firm, oily, semi-elastic, normal strength, clear finish, moderate color intensity, normal width, 80 percent uniform, and 20 percent injury tolerance. Fair Dark-brown Heavy Leaf.
B5D .....	Heavy, mature, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 70 percent uniform, and 30 percent injury tolerance. Low Dark-brown Heavy Leaf.
B3M .....	Heavy, mature, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 60 percent uniform, and 40 percent injury tolerance. Good Mixed Color Heavy Leaf.
B4M .....	Medium to heavy body, mature, firm, oily, semielastic, normal strength and width, 80 percent uniform, and 20 percent injury tolerance. Fair Mixed Color Heavy Leaf.
B5M .....	Medium to heavy body, mature, close, lean in oil, inelastic, weak, narrow, 70 percent uniform, and 30 percent injury tolerance. Low Mixed Color Heavy Leaf.
B3G .....	Medium to heavy body, mature, close, lean in oil, inelastic, weak, narrow, 60 percent uniform, and 40 percent injury tolerance. Good Green Heavy Leaf.
B4G .....	Medium to heavy body, mature, firm, oily, semielastic, normal strength, clear finish, normal width, 80 percent uniform, and 20 percent injury tolerance. Fair Green Heavy Leaf.
B5G .....	Medium to heavy body, immature, close, lean in oil, inelastic, weak, dull finish, narrow, 70 percent uniform, and 30 percent injury tolerance.

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<i>U.S. grades</i>	<i>Grade names and specifications</i>
B5G .....	Low Green Heavy Leaf. Medium to heavy body, immature, close, lean in oil, inelastic, weak, dull finish, narrow, 60 percent uniform, and 40 percent injury tolerance.

**§ 29.2438 Thin Leaf (C Group).**

This group consists of leaves usually grown at the center portion of the stalk. These leaves normally have a rounded tip, are thinner in body than those of the B group, and show little or no ground injury. Choice- and fine-quality tobacco of this group has a distinctive, smooth leaf surface.

<i>U.S. grades</i>	<i>Grade names and specifications</i>
C1L .....	Choice Light-brown Thin Leaf. Thin to medium body, mature to ripe, firm, oily, semielastic, strong, bright finish, deep color intensity, broad, 95 percent uniform, and 5 percent injury tolerance. Fine Light-brown Thin Leaf. Thin to medium body, mature to ripe, firm, oily, semielastic, strong, clear finish, deep color intensity, spready, 90 percent uniform, and 10 percent injury tolerance. Good Light-brown Thin Leaf. Thin to medium body, mature to ripe, firm, oily, semielastic, normal strength, clear finish, moderate color intensity, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4L .....	Fair Light-brown Thin Leaf. Thin to medium body, mature to ripe, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 70 percent uniform, and 30 percent injury tolerance. Low Light-brown Thin Leaf. Thin to medium body, mature to ripe, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 60 percent uniform, and 40 percent injury tolerance. Choice Medium-brown Thin Leaf. Thin to medium body, mature to ripe, firm, oily, semielastic, strong, bright finish, deep color intensity, broad, 95 percent uniform, and 5 percent injury tolerance.
C2F .....	Fine Medium-brown Thin Leaf. Thin to medium body, mature to ripe, firm, oily, semielastic, strong, clear finish, deep color intensity, spready, 90 percent uniform, and 10 percent injury tolerance.
C3F .....	Good Medium-brown Thin Leaf. Thin to medium body, mature to ripe, firm, oily, semielastic, normal strength, clear finish, moderate color intensity, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4F .....	Fair Medium-brown Thin Leaf.

<i>U.S. grades</i>	<i>Grade names and specifications</i>
C5F .....	Low Medium-brown Thin Leaf. Thin to medium body, mature to ripe, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 60 percent uniform, and 40 percent injury tolerance.
C2D .....	Fine Dark-brown Thin Leaf. Thin to medium body, mature to ripe, firm, oily, semielastic, strong, clear finish, deep color intensity, spready, 90 percent uniform, and 10 percent injury tolerance.
C3D .....	Good Dark-brown Thin Leaf. Thin to medium body, mature to ripe, firm, lean in oil, inelastic, normal strength, clear finish, moderate color intensity, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4D .....	Fair Dark-brown Thin Leaf. Thin to medium body, mature to ripe, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5D .....	Low Dark-brown Thin Leaf. Thin to medium body, mature to ripe, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 60 percent uniform, and 40 percent injury tolerance.
C3M .....	Good Mixed Color Thin Leaf. Thin to medium body, mature, firm, oily, semielastic, normal strength and width, 80 percent uniform, and 20 percent injury tolerance.
C4M .....	Fair Mixed Color Thin Leaf. Thin to medium body, mature, close, lean in oil, inelastic, weak, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5M .....	Low Mixed Color Thin Leaf. Thin to medium body, immature, close, lean in oil, inelastic, weak, narrow, 60 percent uniform, and 40 percent injury tolerance.
C3G .....	Good Green Thin Leaf. Thin to medium body, mature, firm, oily, semielastic, normal strength, clear finish, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4G .....	Fair Green Thin Leaf. Thin to medium body, immature, close, lean in oil, inelastic, weak, dull finish, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5G .....	Low Green Thin Leaf. Thin to medium body, immature, close, lean in oil, inelastic, weak, dull finish, narrow, 60 percent uniform and 40 percent injury tolerance.

**§ 29.2439 Lugs (X Group).**

This group consists of leaves that normally grow near the bottom of the stalk. These leaves usually have a

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blunt tip, tend to roll, and show ground injury.

<i>U.S. grades</i>	<i>Grade names and specifications</i>
X1L .....	Choice Light-brown Lugs. Thin to medium body, ripe, firm to open, oily, normal strength, clear finish, moderate color intensity, 95 percent uniform, and 5 percent injury tolerance.
X2L .....	Fine Light-brown Lugs. Thin to medium body, ripe, firm to open, oily, normal strength, clear finish, moderate color intensity, 90 percent uniform, and 10 percent injury tolerance.
X3L .....	Good Light-brown Lugs. Thin to medium body, ripe, open, lean in oil, normal strength, dull finish, pale color intensity, 80 percent uniform, and 20 percent injury tolerance.
X4L .....	Fair Light-brown Lugs. Thin to medium body, mature open, lean in oil, weak, dull finish, pale color intensity, 70 percent uniform, and 30 percent injury tolerance.
X5L .....	Low Light-brown Lugs. Thin to medium body, mature, open, lean in oil, weak, dull finish, pale color intensity, 60 percent uniform, and 40 percent injury tolerance.
X1F .....	Choice Medium-brown Lugs. Medium body, ripe, firm to open, oily, normal strength, clear finish, moderate color intensity, 95 percent uniform, and 5 percent injury tolerance.
X2F .....	Fine Medium-brown Lugs. Medium body, ripe, firm to open, oily, normal strength, clear finish, moderate color intensity, 90 percent uniform, and 10 percent injury tolerance.
X3F .....	Good Medium-brown Lugs. Medium body, ripe, open, lean in oil, normal strength, dull finish, pale color intensity, 80 percent uniform, and 20 percent injury tolerance.
X4F .....	Fair Medium-brown Lugs. Thin to medium body, mature, open, lean in oil, weak, dull finish, pale color intensity, 70 percent uniform, and 30 percent injury tolerance.
X5F .....	Low Medium-brown Lugs. Thin to medium body, mature, open, lean in oil, weak, dull finish, pale color intensity, 60 percent uniform, and 40 percent injury tolerance.
X1D .....	Choice Dark-brown Lugs. Medium to heavy body, ripe, firm to open, oily, normal strength, clear finish, moderate color intensity, 95 percent uniform, and 5 percent injury tolerance.
X2D .....	Fine Dark-brown Lugs. Medium to heavy body, ripe, firm to open, oily, normal strength, clear finish, moderate color intensity, 90 percent uniform, and 10 percent injury tolerance.
X3D .....	Good Dark-brown Lugs.

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<i>U.S. grades</i>	<i>Grade names and specifications</i>
X4D .....	Fair Dark-brown Lugs. Medium to heavy body, mature, open, lean in oil, weak, dull finish, pale color intensity, 70 percent uniform, and 30 percent injury tolerance.
X5D .....	Low Dark-brown Lugs. Medium to heavy body, mature, open, lean in oil, weak, dull finish, pale color intensity, 60 percent uniform, and 40 percent injury tolerance.
X3M .....	Good Mixed Color Lugs. Medium to heavy body, mature, open, lean in oil, normal strength, 80 percent uniform, and 20 percent injury tolerance.
X4M .....	Fair Mixed Color Lugs. Thin to medium body, mature, open, lean in oil, weak, 70 percent uniform, and 30 percent injury tolerance.
X5M .....	Low Mixed Color Lugs. Thin to medium body, mature, open, lean in oil, weak, 60 percent uniform, and 40 percent injury tolerance.
X3G .....	Good Green Lugs. Medium to heavy body, mature, firm, lean in oil, normal strength, dull finish, 80 percent uniform, and 20 percent injury tolerance.
X4G .....	Fair Green Lugs. Medium to heavy body, immature, close, lean in oil, weak, dull finish, 70 percent uniform, and 30 percent injury tolerance.
X5G .....	Low Green Lugs. Thin to medium body, immature, close, lean in oil, weak, dull finish, 60 percent uniform, and 40 percent injury tolerance.

§ 29.2440 (N Group).

Extremely common tobacco which does not meet the minimum specifications or which exceeds the tolerance of the lowest grade of any other group except scrap.

<i>U.S. grades</i>	<i>Grade names and specifications</i>
N1L .....	First quality light colored nondescript, thin to medium body and 50 percent injury tolerance.
N1D .....	First quality dark colored nondescript, medium to heavy body and 50 percent injury tolerance.
N1GL .....	First quality light colored crude green nondescript, thin to medium body and 50 percent crude leaves or injury tolerance.
N1GD .....	First quality dark colored crude green nondescript, medium to heavy body and 50 percent crude leaves or injury tolerance.

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U.S. grades	Grade names and specifications
N2	Substandard Nondescript—Nondescript of any group or color, over 50 percent crude leaves or injury tolerance.

[45 FR 47115, July 14, 1980]

**§ 29.2441 Scrap (S Group).**

A byproduct of unstemmed and stemmed tobacco. Scrap accumulates from handling tobacco in farm buildings, warehouses, packing and conditioning plants, and stemmeries.

U.S. grade	Grade name and specifications
S	Scrap. Tangled, whole, or broken unstemmed leaves, or the web portions of tobacco leaves reduced to scrap by any process.

**SUMMARY OF STANDARD GRADES**

**§ 29.2461 Summary of standard grades.**

<i>4 Grades of wrappers</i>				
A1F	A2F	A1D	A2D	
<i>20 Grades of thin leaf</i>				
C1L	C1F	C2D		
C2L	C2F	C3D	C3M	C3G
C3L	C3F	C4D	C4M	C4G
C4L	C4F	C5D	C5M	C5G
C5L	C5F			
<i>5 Grades of nondescript</i>				
N1L	N1D	N1GL	N1GD	
N2				
<i>16 Grades of heavy leaf</i>				
B1F	B1D			
B2F	B2D			
B3F	B3D	B3M	B3G	
B4F	B4D	B4M	B4G	
B5F	B5D	B5M	B5G	
<i>21 Grades of lugs</i>				
X1L	X1F	X1D		
X2L	X2F	X2D		
X3L	X3F	X3D	X3M	X3G
X4L	X4F	X4D	X4M	X4G
X5L	X5F	X5D	X5M	X5G
<i>1 Grade of scrap</i>				
S				

Special factors "U", "W" and "SF" may be applied to all grades. Tobacco not covered by the standard grades is designated "No-G."

*Standard sizes applicable.*

A1, A2	2, 3
B1	2, 3
B2, B3, B4, B5	1, 2, 3
C1	2, 3
C2, C3, C4, C5	1, 2, 3
X3, X4, X5, M and G <sup>1</sup>	2

<sup>1</sup>No size is applied to these grades if tobacco is under size 2.

[45 FR 44293, July 1, 1980, as amended at 51 FR 40406, Nov. 7, 1986]

**KEY TO STANDARD GRADEMARKS**

**§ 29.2481 Key to standard grademarks.**

*Groups*

- A—Wrappers.
- B—Heavy Leaf.
- C—Thin Leaf.
- X—Lugs.
- N—Nondescript.
- S—Scrap.

*Qualities*

- 1—Choice.
- 2—Fine.
- 3—Good.
- 4—Fair.
- 5—Low.

*Colors*

- L—Light brown.
- F—Medium brown.
- D—Dark brown.
- M—Mixed or variegated.
- G—Green.
- GL—Light green.
- GD—Dark green.

[45 FR 44293, July 1, 1980]

**OFFICIAL STANDARD GRADES FOR KENTUCKY AND TENNESSEE FIRE-CURED AND FOREIGN-GROWN FIRE-CURED TOBACCO (U.S. TYPES 22, 23, AND FOREIGN TYPE 96)**

SOURCE: Sections 29.2501 to 29.2696 appear at 37 FR 13626, July 12, 1972, unless otherwise noted.

**DEFINITIONS**

**§ 29.2501 Definitions.**

As used in these standards, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

**§ 29.2502 Air-dried.**

The condition of unfermented tobacco as customarily prepared for storage under natural atmospheric conditions.

**§ 29.2503 Body.**

The thickness and density of a leaf or the weight per unit of surface. (See chart, § 29.2601.)

**§ 29.2504 Brown colors.**

A group of colors ranging from a reddish brown to yellowish brown. These

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colors vary from low to medium saturation and from very low to medium brilliance. As used in these standards, the range is expressed as light brown (L), medium brown (F), and dark brown (D).

**§ 29.2505 Class.**

A major division of tobacco based on method of cure or principal usage.

**§ 29.2506 Clean.**

Tobacco is described as clean when it contains only a normal amount of sand or soil particles. Leaves grown on the lower portion of the stalk normally contain more dirt or sand than those from higher stalk positions. (See Rule 4, § 29.2620.)

**§ 29.2507 Color.**

The third factor of a grade based on the relative hues, saturation or chroma, and color values common to the type.

**§ 29.2508 Color intensity.**

The varying degree of saturation or chroma. Color intensity as applied to tobacco describes the strength or weakness of a specific color or hue. It is applicable to brown colors. (See chart, § 29.2601.)

**§ 29.2509 Color symbols.**

As applied to these types, color symbols are L—light brown, F—medium brown, D—dark brown, M—mixed or variegated VF—greenish medium brown, and G—green.

**§ 29.2510 Condition.**

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are undried, air-dried, steam-dried, sweating, sweated, and aged.

**§ 29.2511 Crude.**

A subdegree of maturity. Crude leaves are usually hard and slick as a result of extreme immaturity. A similar condition may result from firekill, sunburn, or sunscald. Any leaf which is crude to the extent of 20 percent or more of its surface may be described as crude. (See Rule 19, § 29.2635.)

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**§ 29.2512 Cured.**

Tobacco dried of its sap by either natural or artificial processes.

**§ 29.2513 Damage.**

The effect of mold, must, rot, black rot, or other fungus or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must, or rot is considered damaged. (See Rule 20, § 29.2636.)

**§ 29.2514 Dirty.**

The state of tobacco containing an abnormal amount of dirt or sand, or tobacco to which additional quantities of dirt or sand have been added. (See Rule 22, § 29.2638.)

**§ 29.2515 Elasticity.**

The flexible, springy nature of the tobacco leaf to recover approximately its original size and shape after it has been stretched. (See chart, § 29.2601.)

**§ 29.2516 Elements of quality.**

Physical characteristics used to determine the quality of tobacco. Words selected to describe degrees within each element are shown in the chart in § 29.2601.

**§ 29.2517 Fiber.**

The term applied to the veins in a tobacco leaf. The large central vein is called the midrib or stem. The smaller lateral and cross veins are considered from the standpoint of size and color.

**§ 29.2518 Finish.**

The reflectance factor in color perception. Finish indicates the sheen or shine of the surface of a tobacco leaf. (See chart, § 29.2601.)

**§ 29.2519 Fire-cured.**

Tobacco cured under artificial atmospheric conditions by the use of open fires from which the smoke and fumes of burning wood are partly absorbed by the tobacco.

**§ 29.2520 Foreign matter.**

Any extraneous substance or material such as stalks, suckers, straw, strings, rubber bands, and abnormal amounts of dirt or sand. (See Rule 22, § 29.2638.)

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**§ 29.2521 Form.**

The stage of preparation of tobacco such as unstemmed or stemmed.

**§ 29.2522 Grade.**

A subdivision of a type according to group, quality, and color.

**§ 29.2523 Grademark.**

A grademark normally consists of three symbols which indicate group, quality, and color. A letter is used to indicate group, a number to indicate quality, and a letter or letters to indicate color. For example, B3D means Heavy Leaf, good quality, and dark-brown color.

**§ 29.2524 Green (G).**

A term applied to green-colored tobacco. Any leaf which has a green color affecting 20 percent or more of its surface may be described as green. (See Rule 18, § 29.2634.)

**§ 29.2525 Greenish.**

A term applied to greenish-tinged tobacco. Any leaf which has a greenish tinge or a pale green color affecting 20 percent or more of its surface may be described as greenish. (See Rule 17, § 29.2633.)

**§ 29.2526 Group.**

A division of a type covering closely related grades based on certain characteristics which are usually related to stalk position, body, or the general quality of the tobacco. Groups in these types are Wrappers (A), Heavy Leaf (B), Thin Leaf (C), Lugs (X), Nondescript (N), and Scrap (S).

**§ 29.2527 Injury.**

Hurt or impairment from any cause except the fungous or bacterial diseases which attack tobacco in its cured state. (See Rule 15, § 29.2631.)

**§ 29.2528 Leaf.**

Whole, unstemmed leaf. Leaf, when applied to tobacco in strip form, shall describe the divided unit of a whole leaf.

[49 FR 16757, Apr. 20, 1984]

**§ 29.2529 Leaf scrap.**

A byproduct of unstemmed tobacco. Leaf scrap results from handling unstemmed tobacco and consists of loose and tangled whole or broken leaves.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984]

**§ 29.2530 Leaf structure.**

The cell development of a leaf as indicated by its porosity. (See chart, § 29.2601.)

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984]

**§ 29.2531 Length.**

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984]

**§ 29.2532 Lot.**

A pile, basket, bulk, or more than one bale, case, hogshead, tierce, package, or other definite package unit.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984]

**§ 29.2533 Maturity.**

The degree of ripeness. (See chart, § 29.2601.)

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984]

**§ 29.2534 Mixed color or variegated (M).**

Distinctly different colors of the type mingled together, or any leaf of which 20 percent or more of its surface is off brown, grayish, mottled, or bleached and does not blend with the normal colors of the type or group. (See Rule 16, § 29.2632.)

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984]

**§ 29.2535 Nested.**

Any lots of Types 22 and 23 tobacco which has been loaded, packed, or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. (See Rule 22, § 29.2638.)

[37 FR 13626, July 12, 1972. Redesignated and amended at 49 FR 16757, Apr. 20, 1984]

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**§ 29.2536 No grade.**

A designation applied to a lot of tobacco classified as nested, offtype, rework, or semicured; tobacco that is damaged 20 percent or more, abnormally dirty, extremely wet or watered, contains foreign matter, or has an odor foreign to the type. (See Rule 22, § 29.2638.)

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984]

**§ 29.2537 Offtype.**

Tobacco of distinctly different characteristics which cannot be classified as Fire-cured, U.S. Types 22, 23, or Foreign Type 96. (See Rule 22, § 29.2638.)

[37 FR 13626, July 12, 1972. Redesignated and amended at 49 FR 16757, Apr. 20, 1984]

**§ 29.2538 Oil.**

A soft, semifluid constituent of tobacco. (See chart, § 29.2601.)

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984]

**§ 29.2539 Order (case).**

The state of tobacco with respect to its moisture content.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984]

**§ 29.2540 Package.**

A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984]

**§ 29.2541 Packing.**

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspection. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984]

**§ 29.2542 Quality.**

A division of a group or the second factor of a grade based on the relative

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degree of one or more elements of quality.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984]

**§ 29.2543 Raw.**

Freshly harvested tobacco or tobacco as it appears between the time of harvesting and the beginning of the curing process.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984]

**§ 29.2544 Resweated.**

The condition of tobacco which has passed through a second fermentation under abnormally high temperatures or refermented with a relatively high percentage of moisture. Resweated includes tobacco which has been dipped or reconditioned after its first fermentation and put through a forced or artificial sweat.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984]

**§ 29.2545 Rework.**

Any lot of Types 22 and 23 tobacco which needs to be resorted or otherwise reworked to prepare it properly for market, including: (a) Tobacco which is so mixed that it cannot be classified properly in any grade of the type, because the lot contains a substantial quantity of two or more distinctly different grades which should be separated by sorting; (b) tobacco which contains an abnormally large quantity of foreign matter or an unusual number of muddy or extremely dirty leaves which should be removed; and (c) tobacco not packed straight or otherwise not properly prepared for market. (See Rule 22, § 29.2638.)

[37 FR 13626, July 12, 1972. Redesignated and amended at 49 FR 16757, Apr. 20, 1984]

**§ 29.2546 Semicured.**

Tobacco in the process of being cured or which is partially but not thoroughly cured. (See Rule 22, § 29.2638.)

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984]

**§ 29.2547 Semifired (SF).**

Tobacco that is partially or lightly smoked or has not received the amount

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of smoke that is characteristic of fire-cured tobacco.

[51 FR 40406, Nov. 7, 1986]

### § 29.2548 Side.

A certain phase of quality, color, or length as contrasted with some other phase of quality, color, or length; or any peculiar characteristic of tobacco.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984 and 51 FR 40406, Nov. 7, 1986]

### § 29.2549 Size.

The length of tobacco leaves. Size does not apply to tobacco in strip form. (See chart, § 29.2606.)

[37 FR 13626, July 12, 1972. Redesignated and amended at 49 FR 16757, Apr. 20, 1984 and further redesignated at 51 FR 40406, Nov. 7, 1986]

### § 29.2550 Sound.

Free of damage.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984 and 51 FR 40406, Nov. 7, 1986]

### § 29.2551 Special factor.

A symbol or term authorized to be used with specified grades. Tobacco to which a special factor is applied may meet the general specifications but has a peculiar side or characteristic which tends to modify the grade. (See Rule 10, § 29.2626.)

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984 and 51 FR 40406, Nov. 7, 1986]

### § 29.2552 Steam-dried.

The condition of unfermented tobacco as customarily prepared for storage by means of a redrying machine or other steam-conditioning equipment.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984 and 51 FR 40406, Nov. 7, 1986]

### § 29.2553 Stem.

The midrib or large central vein of a tobacco leaf.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984 and 51 FR 40406, Nov. 7, 1986]

### § 29.2554 Stemmed.

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984 and 51 FR 40406, Nov. 7, 1986]

### § 29.2555 Strength.

The stress a tobacco leaf can bear without tearing. (See chart, § 29.2601.)

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984 and 51 FR 40406, Nov. 7, 1986]

### § 29.2556 Strips.

The sides of a tobacco leaf from which the stem has been removed or a lot of tobacco composed of strips.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984 and 51 FR 40406, Nov. 7, 1986]

### § 29.2557 Subgrade.

Any grade modified by a special factor symbol.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984 and 51 FR 40406, Nov. 7, 1986]

### § 29.2558 Sweated.

The condition of tobacco, which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition is sometimes described as aged.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984 and 51 FR 40406, Nov. 7, 1986]

### § 29.2559 Sweating.

The condition of tobacco in the process of fermentation.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984 and 51 FR 40406, Nov. 7, 1986]

### § 29.2560 Tobacco.

Tobacco as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters into the different manufacturing processes. The acts of stemming, threshing, sweating, and conditioning are not regarded as manufacturing processes. Tobacco, as used in

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these standards, does not include manufactured or semimanufactured products, stems, cutting, clippings, trimmings, siftings, or dust.

[37 FR 13626, July 12, 1972. Redesignated and amended at 49 FR 16757, Apr. 20, 1984, and further redesignated 51 FR 40406, Nov. 7, 1986]

### § 29.2561 Tobacco products.

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984 and 51 FR 40406, Nov. 7, 1986]

### § 29.2562 Type.

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984 and 51 FR 40406, Nov. 7, 1986]

### § 29.2563 Type 22.

That type of Fire-cured tobacco, known as Eastern District Fire-cured, produced principally in a section east of the Tennessee River in southern Kentucky and northern Tennessee.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984 and 51 FR 40406, Nov. 7, 1986]

### § 29.2564 Type 23.

That type of Fire-cured tobacco, known as Western District Fire-cured or Dark-fired, produced principally in a section west of the Tennessee River in Kentucky and extending into Tennessee.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984 and 51 FR 40406, Nov. 7, 1986]

### § 29.2565 Type 96.

That type of fire-cured tobacco known as Foreign-grown Fire-cured

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produced in countries other than the United States.

[49 FR 16757, Apr. 20, 1984. Redesignated at 51 FR 40406, Nov. 7, 1986]

### § 29.2566 Undried.

The condition of unfermented tobacco which has not been air-dried or steam-dried.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984 and 51 FR 40406, Nov. 7, 1986]

### § 29.2567 Uniformity.

An element of quality which describes the consistency of a lot of tobacco as it is prepared for market. Uniformity is expressed as a percentage in grade specifications. (See Rule 14, § 29.2630.)

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984 and 51 FR 40406, Nov. 7, 1986]

### § 29.2568 Unsound (U).

Damaged under 20 percent. (See Rule 20, § 29.2636.)

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984 and 51 FR 40406, Nov. 7, 1986]

### § 29.2569 Unstemmed.

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984 and 51 FR 40406, Nov. 7, 1986]

### § 29.2570 Wet (W).

Any sound tobacco containing excessive moisture to the extent that it is in unsafe or doubtful-keeping order. Wet applies to any tobacco which is not damaged but which is likely to damage if treated in the customary manner. (See Rule 21, § 29.2637.) (For extremely wet or watered tobacco, see rule 22, § 29.2638.)

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984 and 51 FR 40406, Nov. 7, 1986]

### § 29.2571 Width.

The relative breadth of a tobacco leaf expressed in relation to its length.

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Width, as an element of quality, does not apply to tobacco in strip form. (See chart, § 29.2601.)

[37 FR 13626, July 12, 1972. Redesignated and amended at 49 FR 16757, Apr. 20, 1984 and further redesignated at 51 FR 40406, Nov. 7, 1986]

**ELEMENTS OF QUALITY**

**§ 29.2601 Elements of quality and degrees of each element.**

Tobacco attributes or characteristics which constitute quality are designated as elements of quality. The range within each element is expressed by words or terms designated as degrees. These degrees are arranged to show their relative value and are used in determining the quality of tobacco. The actual value of each degree varies with group.

Elements	Degrees			
Body .....	Thin .....	Medium .....	Heavy.	
Maturity .....	Immature .....	Mature .....	Ripe.	
Leaf structure .....	Close .....	Firm .....	Open.	
Oil .....	Lean .....	Oily .....	Rich.	
Elasticity .....	Inelastic .....	Semielastic ..	Elastic.	
Strength .....	Weak .....	Normal .....	Strong.	
Finish .....	Dull .....	Clear .....	Bright.	
Color intensity.	Pale .....	Moderate .....	Deep.	
Width .....	Narrow .....	Normal .....	Spready.	
Uniformity.....	Expressed in percentages.			
Injury tolerance.....	Expressed in percentages.			

**SIZES**

**§ 29.2606 Standard sizes.<sup>1</sup>**

Inches	Size
12-20 .....	1
20-28 .....	2
Over 28 .....	3

<sup>1</sup> The application of sizes is governed by the major portion of the lot or package.

[51 FR 40406, Nov. 7, 1986]

**RULES**

**§ 29.2616 Rules.**

The application of these official standard grades shall be in accordance with §§ 29.2617 through 29.2639.

[37 FR 13626, July 12, 1972, as amended at 49 FR 16757, Apr. 20, 1984]

**§ 29.2617 Rule 1.**

Each grade shall be treated as a subdivision of a particular type. When the

grade is stated in an inspection certificate, the type also shall be stated.

**§ 29.2618 Rule 2.**

The determination of a grade shall be based upon a thorough examination of a lot of tobacco or of an official sample of the lot.

**§ 29.2619 Rule 3.**

In drawing an official sample from a hogshead or other package of tobacco, two or more breaks shall be made at such points and in such manner as the inspector or sampler may find necessary to determine the kinds of tobacco and the percentage of each kind contained in the lot. All breaks shall be made so that the tobacco contained in the center of the package is visible to the sampler. Tobacco shall be drawn from at least two breaks from which a representative sample shall be selected.

**§ 29.2620 Rule 4.**

All standard grades must be clean.

**§ 29.2621 Rule 5.**

The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot of tobacco does not comply with the specifications of the grade previously assigned it shall not thereafter be represented as such grade.

**§ 29.2622 Rule 6.**

A lot of tobacco on the marginal line between two colors shall be placed in the color with which it best corresponds with respect to body or other associated elements of quality.

**§ 29.2623 Rule 7.**

Any lot of tobacco which meets the specifications of two grades shall be placed in the higher grade. Any lot of tobacco on the marginal line between two grades shall be placed in the lower grade.

**§ 29.2624 Rule 8.**

A lot of tobacco meets the specifications of a grade when it is not lower in any degree of any element of quality

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than the minimum specifications of such grade.

**§ 29.2625 Rule 9.**

In determining the grade of a lot of tobacco, the lot as a whole shall be considered. Minor irregularities which do not affect over one percent of the tobacco shall be overlooked.

**§ 29.2626 Rule 10.**

Any special factor approved by the Director of the Tobacco Division, Agricultural Marketing Service, may be used to show a peculiar side or characteristic of the tobacco which tends to modify the grade.

[37 FR 13626, July 12, 1972, as amended at 49 FR 16757, Apr. 20, 1984]

**§ 29.2627 Rule 11.**

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Standards and Testing Branch and approved by the Director.

**§ 29.2628 Rule 12.**

The use of any grade may be restricted by the Director during any marketing season, when it is found that the grade is not needed or appears in insufficient volume to justify its use.

**§ 29.2629 Rule 13.**

Length shall be stated in connection with each grade of the A, B, and C groups, except strip grades, and may be stated in connection with the grades of other groups. The standard tobacco sizes shall be used.

[37 FR 13626, July 12, 1972, as amended at 49 FR 16757, Apr. 20, 1984; 51 FR 40406, Nov. 7, 1986]

**§ 29.2630 Rule 14.**

Uniformity shall be expressed in percentages. These percentages shall govern the portion of a lot which must meet each specification of the grade. The minor portion must be closely related but may be of a different group, quality, and color from the major portion. Specified percentages of uniformity shall not affect limitations established by other rules.

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**§ 29.2631 Rule 15.**

Injury tolerance shall be expressed in percentages. The appraisal of injury shall be based upon the percentage of affected leaf surface or the degree of injury. In appraising injury, consideration shall be given to the normal characteristics of the group.

**§ 29.2632 Rule 16.**

Any lot of tobacco of the B, C, or X groups containing over 30 percent of mixed color or variegated leaves or over 30 percent of mixed color and variegated leaves combined shall be classified as "mixed" and designated by the color symbol "M."

**§ 29.2633 Rule 17.**

Any lot of tobacco containing 20 percent or more of greenish leaves or any lot which contains 20 percent of greenish and green leaves combined shall be designated by the color symbol "VF."

**§ 29.2634 Rule 18.**

Any lot of tobacco containing 20 percent or more of green leaves or any lot which is not crude but contains 20 percent or more of green and crude combined shall be designated by the color symbol "G."

**§ 29.2635 Rule 19.**

In the B, C, and X groups crude leaves shall be restricted to the fourth and fifth qualities of green grades. Any lot containing 20 percent or more of crude leaves shall be classified as Non-descript.

**§ 29.2636 Rule 20.**

Tobacco damaged under 20 percent but which otherwise meets the specifications of a grade shall be treated as a subgrade by placing the special factor "U" after the grademark. Tobacco damaged 20 percent or more shall be designated "No-G."

**§ 29.2637 Rule 21.**

Sound tobacco that is wet or in doubtful-keeping order but which otherwise meets the specifications of a grade shall be treated as a subgrade by placing the special factor "W" after the grademark. This special factor does

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not apply to tobacco designated “No-G.”

**§ 29.2638 Rule 22.**

Tobacco shall be designated No Grade, using the grademark “No-G,” when it is dirty, nested, offtype, semicured, damaged 20 percent or more, extremely wet or watered, or when it needs to be reworked, contains foreign matter, or has an odor foreign to type.

**§ 29.2639 Rule 23.**

Tobacco in strip form which otherwise meets the specifications of a grade shall be treated as a subgrade by placing the special factor “S” preceding the grademark.

[49 FR 16757, Apr. 20, 1984]

**§ 29.2640 Rule 24.**

Tobacco that is semifired but which otherwise meets the specifications of a grade shall be treated as a subgrade by placing the special factor “SF” after the grademark. This factor does not apply to tobacco designated “No-G”.

[51 FR 40406, Nov. 7, 1986]

**GRADES**

**§ 29.2661 Wrappers (A Group).**

This group consists of leaves usually grown at or above the center portion of the stalk. Cured leaves of this group are elastic and show a low percentage of injury affecting wrapper yield.

<i>Grades</i>	<i>Grade names and specifications</i>
A1F .....	Choice Medium-brown Wrappers. Thin to medium body, ripe, firm, rich in oil, elastic, strong, bright finish, deep color intensity, spready, 90 percent uniform, and 10 percent of leaves not lower than B1 or C1.
A2F .....	Fine Medium-brown Wrappers. Thin to medium body, ripe, firm, rich in oil, elastic, strong, bright finish, deep color intensity, spready, 75 percent uniform, and 25 percent of leaves not lower than B2 or C2.
A3F .....	Good Medium-brown Wrappers. Thin to medium body, ripe, firm oily, elastic, strong, clear finish, moderate color intensity, spready, 60 percent uniform, and 40 percent of leaves not lower than B3 or C3.
A1D .....	Choice Dark-brown Wrappers.

<i>Grades</i>	<i>Grade names and specifications</i>
A2D .....	Thin to heavy body, ripe, firm, rich in oil, elastic, strong, bright finish, deep color intensity, spready, 90 percent uniform, and 10 percent of leaves not lower than B1 or C1. Fine Dark-brown Wrappers.
A3D .....	Thin to heavy body, ripe, firm, rich in oil, elastic, strong, bright finish, deep color intensity, spready, 75 percent uniform, and 25 percent of leaves not lower than B2 or C2. Good Dark-brown Wrappers. Thin to heavy body, ripe, firm, oily, elastic, strong, clear finish, moderate color intensity, spready, 60 percent uniform, and 40 percent of leaves not lower than B3 or C3.

[37 FR 13626, July 12, 1972, as amended at 49 FR 16757, Apr. 20, 1984]

**§ 29.2662 Heavy Leaf (B Group).**

This group consists of leaves which are medium to heavy in body.

<i>Grades</i>	<i>Grade names and specifications</i>
B1F .....	Choice Medium-brown Heavy Leaf. Medium body, ripe, firm, oily, elastic, strong, bright finish, deep color intensity, normal width, 95 percent uniform, and 5 percent injury tolerance.
B2F .....	Fine Medium-brown Heavy Leaf. Medium body, ripe, firm, oily, elastic, strong, clear finish, deep color intensity, normal width, 90 percent uniform, and 10 percent injury tolerance.
B3F .....	Good Medium-brown Heavy Leaf. Medium body, ripe, firm, oily, semielastic, normal strength, clear finish, moderate color intensity, normal width, 80 percent uniform, and 20 percent injury tolerance.
B4F .....	Fair Medium-brown Heavy Leaf. Medium body, mature, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 70 percent uniform, and 30 percent injury tolerance.
B5F .....	Low Medium-brown Heavy Leaf. Medium body, mature, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 60 percent uniform, and 30 percent injury tolerance.
B1D .....	Choice Dark-brown Heavy Leaf. Medium to heavy body, ripe, firm, oily, elastic, strong, bright finish, deep color intensity, normal width, 95 percent uniform and 5 percent injury tolerance.
B2D .....	Fine Dark-brown Heavy Leaf. Medium to heavy body, ripe, firm, oily, elastic, strong, clear finish, deep color intensity, normal width, 90 percent uniform, and 10 percent injury tolerance.
B3D .....	Good Dark-brown Heavy Leaf.

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Grades	Grade names and specifications
	Medium to heavy body, ripe, firm, oily, semielastic, normal strength, clear finish, moderate color intensity, normal width, 80 percent uniform, and 20 percent injury tolerance.
B4D .....	Fair Dark-brown Heavy Leaf. Medium to heavy body, mature, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 70 percent uniform, and 30 percent injury tolerance.
B5D .....	Low Dark-brown Heavy Leaf. Medium to heavy body, mature, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 60 percent uniform, and 40 percent injury tolerance.
B3M .....	Good Mixed Color or Variegated Heavy Leaf. Medium to heavy body, ripe, firm, oily, semielastic, normal strength, clear finish, normal width, 80 percent uniform, and 20 percent injury tolerance.
B4M .....	Fair Mixed Color or Variegated Heavy Leaf. Medium to heavy body, mature, close, lean in oil, inelastic, weak, dull finish, narrow, 70 percent uniform, and 30 percent injury tolerance.
B5M .....	Low Mixed Color or Variegated Heavy Leaf. Medium to heavy body, mature, close, lean in oil, inelastic, weak, dull finish, narrow, 60 percent uniform, and 40 percent injury tolerance.
B3VF .....	Good Greenish Medium-brown Heavy Leaf. Medium body, mature, firm, oily, semielastic, normal strength, clear finish, normal width, 80 percent uniform, and 20 percent injury tolerance.
B4VF .....	Fair Greenish Medium-brown Heavy Leaf. Medium body, mature, close, lean in oil, inelastic, weak, dull finish, narrow, 70 percent uniform, and 30 percent injury tolerance.
B5VF .....	Low Greenish Medium-brown Heavy Leaf. Medium body, mature, close, lean in oil, inelastic, weak, dull finish, narrow, 60 percent uniform, and 40 percent injury tolerance.
B3G .....	Good Green Heavy Leaf. Medium to heavy body, mature, firm, oily, semi-elastic, normal strength, clear finish, normal width, 80 percent uniform, and 20 percent injury tolerance.
B4G .....	Fair Green Heavy Leaf. Medium to heavy body, mature, close, lean in oil, inelastic, weak, dull finish, narrow, 70 percent uniform, and 30 percent injury tolerance.
B5G .....	Low Green Heavy Leaf. Medium to heavy body, immature, close, lean in oil, inelastic, weak, dull finish, narrow, 60 percent uniform, and 40 percent injury tolerance.

[37 FR 13626, July 12, 1972; 37 FR 15501, Aug. 3, 1972, as amended at 49 FR 16757, Apr. 20, 1984; 51 FR 40407, Nov. 7, 1986]

§ 29.2663 Thin Leaf (C Group).

This group consists of leaves that are thin in body.

Grades	Grade names and specifications
C1L .....	Choice Light-brown Thin Leaf. Thin, ripe, firm, oily, semielastic, normal strength, bright finish, deep color intensity, normal width, 95 percent uniform, and 5 percent injury tolerance.
C2L .....	Fine Light-brown Thin Leaf. Thin, ripe, firm, oily, semielastic, normal strength, clear finish, deep color intensity, normal width, 90 percent uniform, and 10 percent injury tolerance.
C3L .....	Good Light-brown Thin Leaf. Thin, ripe, firm, oily, inelastic, normal strength, clear finish, moderate color intensity, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4L .....	Fair Light-brown Thin Leaf. Thin, mature, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5L .....	Low Light-brown Thin Leaf. Thin, mature, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 60 percent uniform, and 40 percent injury tolerance.
C1F .....	Choice Medium-brown Thin Leaf. Thin, ripe, firm, oily, semielastic, normal strength, bright finish, deep color intensity, normal width, 95 percent uniform, and 5 percent injury tolerance.
C2F .....	Fine Medium-brown Thin Leaf. Thin, ripe, firm, oily, semielastic, normal strength, clear finish, deep color intensity, normal width, 90 percent uniform, and 10 percent injury tolerance.
C3F .....	Good Medium-brown Thin Leaf. Thin, ripe, firm, oily, inelastic, normal strength, clear finish, moderate color intensity, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4F .....	Fair Medium-brown Thin Leaf. Thin, mature, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5F .....	Low Medium-brown Thin Leaf. Thin, mature, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 60 percent uniform, and 40 percent injury tolerance.
C1D .....	Choice Dark-brown Thin Leaf. Thin, ripe, firm, oily, semielastic, normal strength, bright finish, deep color intensity, normal width, 95 percent uniform, and 5 percent injury tolerance.
C2D .....	Fine Dark-brown Thin Leaf.

Grades	Grade names and specifications
	Thin, ripe, firm, oily, semielastic, normal strength, clear finish, deep color intensity, normal width, 90 percent uniform, and 10 percent injury tolerance.
C3D .....	Good Dark-brown Thin Leaf. Thin, ripe, firm, oily, inelastic, normal strength, clear finish, moderate color intensity, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4D .....	Fair Dark-brown Thin Leaf. Thin, mature, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5D .....	Low Dark-brown Thin Leaf. Thin, mature, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 60 percent uniform, and 40 percent injury tolerance.
C3M .....	Good Mixed Color or Variegated Thin Leaf. Thin, ripe, firm, oily, inelastic, normal strength, clear finish, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4M .....	Fair Mixed Color or Variegated Thin Leaf. Thin, mature, close, lean in oil, inelastic, weak, dull finish, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5M .....	Low Mixed Color or Variegated Thin Leaf. Thin, mature, close, lean in oil, inelastic, weak, dull finish, narrow, 60 percent uniform, and 40 percent injury tolerance.
C3VF .....	Good Greenish Medium-brown Thin Leaf. Thin, mature, firm, oily, inelastic, normal strength, clear finish, moderate color intensity, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4VF .....	Fair Greenish Medium-brown Thin Leaf. Thin, mature, close, lean in oil, inelastic, weak, dull finish, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5VF .....	Low Greenish Medium-brown Thin Leaf. Thin, mature, close, lean in oil, inelastic, weak, dull finish, narrow, 60 percent uniform, and 40 percent injury tolerance.
C3G .....	Good Green Thin Leaf. Thin, mature, firm, oily, inelastic, normal strength, clear finish, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4G .....	Fair Green Thin Leaf. Thin, immature, close, lean in oil, inelastic, weak, dull finish, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5G .....	Low Green Thin Leaf. Thin, immature, close, lean in oil, inelastic, weak, dull finish, narrow, 60 percent uniform, and 40 percent injury tolerance.

§ 29.2664 Lugs (X Group).

This group consists of leaves that normally grow near the bottom of the stalk. Leaves of the X group usually have a high degree of maturity and show ground injury.

Grades	Grade names and specifications
X1L .....	Choice Light-brown Lugs. Thin, ripe, firm, oily, normal strength, clear finish, moderate color intensity, 95 percent uniform, and 5 percent injury tolerance.
X2L .....	Fine Light-brown Lugs. Thin, ripe, firm, oily, normal strength, clear finish, moderate color intensity, 90 percent uniform, and 10 percent injury tolerance.
X3L .....	Good Light-brown Lugs. Thin, ripe, firm, oily, normal dull finish, pale color intensity, 80 percent uniform, and 20 percent injury tolerance.
X4L .....	Fair Light-brown Lugs. Thin, mature, open, lean in oil, weak, dull finish, pale color intensity, 70 percent uniform, and 30 percent injury tolerance.
X5L .....	Low Light-brown Lugs. Thin, mature, open, lean in oil, weak, dull finish, pale color intensity, 60 percent uniform, and 40 percent injury tolerance.
X1F .....	Choice Medium-brown Lugs. Medium body, ripe, firm, oily, normal strength, clear finish, moderate color intensity, 95 percent uniform, and 5 percent injury tolerance.
X2F .....	Fine Medium-brown Lugs. Medium body, ripe, firm, oily, normal strength, clear finish, moderate color intensity, 90 percent uniform, and 10 percent injury tolerance.
X3F .....	Good Medium-brown Lugs. Medium body, ripe, firm, lean in oil, weak, dull finish, pale color intensity, 80 percent uniform, and 20 percent injury tolerance.
X4F .....	Fair Medium-brown Lugs. Thin to medium body, mature, open, lean in oil, weak, dull finish, pale color intensity, 70 percent uniform, and 30 percent injury tolerance.
X5F .....	Low Medium-brown Lugs. Thin to medium body, mature, open, lean in oil, weak, dull finish, pale color intensity, 60 percent uniform, and 40 percent injury tolerance.
X1D .....	Choice Dark-brown Lugs. Medium to heavy body, ripe, firm, oily, normal strength, clear finish, moderate color intensity, 95 percent uniform, and 5 percent injury tolerance.
X2D .....	Fine Dark-brown Lugs. Medium to heavy body, ripe, firm, oily, normal strength, clear finish, moderate color intensity, 90 percent uniform, and 10 percent injury tolerance.
X3D .....	Good Dark-brown Lugs.

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Grades	Grade names and specifications
X4D	<p>Medium to heavy body, ripe, firm, lean in oil, weak, dull finish, pale color intensity, 80 percent uniform, and 20 percent injury tolerance.</p> <p>Fair Dark-brown Lugs.</p> <p>Medium to heavy body, mature, open, lean in oil, weak, dull finish, pale color intensity, 70 percent uniform, and 30 percent injury tolerance.</p>
X5D	<p>Low Dark-brown Lugs.</p> <p>Thin to heavy, mature, open, lean in oil, weak, dull finish, pale color intensity, 60 percent uniform, and 40 percent injury tolerance.</p>
X3M	<p>Good Mixed Color or Variegated Lugs.</p> <p>Thin to heavy, ripe, firm, lean in oil, weak, dull finish, 80 percent uniform, and 20 percent injury tolerance.</p>
X4M	<p>Fair Mixed Color or Variegated Lugs.</p> <p>Thin to heavy, mature, close, lean in oil, weak, dull finish, 70 percent uniform, and 30 percent injury tolerance.</p>
X5M	<p>Low Mixed Color or Variegated Lugs.</p> <p>Thin to heavy, mature, close, lean in oil, weak, dull finish, 60 percent uniform, and 40 percent injury tolerance.</p>
X3VF	<p>Good Greenish Medium-brown Lugs.</p> <p>Medium body, mature, firm, lean in oil, weak, dull finish, 80 percent uniform, and 20 percent injury tolerance.</p>
X4VF	<p>Fair Greenish Medium-brown Lugs.</p> <p>Thin to medium body, mature, close, lean in oil, weak, dull finish, 70 percent uniform, and 30 percent injury tolerance.</p>
X5VF	<p>Low Greenish Medium-brown Lugs.</p> <p>Thin to medium body, mature, close, lean in oil, weak, dull finish, 60 percent uniform, and 40 percent injury tolerance.</p>
X3G	<p>Good Green Lugs.</p> <p>Medium to heavy body, mature, firm, weak, lean in oil, dull finish, 80 percent uniform, and 20 percent injury tolerance.</p>
X4G	<p>Fair Green Lugs.</p> <p>Thin to medium body, immature, close, lean in oil, weak, dull finish, 70 percent uniform, and 30 percent injury tolerance.</p>
X5G	<p>Low Green Lugs.</p> <p>Thin to medium body, immature, close, lean in oil, weak, dull finish, 60 percent uniform, and 40 percent injury tolerance.</p>

[37 FR 13626, July 12, 1972, as amended at 49 FR 16757, Apr. 20, 1984; 51 FR 40407, Nov. 7, 1986]

**§ 29.2665 Nondescript (N Group).**

Extremely common tobacco which does not meet the minimum specifications or which exceeds the tolerance of the lowest grade of any other group except Scrap.

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Grades	Grade names and specifications
N1L	<p>First Quality Light Colored Nondescript.</p> <p>Thin to medium body and 60 percent injury tolerance.</p>
N1D	<p>First Quality Dark Colored Nondescript.</p> <p>Medium to heavy body and 60 percent injury tolerance.</p>
N1GL	<p>First Quality Crude Green Nondescript from the C or B Groups 60 percent crude leaves or injury tolerance.</p>
N1GX	<p>First Quality Crude Green Nondescript from the X Group 60 percent crude leaves or injury tolerance.</p>
N2	<p>Substandard Nondescript.</p> <p>Nondescript of any group or color; over 60 percent crude leaves or injury tolerance.</p>

[37 FR 13626, July 12, 1972, as amended at 49 FR 16757, Apr. 20, 1984; 51 FR 40407, Nov. 7, 1986]

**§ 29.2666 Scrap (S Group).**

A byproduct of unstemmed and stemmed tobacco. Scrap accumulates from handling tobacco in farm buildings, warehouses, packing and conditioning plants, and stemmeries.

Grades	Grade names and specifications
S	<p>Scrap.</p> <p>Tangled, whole, or broken unstemmed leaves, or the web portions of tobacco leaves reduced to scrap by any process.</p>

[37 FR 13626, July 12, 1972, as amended at 49 FR 16757, Apr. 20, 1984]

**SUMMARY OF STANDARD GRADES**

**§ 29.2686 Summary of standard grades.**

6 Grades of Wrappers			
A1F	A3F	A2D	A3D
A2F	A1D		
19 Grades of Heavy Leaf			
B1F	B1D	B3M	B5VF
B2F	B2D	B4M	B3G
B3F	B3D	B5M	B4G
B4F	B4D	B3VF	B5G
B5F	B5D	B4VF	
24 Grades of Thin Leaf			
C1L	C2F	C3D	C3VF
C2L	C3F	C4D	C4VF
C3L	C4F	C5D	C5VF
C4L	C5F	C3M	C3G
C5L	C1D	C4M	C4G
C1F	C2D	C5M	C5G
24 Grades of Lugs			
X1L	X2F	X3D	X3VF
X2L	X3F	X4D	X4VF

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X3L	X4F	X5D	X5VF	
X4L	X5F	X3M	X3G	
X5L	X1D	X4M	X4G	
X1F	X2D	X5M	X5G	
5 Grades of Nondescript				
N1L	N1D	N1GL	N1GX	N2
1 Grade of Scrap				
S				

Special factors "U", "W", "S" and "SF" may be applied to all grades. Tobacco not covered by the standard grades is designated "No-G."

Standard Sizes Applicable	
A1, A2, A3 .....	2, 3
B1, B2, B3, B4, B5 .....	1, 2, 3
C1, C2, C3, C4, C5 .....	1, 2, 3

[37 FR 13626, July 12, 1972, as amended at 49 FR 16757, Apr. 20, 1984; 51 FR 40407, Nov. 7, 1986]

**KEY TO STANDARD GRADEMARKS**

**§ 29.2696 Key to standard grademarks.**

*Groups*

- A—Wrappers.
- B—Heavy Leaf.
- C—Thin Leaf.
- X—Lugs.
- N—Nondescript.
- S—Scrap.

*Qualities*

- 1—Choice.
- 2—Fine.
- 3—Good.
- 4—Fair.
- 5—Low.

*Colors*

- L—Light brown.
- F—Medium brown.
- D—Dark brown.
- M—Mixed or variegates.
- VF—Greenish medium brown.
- G—Green.

**OFFICIAL STANDARD GRADES FOR BURLEY TOBACCO (U.S. TYPE 31 AND FOREIGN TYPE 93)**

SOURCE: Sections 29.3001 to 29.3182 appear at 24 FR 8771, Oct. 29, 1959, unless otherwise noted.

**DEFINITIONS**

**§ 29.3001 Definitions.**

As used in these standards, the words and phrases hereinafter defined shall

have the indicated meanings so assigned.

**§ 29.3002 Air-cured.**

Tobacco cured under natural atmospheric conditions. Artificial heat is sometimes used to control excess humidity during the curing period to prevent house-burn and barn-burn in damp weather. Air-cured tobacco should not carry the odor of smoke or fumes resulting from the application of artificial heat.

**§ 29.3003 Air-dried.**

The condition of unfermented tobacco as customarily prepared for storage under natural atmospheric conditions.

**§ 29.3004 Body.**

The thickness and density of a leaf or the weight per unit of surface. (See Elements of quality.)

**§ 29.3005 Burley, Type 31.**

That type of air-cured tobacco, commonly known as Burley, produced principally in Kentucky, Tennessee, Virginia, North Carolina, Ohio, Indiana, West Virginia, and Missouri.

**§ 29.3006 Burley, Type 93.**

That type of air-cured tobacco commonly known as Foreign-grown Burley, produced in countries other than the United States.

[49 FR 16757, Apr. 20, 1984]

**§ 29.3007 Buff color (L).**

A light yellow slightly shaded toward red.

[24 FR 8771, Oct. 29, 1959; 24 FR 9121, Nov. 10, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

**§ 29.3008 Class.**

A major division of tobacco based on method of cure or principal usage.

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

**§ 29.3009 Clean.**

Tobacco is described as clean when it contains only a normal amount of sand or soil particles. Leaves grown on the lower portion of the stalk normally

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contain more dirt or sand than those from higher stalk positions. (See Rule 20.)

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

### § 29.3010 Color.

The third factor of a grade, based on the relative hues, saturations or chroma, and color values common to the type.

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

### § 29.3011 Color intensity.

The varying degree of saturation or chroma. Color intensity as applied to tobacco describes the strength or weakness of a specific color or hue. It is applicable to all colors except variegated. Color intensity is reversed in its application to grades of greenish and green tobaccos and is omitted from these grade specifications. (See Elements of quality.)

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

### § 29.3012 Color symbols.

As applied to Burley, single color symbols are as follows: L—buff, F—tan, R—red, D—dark red, K—variegated, M—mixed color, V—greenish, and G—green.

[24 FR 8771, Oct. 29, 1959, as amended at 35 FR 10490, June 27, 1970. Redesignated at 49 FR 16757, Apr. 20, 1984]

### § 29.3013 Combination color symbols.

As applied to Burley, combination color symbols are as follows: FL—tannish buff, FR—tannish red, VF—greenish tan, VR—greenish red, GF—green tan, and GR—green red. (See rules 17 and 18.)

[51 FR 40407, Nov. 7, 1986]

### § 29.3014 Condition.

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are as follows: Undried, air-dried, steam-dried, sweating, sweated, and

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aged. Burley is air-dried or steam-dried for storage and aging.

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

### § 29.3015 Crude.

A subdegree of maturity. Crude leaves are usually hard and slick as a result of extreme immaturity. A similar condition may result from sunburn or sunscald. Any leaf which is crude to the extent of 20 percent of its leaf surface may be described as crude. (See Rule 19.)

[24 FR 8771, Oct. 29, 1959; 24 FR 9121, Nov. 10, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

### § 29.3016 Cured.

Tobacco dried of its sap by either natural or artificial processes.

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

### § 29.3017 Damage.

The effect of mold, must, rot, black rot, or other fungous or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must, or rot is considered damaged. (See Rule 23.)

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

### § 29.3018 Dark red color (D).

A dark reddish brown.

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

### § 29.3019 Dirty.

The state of tobacco containing an abnormal amount of dirt or sand, or tobacco to which additional quantities of dirt or sand have been added. (See Rule 23.)

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

### § 29.3020 Elements of quality.

Elements of quality and the degrees used in the specifications of the official standard grades of Burley, Types 31 and 93, are shown in § 29.3101. Words have been selected to describe the degrees of each element. Some of the words are almost synonymous in their meaning, yet, they are sufficiently different to

represent steps within the range of the elements of quality to which they are applied.

[24 FR 8771, Oct. 29, 1959. Redesignated and amended at 49 FR 16757, Apr. 20, 1984]

**§ 29.3021 Fiber.**

The term applied to the veins in a tobacco leaf. The large central vein is called the midrib or stem. The smaller lateral and cross veins are considered from the standpoint of size and color and in some types are treated as elements of quality. In Burley, fiber size and color are not of great importance, except where a fine distinction must be made between several lots of high quality or between sides of the same lot.

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

**§ 29.3022 Finish.**

The reflectance factor in color perception. Finish indicates the sheen or shine of the surface of a tobacco leaf. Descriptive terms range from bright to dingy. (See Elements of quality.)

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

**§ 29.3023 Foreign matter.**

Any extraneous substance or material such as stalks, suckers, straw, strings, rubber bands, et cetera. Abnormal amounts of dirt or sand also are included. (See Rule 23.)

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

**§ 29.3024 Form.**

The stage of preparation of tobacco such as unstemmed or stemmed.

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

**§ 29.3025 General color.**

The color of tobacco considered in relation to the type as a whole. General color is distinguished from the restricted use of the term "color" within a group. It is basically related to body and other overall characteristics of the type.

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

**§ 29.3026 General quality.**

The quality of tobacco considered in relation to the type as a whole. General quality is distinguished from the restricted use of the term "quality" within a group.

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

**§ 29.3027 Grade.**

A subdivision of a type according to group, quality, and color.

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

**§ 29.3028 Grademark.**

A grademark normally consists of three symbols which indicate group, quality, and color. A letter is used to indicate group, a number to indicate quality, and a letter or letters to indicate color. For example, C2F means Lugs, second quality, and tan color.

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

**§ 29.3029 Green (G).**

A color term applied to immature or crude tobacco. Any leaf which has a green color affecting 20 percent or more of its leaf surface may be described as green. (See Rule 18.)

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

**§ 29.3030 Greenish (V).**

A color term applied to greenish-tinged tobacco. Any leaf which has a greenish tinge or a pale green color affecting 20 percent or more of its surface may be described as greenish. (See Rule 17.)

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

**§ 29.3031 Group.**

A division of a type covering closely related grades based on certain characteristics which are related to stalk position or the general quality of the tobacco. Groups in Burley, Types 31 and 93, are as follows: Flyings (X), Lugs or Cutters (C), Leaf (B), Tips (T), Mixed (M), Nondescript (N), and Scrap (S).

[24 FR 8771, Oct. 29, 1959. Redesignated and amended at 49 FR 16757, Apr. 20, 1984]

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**§ 29.3032 Injury.**

Hurt or impairment from any cause except the fungous or bacterial diseases which attack tobacco in its cured state. (See definition of Damage.) Injury to tobacco may be caused by field diseases, insects, or weather conditions; insecticides, fungicides, or cell growth inhibitors; nutritional deficiencies or excesses; or improper fertilizing, harvesting, curing, or handling. Injured tobacco includes dead, burnt, hail-cut, torn, broken, frost-bitten, sunburned, sunscalded, scorched, fire-killed, bulk-burnt, steam-burnt, barn-burnt, house-burnt, bleached, bruised, discolored, or deformed leaves; or tobacco affected by wildfire, rust, frog-eye, mosaic, root rot, wilt, black shank, or other diseases. (See Elements of quality and Rule 14.)

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

**§ 29.3033 Leaf.**

Whole, unstemmed leaf. Leaf, when applied to tobacco in strip form, shall describe the divided unit of a whole leaf.

[49 FR 16758, Apr. 20, 1984]

**§ 29.3034 Leaf scrap.**

A by-product of unstemmed tobacco. Leaf scrap results from handling unstemmed tobacco and consists of loose and tangled whole or broken leaves.

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16758, Apr. 20, 1984]

**§ 29.3035 Leaf structure.**

The cell development of a leaf as indicated by its porosity or solidity. (See Elements of quality.)

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16758, Apr. 20, 1984]

**§ 29.3036 Leaf surface.**

The smoothness or roughness of the web or lamina of a tobacco leaf. Leaf surface is affected to some extent by the size and shrinkage of the veins or fibers. (See Elements of quality.)

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16758, Apr. 20, 1984]

**§ 29.3037 Length.**

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip. Length, as an element of quality, does not apply to tobacco in strip form. (See Elements of quality.)

[24 FR 8771, Oct. 29, 1959. Redesignated and amended at 49 FR 16757, 16758, Apr. 20, 1984]

**§ 29.3038 Lot.**

A pile, basket, bulk, bale or bales, sheet, case hogshead, tierce, package, or other definite package unit.

[48 FR 40366, Sept. 7, 1983. Redesignated at 49 FR 16758, Apr. 20, 1984]

**§ 29.3039 Maturity.**

The degree of ripeness. Tobacco is mature when it reaches its prime state of development. The extremes are expressed as immature and mellow. (See Elements of quality.)

[24 FR 8771, Oct. 29, 1959; 24 FR 9121, Nov. 10, 1959. Redesignated at 49 FR 16758, Apr. 20, 1984]

**§ 29.3040 Mixed color (M).**

Distinctly different colors of the type mingled together. (See Rule 16.)

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16758, Apr. 20, 1984]

**§ 29.3041 Nested.**

Any lot of Type 31 tobacco which as has been loaded, packed or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. Nested includes:

(a) Any lot of tobacco which contains foreign matter, is damaged, injured, or tangled, or contains other inferior tobacco, any of which cannot be readily detected upon inspection because of the way the lot is packed or arranged;

(b) Any lot of tobacco which consists of distinctly different grades, qualities or conditions and which is stacked or arranged with the same kinds together so that the tobacco in the lower portions of the lot is distinctly inferior in grade, quality or condition from the tobacco in the top portion of the lot.

[47 FR 51721, Nov. 17, 1982. Redesignated and amended at 49 FR 16757, 16758, Apr. 20, 1984]

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**§ 29.3042 No grade.**

A designation applied to a lot of tobacco which is classified as offtype, rework, semicured, damaged 20 percent or more, abnormally dirty, contains foreign matter, and/or having an odor foreign to the type.

[47 FR 51721, Nov. 17, 1982. Redesignated at 49 FR 16758, Apr. 20, 1984]

**§ 29.3043 No-G-Nested.**

A designation applied to a lot of Type 31 tobacco which is classified as nested.

[47 FR 51721, Nov. 17, 1982. Redesignated and amended at 49 FR 16757, 16758, Apr. 20, 1984]

**§ 29.3044 Offtype.**

Tobacco of distinctly different characteristics which cannot be classified as Burley, Type 31 or 93. (See Rule 23.)

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51721, Nov. 17, 1982. Redesignated and amended at 49 FR 16757, 16758, Apr. 20, 1984]

**§ 29.3045 Order (case).**

The state of tobacco with respect to its moisture content.

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16758, Apr. 20, 1984]

**§ 29.3046 Oriented.**

A term applied to Type 31 untied tobacco which denotes the arrangement of leaves in a straight and orderly manner. Oriented includes:

(a) Any lot of baled tobacco in which the leaves are packed parallel to the length of the bale with the butts to the outside and the tips of the leaves overlapping sufficiently to make a level, solid and uniform package;

(b) Any lot of sheeted tobacco in which the leaves are arranged in a circular pattern with the butts to the outside.

[48 FR 40366, Sept. 7, 1983. Redesignated and amended at 49 FR 16758, Apr. 20, 1984]

**§ 29.3047 Package.**

A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, and at 49 FR 16758, Apr. 20, 1984]

**§ 29.3048 Packing.**

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspection. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, and at 49 FR 16758, Apr. 20, 1984]

**§ 29.3049 Pink or pinkish.**

A color term applied to pink or pinkish tobacco. Any leaf which has a pink or pinkish color affecting 20 percent or more of its leaf surface is considered as mixed color. (See Rule 16.)

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, and at 49 FR 16758, Apr. 20, 1984]

**§ 29.3050 Quality.**

A division of a group or the second factor of a grade, based on the relative degree of one or more elements of quality in tobacco.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, and at 49 FR 16758, Apr. 20, 1984]

**§ 29.3051 Raw.**

Freshly harvested tobacco or tobacco as it appears between the time of harvesting and the beginning of the curing process.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, and at 49 FR 16758, Apr. 20, 1984]

**§ 29.3052 Red color (R).**

A brownish red.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, and at 49 FR 16758, Apr. 20, 1984]

**§ 29.3053 Rework.**

Any lot of Type 31 tobacco which needs to be restored or otherwise rearranged to prepare it properly for market, including:

(a) Tobacco which contains an abnormally large quantity of foreign matter or an unusual number of muddy or extremely dirty leaves which should be removed;

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(b) Tobacco not properly tied in hands, not packed in bales approximately  $1 \times 2 \times 3$  feet, not oriented, not packed straight, bales not opened for inspection when chosen by a grader, or otherwise not properly prepared for market.

[47 FR 51722, Nov. 17, 1982. Redesignated and amended at 49 FR 16758, Apr. 20, 1984; 60 FR 7429, Feb. 8, 1995; 62 FR 60156, Nov. 7, 1997]

## § 29.3054 Semicured.

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, wet butts, swell stems, frozen tobacco, and tobacco having frozen stems or stems that have not been thoroughly dried in the curing process. (See Rule 23.)

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, and at 49 FR 16758, Apr. 20, 1984]

## § 29.3055 Side.

A certain phase of quality, color, or length as contrasted with some other phase of quality, color, or length; or any peculiar characteristic of tobacco.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, and at 49 FR 16758, Apr. 20, 1984]

## § 29.3056 Sound.

Free of damage.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, and at 49 FR 16758, Apr. 20, 1984]

## § 29.3057 Special factor.

A symbol or term authorized to be used with specified grades. Tobacco to which a special factor is applied may meet the general specifications but has a peculiar side or characteristic which tends to modify the grade. (See Rule 9.)

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, and at 49 FR 16758, Apr. 20, 1984]

## § 29.3058 Steam-dried.

The condition of unfermented tobacco as customarily prepared for stor-

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age by means of a redrying machine or other steam-conditioning equipment.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, and at 49 FR 16758, Apr. 20, 1984]

## § 29.3059 Stem.

The midrib or large central vein of a tobacco leaf.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, and at 49 FR 16758, Apr. 20, 1984]

## § 29.3060 Stemmed.

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, and at 49 FR 16758, Apr. 20, 1984]

## § 29.3061 Strength (tensile).

The stress a tobacco leaf can bear without tearing. Tensile strength is not an important element of quality in Burley tobacco.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, and at 49 FR 16758, Apr. 20, 1984]

## § 29.3062 Strips.

The sides of a tobacco leaf from which the stem has been removed; or a lot of tobacco composed of strips.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, and at 49 FR 16758, Apr. 20, 1984]

## § 29.3063 Subgrade.

Any grade modified by a special factor symbol.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, and at 49 FR 16758, Apr. 20, 1984]

## § 29.3064 Sweated.

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition is sometimes described as aged.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, and at 49 FR 16758, Apr. 20, 1984]

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### § 29.3065 Sweating.

The condition of tobacco in the process of fermentation.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, and at 49 FR 16758, Apr. 20, 1984]

### § 29.3066 Tan color.

A light red-yellow.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, and at 49 FR 16758, Apr. 20, 1984]

### § 29.3067 Tannish-buff (FL).

A light red-yellow shaded toward buff.

[51 FR 40407, Nov. 7, 1986]

### § 29.3068 Tannish-red color (FR).

A light red shaded toward tan.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, 49 FR 16758, Apr. 20, 1984 and 51 FR 40407, Nov. 7, 1986]

### § 29.3069 Tobacco.

Tobacco as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters into the different manufacturing processes. The acts of stemming, threshing and sweating, and conditioning are not regarded as manufacturing processes. Tobacco, as used in these standards, does not include manufactured or semimanufactured products, stems, cuttings, clippings, trimmings, siftings, or dust.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982. Redesignated and amended at 49 FR 16758, Apr. 20, 1984, and further redesignated at 51 FR 40407, Nov. 7, 1986]

### § 29.3070 Tobacco products.

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff, which is subject to Internal Revenue tax.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, 49 FR 16758, Apr. 20, 1984, and 51 FR 40407, Nov. 7, 1986]

### § 29.3071 Type.

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco

which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, 49 FR 16758, Apr. 20, 1984, and 51 FR 40407, Nov. 7, 1986]

### § 29.3072 Undried.

The condition of unfermented tobacco which has not been air-dried or steam-dried.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, 49 FR 16758, Apr. 20, 1984, and 51 FR 40407, Nov. 7, 1986]

### § 29.3073 Uniformity.

An element of quality which describes the consistency of a lot of tobacco as it is prepared for market. Uniformity is expressed in grade specifications as a percentage. The percentage is applicable to group, quality, and color. (See Rule 13.)

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, 49 FR 16758, Apr. 20, 1984, and 51 FR 40407, Nov. 7, 1986]

### § 29.3074 Unsound (U).

Damaged under 20 percent. (See Rule 21.)

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, 49 FR 16758, Apr. 20, 1984, and 51 FR 40407, Nov. 7, 1986]

### § 29.3075 Unstemmed.

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, 49 FR 16758, Apr. 20, 1984, and 51 FR 40407, Nov. 7, 1986]

### § 29.3076 Variegated (K).

Any leaf of which 20 percent or more of its surface is yellow, grayish, mottled, or bleached, and does not blend with the normal colors of the type or group and is generally characterized by a lower degree of leaf structure and

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maturity than tobacco of the corresponding group and quality. (See Rule 15.)

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, 49 FR 16758, Apr. 20, 1984, and 51 FR 40407, Nov. 7, 1986]

**§ 29.3077 Wet (W).**

Any sound tobacco containing excessive moisture to the extent that it is in an unsafe or doubtful-keeping order. Wet applies to any tobacco which is not damaged but which is likely to damage if treated in the customary manner. (See Rule 22.)

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, 49 FR 16758, Apr. 20, 1984, and 51 FR 40407, Nov. 7, 1986]

**§ 29.3078 Width.**

The relative breadth of a tobacco leaf expressed in relation to its length. Width as an element of quality, does

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not apply to tobacco in strip form. (See Elements of quality.)

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982. Redesignated and amended at 49 FR 16758, Apr. 20, 1984, and further redesignated at 51 FR 40407, Nov. 7, 1986]

**ELEMENTS OF QUALITY**

**§ 29.3101 Elements of quality and degrees of each element.**

These standardized words or terms are used to describe tobacco quality and to assist in interpreting grade specifications. Tobacco attributes or characteristics which constitute quality are designated as elements of quality. The range within each element is expressed by the use of words or terms designated as degrees. These several degrees are arranged to show their relative value, but the actual value of each degree varies with type, group, and grade. In each case the first and last degrees represent the full range for the element, and the intermediate degrees show gradual steps between them.

Elements			Degrees		
1 Body .....	Tissuey .....	Thin .....	Medium .....	Fleshy .....	Heavy.
2 Maturity .....	Mellow .....	Ripe .....	Mature .....	Underripe .....	Immature.
3 Leaf structure (porosity and solidity) .....	Porous .....	Open .....	Firm .....	Close .....	Solid.
4 Leaf surface (smoothness) .....	Smooth .....	Even .....	Wavy .....	Wrinkly .....	Rough.
5 Finish .....	Bright .....	Clear .....	Moderate .....	Dull .....	Dingy.
6 Color intensity .....	Deep .....	Strong .....	do .....	Weak .....	Pale.
7 Width .....	Broad .....	Spready .....	Normal .....	Narrow .....	Stringy.
8 Length .....	( <sup>1</sup> ) .....	( <sup>1</sup> ) .....	( <sup>1</sup> ) .....	( <sup>1</sup> ) .....	( <sup>1</sup> )
9 Uniformity .....	( <sup>2</sup> ) .....	( <sup>2</sup> ) .....	( <sup>2</sup> ) .....	( <sup>2</sup> ) .....	( <sup>2</sup> )
10 Injury tolerance .....	( <sup>2</sup> ) .....	( <sup>2</sup> ) .....	( <sup>2</sup> ) .....	( <sup>2</sup> ) .....	( <sup>2</sup> )

<sup>1</sup> Expressed in inches.  
<sup>2</sup> Expressed in percentage.

**RULES**

**§ 29.3103 Rules.**

The application of these official standard grades shall be in accordance with the following rules.

**§ 29.3104 Rule 1.**

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

**§ 29.3105 Rule 2.**

The determination of a grade shall be based upon a thorough examination of a lot of tobacco or of an official sample of the lot.

**§ 29.3106 Rule 3.**

In drawing an official sample from a hogshead or other package of tobacco, three or more breaks shall be made at such points and in such manner as the inspector or sampler may find necessary to determine the kinds of tobacco and the percentage of each kind contained in the lot. One break shall be

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made not more than six inches from the top of the package and one not more than six inches from the bottom. All breaks shall be made so that the tobacco contained in the center of the package is visible to the sampler. Tobacco shall be drawn from at least three breaks from which a representative sample shall be selected. The sample shall include tobacco of each different group, quality, color, length, and kind found in the lot in proportion to the quantities of each contained in the lot.

[24 FR 8771, Oct. 29, 1959, as amended at 49 FR 16758, Apr. 20, 1984]

**§ 29.3107 Rule 4.**

The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot of tobacco does not comply with the specifications of the grade previously assigned, it shall not thereafter be represented as such grade.

**§ 29.3108 Rule 5.**

A lot of tobacco on the marginal line between two colors shall be placed in the color with which it best corresponds with respect to body or other associated elements of quality.

**§ 29.3109 Rule 6.**

Any lot of tobacco which meets the specifications of two grades shall be placed in the higher grade. Any lot of tobacco on the marginal line between two grades shall be placed in the lower grade.

**§ 29.3110 Rule 7.**

A lot of tobacco meets the specifications of a grade when it is not lower in any degree of any element of quality than the minimum specifications of such grade.

**§ 29.3111 Rule 8.**

In determining the grade of a lot of tobacco, the lot as a whole shall be considered. Minor irregularities which do not affect over one percent of the tobacco shall be overlooked.

**§ 29.3112 Rule 9.**

Any special factor symbol, approved by the Director of the Tobacco Division of the Agricultural Marketing Service, may be used to show a peculiar side or characteristic of the tobacco which tends to modify the grade.

[24 FR 8771, Oct. 29, 1959, as amended at 49 FR 16758, Apr. 20, 1984]

**§ 29.3113 Rule 10.**

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Standards Branch and approved by the Director.

**§ 29.3114 Rule 11.**

The use of any grade may be restricted by the Director during any marketing season, when it is found that the grade is not needed or appears in insufficient volume to justify its use.

**§ 29.3115 Rule 12.**

Any lot, except strip form, of Leaf (B Group) tobacco in which 20 percent or more of its leaves are under 16 inches in length shall be designated as Tips (T Group).

[49 FR 16758, Apr. 20, 1984]

**§ 29.3116 Rule 13.**

Degrees of uniformity shall be expressed in terms of percentages. The percentages shall govern the portion of a lot which must meet the specifications of the grade. The minor portion must be closely related but may be of a different group, quality, and color from the major portion. These percentages shall not affect limitations established by other rules.

**§ 29.3117 Rule 14.**

The application of injury as an element of quality shall be expressed in terms of a percentage of tolerance. The appraisal of injury shall be based upon the percentage of affected leaf surface or the degree of injury. In appraising injury, consideration shall be given to the normal characteristics of the group as related to injury.

**§ 29.3118**

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**§ 29.3118 Rule 15.**

Any lot of tobacco containing over 20 percent of variegated leaves shall be described as “variegated” and designated by the color symbol “K.”

[51 FR 40407, Nov. 7, 1986]

**§ 29.3119 Rule 16.**

Any lot of tobacco of B, C, or X groups which contains 30 percent or more of pink or pinkish leaves or contains 30 percent or more of a color distinctly different from the major color shall be classified as “mixed” and designated by the color symbol “M.”

**§ 29.3120 Rule 17.**

Any lot of tobacco containing 20 percent or more of greenish leaves, or any lot which contains 20 percent of greenish and green leaves combined, shall be designated by the color symbol “V” in the C group and the combination color symbols “VF” or “VR” in the B and T groups.

**§ 29.3121 Rule 18.**

Any lot of tobacco containing 20 percent or more of green leaves, or any lot which is not crude but contains 20 percent or more of green and crude combined, shall be designated by the color symbol “G” in the X, C, and M groups and the combination color symbol “GF” and “GR” in the B and T groups.

[55 FR 40645, Oct. 4, 1990]

**§ 29.3122 Rule 19.**

Crude leaves shall not be included in any grade of any color except green, green tan, and green red. Any lot containing 20 percent or more of crude leaves shall be designated as Non-descript.

**§ 29.3123 Rule 20.**

All standard grades must be clean.

**§ 29.3124 Rule 21.**

Tobacco damaged under 20 percent but which otherwise meets the specifications of a grade shall be treated as a subgrade by placing the special factor “U” after the grademark. Tobacco damaged 20 percent or more shall be designated as “No-G.”

**§ 29.3125 Rule 22.**

Sound tobacco that is wet or is doubtful-keeping order but which otherwise meets the specifications of a grade shall be treated as a subgrade by placing the special factor “W” after the grademark. This special factor does not apply to tobacco designated as “No-G.”

**§ 29.3126 Rule 23.**

Tobacco shall be designated as No Grade, using the grademark, “No-G,” when it is dirty, offtype, semicured, needs to be reworked, damaged 20 percent or more, contains foreign matter, or has an odor foreign to the type.

[47 FR 51722, Nov. 17, 1982]

**§ 29.3127 Rule 24.**

Tobacco in Type 31 shall be designated by the grademark “No-G-Nested” when it is nested.

[47 FR 51722, Nov. 17, 1982, as amended at 49 FR 16758, Apr. 20, 1984]

**§ 29.3128 Rule 25.**

Tobacco in strip form which otherwise meets the specifications of a grade shall be treated as a subgrade by placing the special factor “S” preceding the grademark.

[49 FR 16758, Apr. 20, 1984]

**GRADES**

**§ 29.3151 Flyings (X Group).**

This group consists of leaves normally grown at the bottom of the stalk. These leaves are flat and open-faced and have a blunt or oblate tip. Compared with other groups on the stalk, Flyings consist of relatively thin to tissuey leaves which show the highest degree of maturity and the most open leaf structure. Flyings show a material amount of injury characteristic of leaves grown near the ground. (See Rule 14.)

<i>Grades</i>	<i>Grade names and specifications</i>
X1L .....	Choice Buff Flyings. Tissuey, mellow, open to porous, even, clear finish, strong color intensity, 95 percent uniform, and 5 percent injury tolerance.
X2L .....	Fine Buff Flyings.

Grades	Grade names and specifications
X3L .....	Tissuey, mellow, open to porous, even, moderate finish and color intensity, 90 percent uniform, and 10 percent injury tolerance. Good Buff Flyings.
X4L .....	Tissuey, ripe to mellow, open to porous, wavy, dull finish, weak color intensity, 80 percent uniform, and 20 percent injury tolerance. Fair Buff Flyings.
X5L .....	Tissuey, mature to ripe, open to porous, wrinkly to wavy, dingy finish, pale color intensity, 70 percent uniform, and 30 percent injury tolerance. Low Buff Flyings.
X1F .....	Tissuey, mature to ripe, open to porous, wrinkly, dingy finish, pale color intensity, 60 percent uniform, and 40 percent injury tolerance. Choice Tan Flyings.
X2F .....	Thin, mellow, open to porous, even, clear finish, strong color intensity, 95 percent uniform, and 5 percent injury tolerance. Fine Tan Flyings.
X3F .....	Thin, mellow, open to porous, even, moderate finish and color intensity, 90 percent uniform, and 10 percent injury tolerance. Good Tan Flyings.
X4F .....	Thin, ripe to mellow, open to porous, wavy, dull finish, weak color intensity, 80 percent uniform, and 20 percent injury tolerance. Fair Tan Flyings.
X5F .....	Thin, mature to ripe, open to porous, wrinkly to wavy, dingy finish, pale color intensity, 70 percent uniform, and 30 percent injury tolerance. Low Tan Flyings.
X4M .....	Thin, mature to ripe, open to porous, wrinkly, dingy finish, pale color intensity, 60 percent uniform, and 40 percent injury tolerance. Fair Mixed Color Flyings.
X5M .....	Medium to tissuey body, mature to ripe, firm to porous, wrinkly to wavy, dingy finish, pale color intensity, 70 percent uniform, and 30 percent injury tolerance. Low Mixed Color Flyings.
X4G .....	Medium to tissuey body, mature to ripe, firm to porous, wrinkly, dingy finish, pale color intensity, 60 percent uniform, and 40 percent injury tolerance. Fair Green Flyings.
X5G .....	Medium to tissuey body, immature, firm, wrinkly to wavy, dingy finish, 70 percent uniform, and 30 percent injury tolerance. Low Green Flyings.
	Medium to tissuey body, immature, firm, wrinkly, dingy finish, 60 percent uniform, and 40 percent injury tolerance.

§ 29.3152 Lugs or Cutters (C Group).

This group consists of leaves normally grown at the midportion of the stalk. Cured leaves from this stalk position have a tendency to roll, concealing the stem or midrib. Lugs or Cutters have an oblate to rounded tip and are usually thin to medium in body. The leaves are spready in relation to their length and show little or no ground injury.

Grades	Grade names and specifications
C1L .....	Choice Buff Lugs. Thin, ripe, open, smooth, bright finish, deep color intensity, broad, 20" or over in length, 95 percent uniform and 5 percent injury tolerance.
C2L .....	Fine Buff Lugs. Thin, ripe, open, smooth, bright finish, strong color intensity, spready, 20" or over in length, 90 percent uniform, and 10 percent injury tolerance.
C3L .....	Good Buff Lugs. Thin, ripe, open, even, clear finish, moderate color intensity, normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
C4L .....	Fair Buff Lugs. Thin, mature to ripe, firm to open, wavy to even, moderate finish, weak color intensity, narrow to normal width, 80 percent uniform, and 20 percent injury tolerance.
C5L .....	Low Buff Lugs. Thin, mature, firm to open, wavy dull finish, pale color intensity, narrow, 70 percent uniform, and 30 percent injury tolerance.
C1F .....	Choice Tan Lugs. Medium to thin body, ripe, open, smooth, bright finish, deep color intensity, broad, 20" or over in length, 95 percent uniform, and 5 percent injury tolerance.
C2F .....	Fine Tan Lugs. Medium to thin body, ripe, open, smooth, bright finish, strong color intensity, spready, 20" or over in length, 90 percent uniform, and 10 percent injury tolerance.
C3F .....	Good Tan Lugs. Medium to thin body, ripe, open, even, clear finish, moderate color intensity, normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
C4F .....	Fair Tan Lugs. Medium to thin body, mature to ripe, firm to open, wavy to even, moderate finish, weak color intensity, narrow to normal width, 80 percent uniform, and 20 percent injury tolerance.
C5F .....	Low Tan Lugs. Medium to thin body, mature, firm to open, wavy, dull finish, pale color intensity, narrow, 70 percent uniform and 30 percent injury tolerance.
C3K .....	Good Variegated Lugs.

[24 FR 8771, Oct. 29, 1959, as amended at 35 FR 10490, June 27, 1970; 49 FR 16758, Apr. 20, 1984]

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Grades	Grade names and specifications
	Medium body, ripe, open, even, normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
C4K .....	Fair Variegated Lugs. Medium body, mature to ripe, firm to open, wavy to even, narrow to normal width, 80 percent uniform, and 20 percent injury tolerance.
C5K .....	Low Variegated Lugs. Medium body, mature, close to firm, wavy, narrow, 70 percent uniform, and 30 percent injury tolerance.
C3M .....	Good Mixed Color Lugs. Medium to tissuey body, mature to ripe, firm to open, even, moderate finish and color intensity, normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
C4M .....	Fair Mixed Color Lugs. Medium to tissuey body, mature to ripe, firm to open, wavy to even, dull finish, weak color intensity, narrow to normal width, 80 percent uniform, and 20 percent injury tolerance.
C5M .....	Low Mixed Color Lugs. Medium to tissuey body, mature to ripe, firm to open, wavy, dingy finish pale color intensity, narrow, 70 percent uniform, and 30 percent injury tolerance.
C3V .....	Good Greenish Lugs. Medium to thin body, underripe open, even, clear finish, normal width 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
C4V .....	Fair Greenish Lugs. Medium to thin body, underripe, firm to open, wavy to even, moderate finish, narrow to normal width, 80 percent uniform, and 20 percent injury tolerance.
C5V .....	Low Greenish Lugs. Medium to thin body, underripe firm to open, wavy, dull finish, narrow, 70 percent uniform, and 30 percent injury tolerance.
C4G .....	Fair Green Lugs. Medium body, immature, close to firm, wavy to even, moderate finish, narrow to normal width, 80 percent uniform, and 20 percent injury tolerance.
C5G .....	Low Green Lugs. Medium body, immature, close to firm, wavy, dull finish, narrow, 70 percent uniform, and 30 percent injury tolerance.

[24 FR 8771, Oct. 29, 1959, as amended at 35 FR 10490, June 27, 1970; 49 FR 16758, Apr. 20, 1984]

§ 29.3153 Leaf (B Group).

This group consists of leaves normally grown above the midpoint of the stalk. Cured leaves from the upper stalk position have a tendency to fold, concealing the face of the leaf and exposing the stem or midrib. These leaves have a pointed tip and generally are

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medium to heavy in body. They are narrower in relation to their length than corresponding qualities of the C Group.

Grades	Grade names and specifications
B1F .....	Choice Tan Leaf. Medium body, ripe, open, smooth, clear finish, deep color intensity, spready, 20" or over in length, 95 percent uniform, and 5 percent injury tolerance.
B2F .....	Fine Tan Leaf. Medium body ripe, open, even, clear finish, deep color intensity, spready, 20" or over in length, 90 percent uniform, and 10 percent injury tolerance.
B3F .....	Good Tan Leaf. Medium body, mature to ripe, firm to open, wavy to even, moderate finish and color intensity, narrow to normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
B4F .....	Fair Tan Leaf. Medium body, mature, firm, wavy, dull finish, weak color intensity, narrow, 16" or over in length, 80 percent uniform, and 20 percent injury tolerance.
B5F .....	Low Tan Leaf. Medium body, mature, firm, wrinkly, dingy finish, pale color intensity, stringy, 16" or over in length, 70 percent uniform, and 30 percent injury tolerance.
B2FL .....	Fine Tannish-buff Leaf. Medium body, ripe, open, even, clear finish, strong color intensity, spready, 20" or over in length, 90 percent uniform, and 10 percent injury tolerance.
B3FL .....	Good Tannish-buff Leaf. Medium body, mature to ripe, firm to open, wavy to even, moderate finish and color intensity, narrow to normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
B4FL .....	Fair Tannish-buff Leaf. Medium body, mature, firm, wavy, dull finish, weak color intensity, narrow, 16" or over in length, 80 percent uniform, and 20 percent injury tolerance.
B1FR .....	Choice Tannish-red Leaf. Fleshy to medium body, ripe, open, smooth, clear finish, deep color intensity, spready, 20" or over in length, 95 percent uniform, and 5 percent injury tolerance.
B2FR .....	Fine Tannish-red Leaf. Fleshy to medium body, ripe, open, even, clear finish, strong color intensity, spready, 20" or over in length, 90 percent uniform, and 10 percent injury tolerance.
B3FR .....	Good Tannish-red Leaf.

Grades	Grade names and specifications
B4FR	Fleshy to medium body, mature to ripe, firm to open, wavy to even, moderate finish and color intensity, narrow to normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance. Fair Tannish-red Leaf.
B5FR	Fleshy to medium body, mature firm, wavy, dull finish, weak color intensity, narrow, 16" or over in length 80 percent uniform, and 20 percent injury tolerance. Low Tannish-red Leaf.
B1R	Fleshy to medium body, mature, firm, wrinkly, dingy finish, pale color intensity, stringy, 16" or over in length, 70 percent uniform, and 30 percent injury tolerance. Choice Red Leaf.
B2R	Heavy to fleshy, ripe, firm to open, even, clear finish, deep color intensity, spready, 20" or over in length 95 percent uniform, and 5 percent injury tolerance. Fine Red Leaf.
B3R	Heavy to fleshy, ripe, firm to open wavy, clear finish, strong color intensity, spready, 20" or over in length 90 percent uniform, and 10 percent injury tolerance. Good Red Leaf.
B4R	Heavy to fleshy, mature to ripe, firm, wrinkly to wavy, moderate finish and color intensity, narrow to normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance. Fair Red Leaf.
B5R	Heavy to fleshy, mature, close to firm, wrinkly, dull finish, weak color intensity, narrow, 16" or over in length, 80 percent uniform, and 20 percent injury tolerance. Low red Leaf.
B4D	Heavy to fleshy, mature, close, rough, dingy finish, pale color intensity, stringy, 16" or over in length, 70 percent uniform, and 30 percent injury tolerance. Fair Dark-red Leaf.
B5D	Heavy to fleshy, mature, close, wrinkly, dull finish, weak color intensity, narrow, 16" or over in length, 80 percent uniform, and 20 percent injury tolerance. Low Dark-red Leaf.
B3K	Heavy to fleshy, underripe to mature, solid, rough, dingy finish, pale color intensity, stringy, 16" or over in length, 70 percent uniform, and 30 percent injury tolerance. Good Variegated Leaf.
B4K	Fleshy to medium body, mature to ripe, firm to open, wrinkly to wavy, narrow to normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance. Fair Variegated Leaf.
B5K	Fleshy, mature, close to firm, wrinkly, narrow, 16" or over in length, 80 percent uniform, and 20 percent injury tolerance. Low Variegated Leaf.

Grades	Grade names and specifications
B2M	Heavy to fleshy, underripe to mature, solid to close, rough, stringy, 16" or over in length, 70 percent uniform, and 30 percent injury tolerance. Fine Mixed Color Leaf.
B3M	Fleshy to medium body, ripe, open, even, clear finish, strong color intensity, 20" or over in length, 90 percent uniform, and 10 percent injury tolerance. Good Mixed Color Leaf.
B4M	Fleshy to medium body, mature to ripe, firm to open, wavy to even, moderate finish and color intensity, narrow to normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance. Fair Mixed Color Leaf.
B5M	Fleshy to medium body, mature to ripe, firm to open, wavy, dull finish, weak color intensity, narrow, 16" or over in length, 80 percent uniform and 20 percent injury tolerance. Low Mixed Color Leaf.
B3VF	Fleshy to medium body, underripe to mature, firm to open, wrinkly, dingy finish, pale color intensity stringy, 16" or over in length, 70 percent uniform, and 30 percent injury tolerance. Good Greenish-tan Leaf.
B4VF	Medium body, underripe, firm to open, wavy to even, moderate finish, narrow to normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance. Fair Greenish-tan Leaf.
B5VF	Medium body, underripe, close to firm, wavy, dull finish, narrow, 16" or over in length, 80 percent uniform, and 20 percent injury tolerance. Low Greenish-tan Leaf.
B3VR	Medium body, underripe, close, wrinkly, dingy finish, stringy, 16" or over in length, 70 percent uniform, and 30 percent injury tolerance. Good Greenish-red Leaf.
B4VR	Heavy to fleshy, underripe, firm, wrinkly to wavy, moderate finish, narrow to normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance. Fair Greenish-red Leaf.
B5VR	Heavy to fleshy, underripe, close to firm, wrinkly, dull finish, narrow, 16" or over in length, 80 percent uniform, and 20 percent injury tolerance. Low Greenish-red Leaf.
B3GF	Heavy to fleshy, underripe, close, rough, dingy finish, stringy, 16" or over in length, 70 percent uniform, and 30 percent injury tolerance. Good Green-tan Leaf.
B4GF	Fleshy to medium body, immature, firm to open, wrinkly to wavy, moderate finish, narrow to normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance. Fair Green-tan Leaf.
B5GF	Fleshy to medium body, immature, close to firm, wrinkly, dull finish, narrow, 16" or over in length, 80 percent uniform, and 20 percent injury tolerance. Low Green-tan Leaf.

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Grades	Grade names and specifications
B3GR .....	Fleshy to medium body, immature, close, rough, dingy finish, stringy, 16" or over in length, 70 percent uniform, and 30 percent injury tolerance. Good Green-red Leaf.
B4GR .....	Heavy to fleshy, immature, close to firm, wrinkly to wavy, moderate finish, narrow to formal width, 18" or over in length, 85 percent uniform and 15 percent injury tolerance. Fair Green-red Leaf.
B5GR .....	Heavy to fleshy, immature, solid to close, wrinkly, dull finish, narrow width, 16" or over in length, 80 percent uniform, and 20 percent injury tolerance. Low Green-red Leaf.

[24 FR 8771, Oct. 29, 1959, as amended at 49 FR 16758, Apr. 20, 1984; 51 FR 40407, Nov. 7, 1986]

§ 29.3154 Tips (T Group).

This group consists of leaves usually grown at the top of the stalk. These relatively narrow and sharp-pointed leaves have the general characteristics of B-Group tobacco. Tips have a slightly lower degree of maturity and leaf structure than other leaves on the stalk. (See Rule 12.)

Grades	Grade names and specifications
T3F .....	Good Tan Tips. Medium body, mature to ripe, firm to open, wavy to even, moderate finish and color intensity, narrow to normal width, under 16" in length, 85 percent uniform, and 15 percent injury tolerance.
T4F .....	Fair Tan Tips. Medium body, mature, firm, wavy dull finish, weak color intensity, narrow, under 16" in length, 80 percent uniform, and 20 percent injury tolerance.
T5F .....	Low Tan Tips. Medium body, mature, firm, wrinkly, dingy finish, pale color intensity, stringy, under 16" in length, 70 percent uniform, and 30 percent injury tolerance.
T3FR .....	Good Tannish-red Tips. Fleshy to medium body, mature to ripe, firm to open, wavy to even, moderate finish and color intensity, narrow to normal width, under 16" in length, 85 percent uniform, and 15 percent injury tolerance.
T4FR .....	Fair Tannish-red Tips. Fleshy to medium body, mature, firm, wavy, dull finish, weak color intensity, narrow, under 16" in length, 80 percent uniform, and 20 percent injury tolerance.
T5FR .....	Low Tannish-red Tips.

Grades	Grade names and specifications
T3R .....	Fleshy to medium body, mature, firm, wrinkly, dingy finish, pale color intensity, stringy, under 16" in length, 70 percent uniform, and 30 percent injury tolerance. Good Red Tips.
T4R .....	Heavy to fleshy, mature to ripe, firm, wrinkly to wavy, moderate finish and color intensity, narrow to normal width, under 16" in length, 85 percent uniform, and 15 percent injury tolerance. Fair Red Tips.
T5R .....	Heavy to fleshy, mature, close to firm, wrinkly, dull finish, weak color intensity, narrow, under 16" in length, 80 percent uniform, and 20 percent injury tolerance. Low Red Tips.
T4D .....	Heavy to fleshy, mature, close, rough, dingy finish, pale color intensity, stringy, under 16" in length, 70 percent uniform, and 30 percent injury tolerance. Fair Dark-red Tips.
T5D .....	Heavy to fleshy, mature, close, wrinkly, dull finish, weak color intensity, narrow, under 16" in length, 80 percent uniform, and 20 percent injury tolerance. Low Dark-red Tips.
T4K .....	Heavy to fleshy, mature, close, wrinkly, narrow, under 16" in length, 80 percent uniform, and 20 percent injury tolerance. Fair Variegated Tips.
T5K .....	Fleshy, mature, close to firm, wrinkly, narrow, under 16" in length, 80 percent uniform, and 20 percent injury tolerance. Low Variegated Tips.
T4VF .....	Heavy to fleshy, underripe to mature, solid to close, rough, stringy, under 16" in length, 70 percent uniform, and 30 percent injury tolerance. Fair Greenish-tan Tips.
T5VF .....	Medium body, underripe, close to firm, wavy, dull finish, narrow, under 16" in length, 80 percent uniform and 20 percent injury tolerance. Low Greenish-tan Tips.
T4VR .....	Medium body, underripe, close, wrinkly, dingy finish, stringy, under 16" in length, 70 percent uniform, and 30 percent injury tolerance. Fair Greenish-red Tips.
T5VR .....	Heavy to fleshy, underripe, close to firm, wrinkly, dull finish, narrow, under 16" in length, 80 percent uniform, and 20 percent injury tolerance. Low Greenish-red Tips.
T4GF .....	Heavy to fleshy, underripe, close, rough, dingy finish, stringy, under 16" in length, 70 percent uniform, and 30 percent injury tolerance. Fair Green-tan Tips.
T5GF .....	Fleshy to medium body, immature, close to firm, wrinkly, dull finish, narrow, under 16" in length, 80 percent uniform, and 20 percent injury tolerance. Low Green-tan Tips.

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<i>Grades</i>	<i>Grade names and specifications</i>
T4GR .....	Fleshy to medium body, immature, close, rough, dingy finish, stringy, under 16" in length, 70 percent uniform, and 30 percent injury tolerance. Fair Green-red Tips. Heavy to fleshy, immature, solid to close, wrinkly, dull finish, narrow, under 16" in length, 80 percent uniform, and 20 percent injury tolerance.
T5GR .....	Low Green-red Tips. Heavy to fleshy, immature, solid, rough, dingy finish, stringy, under 16" in length, 70 percent uniform, and 30 percent injury tolerance.

[24 FR 8771, Oct. 29, 1959, as amended at 49 FR 16758, Apr. 20, 1984]

**§ 29.3155 Mixed (M Group).**

This group consists of tobacco of distinctly different groups which are mixed together in various combinations.

<i>Grades</i>	<i>Grade names and specifications</i>
M3F .....	Good Light Mixed. General quality of X3, C3, B3, T3, medium to tissuey body, light general color, under 20 percent greenish, and 15 percent injury tolerance.
M4F .....	Fair Light Mixed. General quality of X4, C4, B4, T4, medium to tissuey body, light general color under 20 percent greenish, and 20 percent injury tolerance.
M5F .....	Low Light Mixed. General quality of X5, C5, B5, T5, medium to tissuey body, light general color, under 20 percent greenish, and 30 percent injury tolerance.
M3FR .....	Good Dark Mixed. General quality of X3, C3, B3, T3, heavy to medium body, dark general color, under 20 percent greenish, and 15 percent injury tolerance.
M4FR .....	Fair Dark Mixed. General quality of X4, C4, B4, T4, heavy to medium body, dark general color, under 20 percent greenish, and 20 percent injury tolerance.
M5FR .....	Low Dark Mixed. General quality of X5, C5, B5, T5, heavy to medium body, dark general color, under 20 percent greenish, and 30 percent injury tolerance.
M4K .....	Fair Variegated Mixed. General quality of X4, C4, B4, T4, fleshy to thin body, under 20 percent greenish, and 20 percent injury tolerance.
M5K .....	Low Variegated Mixed. General quality of X5, C5, B5, T5, fleshy to thin body, under 20 percent greenish, and 30 percent injury tolerance.
M4G .....	Fair Green Mixed. General quality of X4, C4, B4, and T4, heavy to tissuey body, immature, and 20 percent injury tolerance.

<i>Grades</i>	<i>Grade names and specifications</i>
M5G .....	Low Green Mixed. General quality of X5, C5, B5, and T5, heavy to tissuey body, immature, and 30 percent injury tolerance.

[35 FR 10490, June 27, 1970, as amended at 49 FR 16758, Apr. 20, 1984; 51 FR 40407, Nov. 7, 1986; 55 FR 40645, Oct. 4, 1990]

**§ 29.3156 Nondescript (N Group).**

Extremely common tobacco which does not meet the minimum specifications or which exceeds the tolerance of the lowest grade of any other group.

<i>Grades</i>	<i>Grade names and specifications</i>
N1L .....	First Quality Light Colored Nondescript Thin to tissuey body and 60 percent injury tolerance.
N1F .....	First Quality Medium Colored Nondescript Fleshy to medium body and 60 percent injury tolerance.
N1R .....	First Quality Dark Colored Nondescript Heavy to fleshy body and 60 percent injury tolerance.
N1G .....	First Quality Crude Green Nondescript 60 percent crude leaves or injury tolerance.
N2L .....	Second Quality Light to Medium Colored Nondescript Medium to tissuey body and over 60 percent injury tolerance.
N2R .....	Second Quality Medium to Dark Colored Nondescript Heavy to medium body and over 60 percent injury tolerance.
N2G .....	Second Quality Crude Green Nondescript Over 60 percent crude leaves or injury tolerance.

[24 FR 8771, Oct. 29, 1959, as amended at 49 FR 16758, Apr. 20, 1984]

**§ 29.3157 Scrap (S Group).**

A by-product of unstemmed and stemmed tobacco. Scrap accumulates from handling tobacco in farm buildings, warehouses, packing and conditioning plants, and stemmeries.

<i>Grades</i>	<i>Grade names and specifications</i>
S .....	Scrap. Loose, tangled, whole, or broken unstemmed leaves, or web portions of tobacco leaves reduced to scrap by any process.

[24 FR 8771, Oct. 29, 1959, as amended at 49 FR 16758, Apr. 20, 1984]

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SUMMARY OF STANDARD GRADES

**§ 29.3181 Summary of standard grades.**

*14 Grades of Flying*

X1L	X5L	X4F	X4G
X2L	X1F	X5F	X5G
X3L	X2F	X4M	
X4L	X3F	X5M	

*21 Grades of Lugs or Cutters*

C1L	C2F	C5K	C5V
C2L	C3F	C3M	C4G
C3L	C4F	C4M	C5G
C4L	C5F	C5M	
C5L	C3K	C3V	
C1F	C4K	C4V	

*39 Grades of Leaf*

B1F	B3FR	B3K	B3VR
B2F	B4FR	B4K	B4VR
B3F	B5FR	B5K	B5VR
B4F	B1R	B2M	B3GF
B5F	B2R	B3M	B4GF
B2FL	B3R	B4M	B5GF
B3FL	B4R	B5M	B3GR
B4FL	B5R	B3VF	B4GR
B1FR	B4D	B4VF	B5GR
B2FR	B5D	B5VF	

*21 Grades of Tips*

T3F	T3R	T5K	T5GF
T4F	T4R	T4VF	T4GR
T5F	T5R	T5VF	T5GR
T3FR	T4D	T4VR	
T4FR	T5D	T5VR	
T5FR	T4K	T4GF	

*8 Grades of Mixed Group*

M3F	M5F	M4FR	M4K
M4F	M3FR	M5FR	M5K

*7 Grades of Nondescript*

N1L	N1R	N2L	N2G
N1F	N1G	N2R	

*1 Grade of Scrap*

S

Special factors "U", "W" and "S" may be applied to all grades. Tobacco not covered by the standard grades is designated by No-G or No-G-Nested.

[24 FR 8771, Oct. 29, 1959, as amended at 35 FR 10490, June 27, 1970; 47 FR 51722, Nov. 17, 1982; 49 FR 16758, Apr. 20, 1984; 51 FR 40407, Nov. 7, 1986]

KEY TO STANDARD GRADEMARKS

**§ 29.3182 Key to standard grademarks.**

*Groups*

X—Flying.  
C—Lugs or Cutters  
B—Leaf.  
T—Tips.

M—Mixed.  
N—Nondescript.  
S—Scrap.

*Qualities*

1—Choice.  
2—Fine.  
3—Good.  
4—Fair.  
5—Low.

*Colors*

L—Buff.  
F—Tan.  
FL—Tannish buff.  
FR—Tannish red.  
R—Red.  
D—Dark red.  
K—Variegated.  
M—Mixed.  
V—Greenish.  
VF—Greenish tan.  
VR—Greenish red.  
G—Green.  
GF—Green tan.  
GR—Green red.

[24 FR 8771, Oct. 29, 1959, as amended at 51 FR 40407, Nov. 7, 1986]

OFFICIAL STANDARD GRADES FOR DARK AIR-CURED TOBACCO (U.S. TYPES 35, 36, 37 AND FOREIGN TYPE 95)

AUTHORITY: Sections 29.3501 to 29.3686 issued under 7 U.S.C. 511m and 511r.

SOURCE: Sections 29.3501 to 29.3686 appear at 30 FR 9207, July 23, 1965, unless otherwise noted.

DEFINITIONS

**§ 29.3501 Definitions.**

As used in §§29.3501 to 29.3686, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

**§ 29.3502 Air-cured.**

Tobacco cured under natural atmospheric conditions without the use of fire, except for the purpose of preventing pole-burn in damp weather.

**§ 29.3503 Air-dried.**

The condition of unfermented tobacco as customarily prepared for storage under natural atmospheric conditions.

**§ 29.3504 Body.**

The thickness and density of a leaf or the weight per unit of surface. (See Elements of Quality, §29.3586.)

**§ 29.3505 Brown colors.**

A group of colors ranging from a light brown to a dark brown. These colors vary from medium to low saturation and from medium to very low brilliance. As used in these standards, the colors are expressed as light brown (L), medium brown (F), reddish brown (R), and dark brown (D).

**§ 29.3506 Class.**

A major division of tobacco based on method of cure or principal usage.

**§ 29.3507 Clean.**

Tobacco is described as clean when it contains only a normal amount of sand or soil particles. Leaves grown on the lower portion of the stalk normally contain more dirt or sand than those from higher stalk positions. (See Rule 4, §29.3605.)

**§ 29.3508 Color.**

The third factor of a grade based on the relative hues, saturations or chromas, and color values common to the type.

**§ 29.3509 Color intensity.**

The varying degree of saturation or chroma. Color intensity as applied to tobacco describes the strength or weakness of a specific color or hue. It is applicable to all colors except green. (See Elements of Quality, §29.3586.)

**§ 29.3510 Color symbols.**

As applied to Dark Air-cured tobacco, color symbols are L—light brown, F—medium brown, R—reddish brown, D—dark brown, M—mixed, and G—green.

**§ 29.3511 Condition.**

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are: Undried, air-dried, steam-dried, sweating, sweated, and aged.

**§ 29.3512 Crude.**

A subdegree of maturity. Crude leaves are usually hard and slick as a result of extreme immaturity. A similar condition may result from firekill, sunburn, or sunscald. Any leaf which is crude to the extent of 20 percent or more of its leaf surface may be described as crude. (See Rule 20, §29.3621.)

**§ 29.3513 Cured.**

Tobacco dried of its sap by either natural or artificial processes.

**§ 29.3514 Damage.**

The effect of mold, must, rot, black rot, or other fungus or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must, or rot is considered damaged. (See Rule 24, §29.3625.)

**§ 29.3515 Dirty.**

The state of tobacco containing an abnormal amount of dirt or sand, or tobacco to which additional quantities of dirt or sand have been added. (See Rule 24, §29.3625.)

**§ 29.3516 Elasticity.**

The flexible, springy nature of the tobacco leaf to recover approximately its original size and shape after it has been stretched. (See Elements of Quality, §29.3586.)

**§ 29.3517 Finish.**

The reflectance factor in color perception. Finish indicates the sheen or shine of the surface of a tobacco leaf. (See Elements of Quality, §29.3586.)

**§ 29.3518 Foreign matter.**

Any extraneous substance or material such as stalks, suckers, straw, strings, and rubber bands. Abnormal amounts of dirt or sand are also included. (See Rule 24, §29.3625.)

**§ 29.3519 Form.**

The stage of preparation of tobacco such as unstemmed or stemmed.

**§ 29.3520 Grade.**

A subdivision of a type according to group, quality, and color.

**§ 29.3521**

**§ 29.3521 Grademark.**

A grademark normally consists of three symbols which indicate group, quality, and color. A letter is used to indicate group, a number to indicate quality, and a letter or letters to indicate color. For example, B3D means Heavy Leaf, third quality, and dark-brown color.

**§ 29.3522 Green (G).**

A term applied to green-colored, immature, or crude tobacco. Any leaf which has a green color affecting 20 percent or more of its leaf surface may be described as green. (See Rule 19, § 29.3620.)

**§ 29.3523 Group.**

A division of a type covering closely related grades based on certain characteristics which are related to stalk position, body, or the general quality of the tobacco. Groups in Dark Air-cured types are: Wrappers (A), Heavy Leaf (B), Thin Leaf (C), Lugs (X), Non-descript (N), and Scrap (S).

[51 FR 40408, Nov. 7, 1986]

**§ 29.3524 Injury.**

Hurt or impairment from any cause except the fungus or bacterial diseases which attack tobacco in its cured state. (See definition of Damage, § 29.3514.) Injury to tobacco may be caused by field diseases, insects, or weather conditions; insecticides, fungicides, or cell growth inhibitors; nutritional deficiencies or cesses; or improper fertilizing, harvesting, curing, or handling. Injured tobacco includes dead, burned, hail-cut torn, broken, frostbitten, sunburned, sunscalded, scorched, fire-killed, bulk-burnt, steam-burnt, house-burnt, bleached, bruised, discolored, or deformed leaves; or tobacco affected by wildfire rust, frog-eye, mosaic, root rot, wilt, black shank, or other diseases. (See Rule 15, § 29.3616.)

**§ 29.3525 Leaf.**

Whole, unstemmed leaf. Leaf, when applied to tobacco in strip form, shall describe the divided unit of a whole leaf.

[49 FR 16759, Apr. 20, 1984]

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**§ 29.3526 Leaf scrap.**

A byproduct of unstemmed tobacco. Leaf scrap results from handling unstemmed tobacco and consists of loose and tangled whole or broken leaves.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

**§ 29.3527 Leaf structure.**

The cell development of a leaf as indicated by its porosity. (See Elements of Quality, § 29.3586.)

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

**§ 29.3528 Leaf surface.**

The roughness or smoothness of the web or lamina of a tobacco leaf. Leaf surface is affected to some extent by the size and shrinkage of the veins or fibers (See Elements of Quality, § 29.3586.)

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

**§ 29.3529 Length.**

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip. (See Standard Tobacco Sizes, § 29.3591.)

[51 FR 40408, Nov. 7, 1986]

**§ 29.3530 Lot.**

A pile, basket, bulk, or more than one bale, case, hogshead, tierce, package, or other definite package unit.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

**§ 29.3531 Maturity.**

The degree of ripeness. (See Elements of Quality, § 29.3586, and Rule 16, § 29.3617.)

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

**§ 29.3532 Mixed (M).**

Variegated or distinctly different colors of the type mingled together. (See Rules 17, § 29.3618; 18, § 29.3619.)

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

**Agricultural Marketing Service, USDA**

**§ 29.3542**

**§ 29.3533 Nested.**

Any lot of Types 35, 36 and 37 tobacco which has been loaded, packed, or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. Nested includes:

(a) Any lot of tobacco which contains foreign matter or damaged, injured, tangled, or other inferior tobacco, any of which cannot be readily detected upon inspection because of the way the lot is packed or arranged; (b) any lot of tied tobacco which contains foreign matter in the inner portions of the hands or which contains foreign matter in the heads under the tie leaves; (c) any lot of tied tobacco in which the leaves on the outside of the hands are placed or arranged to conceal inferior quality leaves on the inside of the hands or which contains wet tobacco or tobacco of lower quality in the heads under the tie leaves; and (d) any lot of tobacco which consists of distinctly different grades, qualities, or conditions and which is stacked or arranged in layers with the same kinds together so that the tobacco in the lower layer or layers is distinctly inferior in grade, quality, or condition from the tobacco in the top or upper layers. (See Rule 24, § 29.3625.)

[30 FR 9207, July 23, 1965. Redesignated and amended at 49 FR 16759, Apr. 20, 1984]

**§ 29.3534 No grade.**

A designation applied to a lot of tobacco classified as nested, offtype, rework, or semicured; tobacco that is damaged 20 percent or more, abnormally dirty, extremely wet or watered, contains foreign matter, or has an odor foreign to the type. (See Rule 24, § 29.3625.)

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

**§ 29.3535 Offtype.**

Tobacco of distinctly different characteristics which cannot be classified as Dark Air-cured, U.S. Type 35, 36, 37, or Foreign Type 95. (See Rule 24, § 29.3625.)

[30 FR 9207, July 23, 1965. Redesignated and amended at 49 FR 16759, Apr. 20, 1984]

**§ 29.3536 Order (case).**

The state of tobacco with respect to its moisture content.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

**§ 29.3537 Package.**

A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

**§ 29.3538 Packing.**

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspecting. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

**§ 29.3539 Quality.**

A division of a group or the second factor of a grade based on the relative degree of one or more elements of quality in tobacco.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

**§ 29.3540 Raw.**

Freshly harvested tobacco or tobacco as it appears between the time of harvesting and the beginning of the curing process.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

**§ 29.3541 Resweated.**

The condition of tobacco which has passed through a second fermentation under abnormally high temperatures or refermented with a relatively high percentage of moisture. Resweated includes tobacco which has been dipped or reconditioned after its first fermentation and put through a forced or artificial sweat.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

**§ 29.3542 Rework.**

Any lot of Types 35, 36, and 37 tobacco which needs to be resorted or

**§ 29.3543**

otherwise reworked to prepare it properly for market in the manner which is customary in the type area, including:

(a) Tobacco which is so mixed that it cannot be classified properly in any grade of the type, because the lot contains a substantial quantity of two or more distinctly different grades which should be separated by sorting;

(b) Tobacco which contains an abnormally large quantity of foreign matter or an unusual number of muddy or extremely dirty leaves which should be removed; and

(c) Tobacco not tied in hands, not packed straight, not properly tied, or otherwise not properly prepared for market. (See Rule 24, §29.3625.)

[30 FR 9207, July 23, 1965. Redesignated and amended at 49 FR 16759, Apr. 20, 1984]

**§ 29.3543 Semicured.**

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, wet butts, swelled stems, frozen tobacco, and tobacco having frozen stems or stems that have not been thoroughly dried in the curing process. (See Rule 24, §29.3625.)

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

**§ 29.3544 Side.**

A certain phase of quality, color, or length as contrasted with some other phase of quality, color, or length; or any peculiar characteristic of tobacco.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

**§ 29.3545 Size.**

The length of tobacco leaves. Size does not apply to tobacco in strip form. (See Standard Tobacco Sizes §29.3591.)

[51 FR 40408, Nov. 7, 1986]

**§ 29.3546 Sound.**

Free of damage.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

**§ 29.3547 Special factor.**

A symbol or term authorized to designate a peculiar side or characteristic which tends to modify a grade. (See

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Rules 21, §29.3622; 22, §29.3623; 23, §29.3624.)

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

**§ 29.3548 Steam-dried.**

The condition of unfermented tobacco as customarily prepared for storage by means of a redrying machine or other steam-conditioning equipment.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

**§ 29.3549 Stem.**

The midrib or large central vein of a tobacco leaf.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

**§ 29.3550 Stemmed.**

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

**§ 29.3551 Strips.**

The sides of a tobacco leaf from which the stem has been removed or a lot of tobacco composed of strips.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

**§ 29.3552 Subgrade.**

Any grade modified by a special factor symbol.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

**§ 29.3553 Sweated.**

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition is sometimes described as aged.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

**§ 29.3554 Sweating.**

The condition of tobacco in the process of fermentation.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

## Agricultural Marketing Service, USDA

## § 29.3565

### § 29.3555 Tobacco.

Tobacco as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters into the different manufacturing processes. The acts of stemming, threshing, sweating, and conditioning are not regarded as manufacturing processes. Tobacco, as used in these standards, does not include manufactured or semimanufactured products, stems, cuttings, clippings, trimmings, siftings, or dust.

[30 FR 9207, July 23, 1965. Redesignated and amended at 49 FR 16759, Apr. 20, 1984]

### § 29.3556 Tobacco products.

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff, which is subject to Internal Revenue tax.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

### § 29.3557 Type.

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

### § 29.3558 Type 35.

That type of air-cured tobacco commonly known as One Sucker Air-cured, Kentucky-Tennessee-Indiana One Sucker, or Dark Air-cured One Sucker, including the upper Cumberland District One Sucker, and produced principally in northern Tennessee, south central Kentucky, and southern Indiana.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

### § 29.3559 Type 36.

That type of air-cured tobacco commonly known as Green River, Green River Air-cured, or Dark Air-cured of the Henderson and Owensboro Dis-

tricts, and produced principally in the Green River section of Kentucky.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

### § 29.3560 Type 37.

That type of air-cured or sun-cured tobacco commonly known as Virginia Sun-cured, Virginia Sun and Air-cured, or Dark Air-cured of Virginia, and produced principally in the central section of Virginia north of the James River.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

### § 29.3561 Type 95.

That type of air-cured tobacco commonly known as Foreign-grown Dark Air-cured produced in countries other than the United States.

[49 FR 16759, Apr. 20, 1984]

### § 29.3562 Undried.

The condition of unfermented tobacco which has not been air-dried or steam-dried.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

### § 29.3563 Uniformity.

An element of quality which describes the consistency of a lot of tobacco as it is prepared for market. Uniformity is expressed in grade specifications as a percentage. The percentage is applicable to group, quality, and color. (See Rule 14, § 29.3615.)

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

### § 29.3564 Unsound (U).

Damaged under 20 percent. (See Rule 21, § 29.3622.)

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

### § 29.3565 Unstemmed.

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

**§ 29.3566**

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**§ 29.3566 Variegated.**

Any leaf of which 20 percent or more of its leaf surface is off brown, grayish, mottled, or bleached and does not blend with the normal colors of the type. (See Rules 17, §29.3618; 18, §29.3619.)

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

**§ 29.3567 Wet (W).**

Any sound tobacco containing excessive moisture to the extent that it is in unsafe- or doubtful-keeping order. Wet applies to any tobacco which is not damaged but which is likely to damage if treated in the customary manner. (See Rule 22, §29.3623.) (For extremely wet or watered tobacco, see rule 24, §29.3625.)

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

**§ 29.3568 Width.**

The relative breadth of a tobacco leaf expressed in relation to its length. Width, as an element of quality, does not apply to tobacco in strip form. (See Elements of Quality, §29.3586.)

[30 FR 9207, July 23, 1965. Redesignated and amended at 49 FR 16759, Apr. 20, 1984]

**ELEMENTS OF QUALITY**

**§ 29.3586 Elements of quality and degrees of each element.**

These standardized words or terms are used to describe tobacco quality and to assist in interpreting grade specifications. Tobacco attributes or characteristics which constitute quality are designated as elements of quality. The range within each element is expressed by the use of words or terms designated as degrees. These several degrees are arranged to show their relative value, but the actual value of each degree varies with type, group, and grade.

Elements	Degrees			
Maturity .....	Immatur- e.	Underrip- e.	Mature	Ripe.
Body .....	Thin	.....	Medium	Heavy.
Leaf structure .....	Close	.....	Firm	Open.
Leaf surface .....	Rough	.....	Crepy	Smooth.
Oil .....	Lean	.....	Oily	Rich.
Finish .....	Dull	.....	Normal	Clear.
Color intensity .....	Pale	.....	Moderat- e.	Deep.
Elasticity .....	Inelastic	.....	Semielas- tic.	Elastic.
Width .....	Narrow	.....	Normal	Spread- y.
Uniformity .....	(1)	.....	(1)	(1).
Injury tolerance .....	(1)	.....	(1)	(1).

<sup>1</sup> Expressed in percentage.

**SIZES**

**§ 29.3591 Standard tobacco sizes.<sup>1</sup>**

Inches	Sizes
12-20 .....	1
20-28 .....	2
Over 28 .....	3

<sup>1</sup> The application of sizes is governed by the major portion of the lot or package.

[51 FR 40408, Nov. 7, 1986]

**RULES**

**§ 29.3601 Rules.**

The application of §§ 29.3501 to 29.3568, § 29.3591, §§ 29.3646 to 29.3648, §§ 29.3650 to 29.3652 and 29.3681 shall be in accordance with the following rules.

[51 FR 40408, Nov. 7, 1986]

**§ 29.3602 Rule 1.**

Each grade shall be treated as a sub-division of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

**Agricultural Marketing Service, USDA**

**§ 29.3615**

**§ 29.3603 Rule 2.**

The determination of a grade shall be based upon a thorough examination of a lot of tobacco or of an official sample of the lot.

**§ 29.3604 Rule 3.**

In drawing an official sample from a hogshead or other package of tobacco, three or more breaks shall be made at such points and in such manner as the inspector or sampler may find necessary to determine the kinds of tobacco and the percentage of each kind contained in the lot. All breaks shall be made so that the tobacco contained in the center of the package is visible to the sampler. Tobacco shall be drawn from at least three breaks from which a representative sample shall be selected. The sample shall include tobacco of each different group, quality, color, length, and kind found in the lot in proportion to the quantities of each contained in the lot.

[30 FR 9207, July 23, 1965, as amended at 49 FR 16759, Apr. 20, 1984]

**§ 29.3605 Rule 4.**

All standard grades must be clean.

**§ 29.3606 Rule 5.**

The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot of tobacco does not comply with the specifications of the grade previously assigned it shall not thereafter be represented as such grade.

**§ 29.3607 Rule 6.**

A lot of tobacco on the marginal line between two colors shall be placed in the color with which it best corresponds with respect to body or other associated elements of quality.

**§ 29.3608 Rule 7.**

Any lot of tobacco which meets the specifications of two grades shall be placed in the higher grade. Any lot of tobacco on the marginal line between two grades shall be placed in the lower grade.

**§ 29.3609 Rule 8.**

A lot of tobacco meets the specifications of a grade when it is not lower in any degree of any element of quality than the minimum specifications of such grade.

**§ 29.3610 Rule 9.**

In determining the grade of a lot of tobacco, the lot as a whole shall be considered. Minor irregularities which do not affect over one percent of the tobacco shall be overlooked.

**§ 29.3611 Rule 10.**

Any special factor approved by the Director of the Tobacco Division, Agricultural Marketing Service, may be used to show a peculiar side or characteristic of the tobacco which tends to modify the grade.

[30 FR 9207, July 23, 1965, as amended at 49 FR 16759, Apr. 20, 1984]

**§ 29.3612 Rule 11.**

Interpretations, the use of specifications, and the meaning of the terms shall be in accordance with determinations or clarifications made by the Chief of the Standards and Testing Branch and approved by the Director.

**§ 29.3613 Rule 12.**

The use of any grade may be restricted by the Director during any marketing season, when it is found that the grade is not needed or appears in insufficient volume to justify its use.

**§ 29.3614 Rule 13.**

Length shall be stated in connection with each grade of the A, B, and C groups, except strip grades, and may be stated in connection with grades of other groups. For this purpose, the standard tobacco sizes shall be used. (See Applicable Standard Sizes, § 29.3681.)

[51 FR 40408, Nov. 7, 1986]

**§ 29.3615 Rule 14.**

Degrees of uniformity shall be expressed in terms of percentages. The percentages shall govern the portion of a lot which must meet the specifications of the grade. The minor portion

**§ 29.3616**

must be closely related but may be of a different group, quality, and color from the major portion. These percentages shall not affect limitations established by other rules.

**§ 29.3616 Rule 15.**

The application of injury as an element of quality shall be expressed in terms of a percentage of tolerance. The appraisal of injury shall be based upon the percentage of affected leaf surface or the degree of injury. In appraising injury, consideration shall be given to the normal characteristics of the group as related to injury.

**§ 29.3617 Rule 16.**

Normal injury associated with ripeness shall be excluded from injury tolerance except when such injury is considered detrimental to the quality of the tobacco.

**§ 29.3618 Rule 17.**

Any lot of tobacco which is not green but contains over 30 percent of variegated leaves shall be described as "variegated" and designated by the color symbol "M." Variegated leaves may be included in any group to the following extent: In the third quality, 10 percent; in the fourth quality, 20 percent; and in the fifth quality, 30 percent.

**§ 29.3619 Rule 18.**

Any lot of tobacco of the B, C, or X groups shall be classified as "mixed" and designated by the color symbol "M" when it is not green but contains (a) over 30 percent of colors distinctly different from the major color or (b) over 30 percent of a combination of variegated and colors distinctly different from the major color mingled together.

[51 FR 40408, Nov. 7, 1986]

**§ 29.3620 Rule 19.**

Any lot of tobacco containing 20 percent or more of green leaves or any lot which is not crude but contains 20 percent or more of green and crude combined shall be designated by the color symbol "G."

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**§ 29.3621 Rule 20.**

Crude leaves shall not be included in any grade of any color except the fourth and fifth qualities of the B, C, and X groups in green color. Any lot containing 20 percent or more of crude leaves shall be designated as Non-descript.

[51 FR 40408, Nov. 7, 1986]

**§ 29.3622 Rule 21.**

Tobacco damaged under 20 percent but which otherwise meets the specifications of a grade shall be treated as a subgrade by placing the special factor "U" after the grademark. Tobacco damaged 20 percent or more shall be designated "No-G."

**§ 29.3623 Rule 22.**

Sound tobacco that is wet or in doubtful-keeping order but which otherwise meets the specifications of a grade shall be treated as a subgrade by placing the special factor "W" after the grademark. This special factor does not apply to tobacco designated "No-G."

**§ 29.3624 Rule 23.**

Special factors "BH" (big heads) and "BL" (broad leaf) shall be used as follows: "BH" in types 35 and 36 to designate tobacco tied in extremely big hands and "BL" in type 35 to designate broad leaf tobacco.

**§ 29.3625 Rule 24.**

Tobacco shall be designated as No Grade, using the grademark "No-G," when it is dirty, nested, offtype, semicured, damaged 20 percent or more, extremely wet or watered, or when it needs to be reworked, contains foreign matter, or has an odor foreign to the type.

**§ 29.3626 Rule 25.**

Tobacco in strip form which otherwise meets the specifications of a grade shall be treated as a subgrade by placing the special factor "S" preceding the grademark.

[49 FR 16759, Apr. 20, 1984]

GRADES

§ 29.3646 Wrappers (A Group).

This group consists of leaves from the Heavy Leaf and the Thin Leaf groups. Cured leaves of the A group are very elastic, have small- to medium-sized and blending fibers, and show a low percentage of injury affecting wrapper yield.

Grades	Grade names, minimum specifications, and tolerances
A1F .....	Choice Quality Medium-brown Wrappers. Ripe, medium body, open leaf structure, smooth, rich in oil, clear finish, deep color intensity elastic, spready, and 20 percent of leaves not lower than B2 or C2.
A2F .....	Fine Quality Medium-brown Wrappers Ripe, medium body, open leaf structure, smooth, rich in oil, clear finish, deep color intensity, elastic, spready and 30 percent of leaves not lower than B2 or C2.
A3F .....	Good Quality Medium-brown Wrappers. Ripe, medium body, open leaf structure, smooth, oily, clear finish, deep color intensity, elastic, normal width, and 40 percent of leaves not lower than B3 or C3.
A1R .....	Choice Quality Reddish-brown Wrappers. Ripe, medium body, open leaf structure, smooth, rich in oil, clear finish, deep color intensity, elastic, spready, and 20 percent of leaves not lower than B2 or C2.
A2R .....	Fine Quality Reddish-brown Wrappers. Ripe, medium body, open leaf structure, smooth, rich in oil, clear finish, deep color intensity, elastic, spready and 30 percent of leaves not lower than B2 or C2.
A3R .....	Good Quality Reddish-brown Wrappers. Ripe, medium body, open leaf structure, smooth, oily, clear finish, deep color intensity, elastic, normal width, and 40 percent of leaves not lower than B3 or C3.

[30 FR 9207, July 23, 1965, as amended at 49 FR 16759, Apr. 20, 1984]

§ 29.3647 Heavy Leaf (B Group).

This group consists of leaves which are medium to heavy in body and show little or no ground injury.

Grades	Grade names, minimum specifications, and tolerances
B1F .....	Choice Quality Medium-brown Heavy Leaf. Ripe medium body, open leaf structure, smooth, rich in oil, clear finish, deep color intensity, semielastic, spready, 90 percent uniform, and 10 percent injury tolerance.

Grades	Grade names, minimum specifications, and tolerances
B2F .....	Fine Quality Medium-brown Heavy Leaf. Ripe, medium body, open leaf structure, smooth, rich in oil, clear finish, deep color intensity, semielastic, spready, 85 percent uniform, and 15 percent injury tolerance.
B3F .....	Good Quality Medium-brown Heavy Leaf. Mature, medium body, firm leaf structure, crepy, oily, normal finish, moderate color intensity, semielastic, normal width 80 percent uniform, and 20 percent injury tolerance.
B4F .....	Fair Quality Medium-brown Heavy Leaf. Mature, medium body, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
B5F .....	Low Quality Medium-brown Heavy Leaf. Underripe, medium body, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.
B1R .....	Choice Quality Reddish-brown Heavy Leaf. Ripe, heavy, open leaf structure, smooth, rich in oil, clear finish, deep color intensity, semielastic, spready, 90 percent uniform, and 10 percent injury tolerance.
B2R .....	Fine Quality Reddish-brown Heavy Leaf. Ripe, heavy, open leaf structure, smooth, rich in oil, clear finish, deep color intensity, semi-elastic, spready, 85 percent uniform, and 15 percent injury tolerance.
B3R .....	Good Quality Reddish-brown Heavy Leaf. Mature, heavy, firm leaf structure, crepy, oily, normal finish, moderate color intensity, semielastic, normal width, 80 percent uniform, and 20 percent injury tolerance.
B4R .....	Fair Quality Reddish-brown Heavy Leaf. Mature, heavy, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
B5R .....	Low Quality Reddish-brown Heavy Leaf. Underripe, heavy, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.
B1D .....	Choice Quality Dark-brown Heavy Leaf. Ripe, heavy, open leaf structure, smooth, rich in oil, normal finish, deep color intensity, semi-elastic, spready, 90 percent uniform, and 10 percent injury tolerance.
B2D .....	Fine Quality Dark-brown Heavy Leaf. Ripe, heavy, open leaf structure, smooth, rich in oil, normal finish, deep color intensity, semielastic, spready 85 percent uniform, and 15 percent injury tolerance.
B3D .....	Good Quality Dark-brown Heavy Leaf.

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Grades	Grade names, minimum specifications, and tolerances
B4D	Mature, heavy, firm leaf structure, crepy, oily, normal finish, moderate color intensity, semielastic, normal width, 80 percent uniform, and 20 percent injury tolerance. Fair Quality Dark-brown Heavy Leaf.
B5D	Mature, heavy, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance. Low Quality Dark-brown Heavy Leaf.
B3M	Underripe, heavy, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance. Good Quality Mixed Heavy Leaf.
B4M	Mature, medium body, firm leaf structure, crepy, oily, normal finish, moderate color intensity, semielastic, normal width, 80 percent uniform, and 20 percent injury tolerance. Fair Quality Mixed Heavy Leaf.
B5M	Mature, medium body, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance. Low Quality Mixed Heavy Leaf.
B3G	Underripe, medium body, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance. Good Quality Green Heavy Leaf.
B4G	Underripe, heavy, firm leaf structure crepy, oily, normal finish, semielastic, normal width, 80 percent uniform, and 20 percent injury tolerance. Fair Quality Green Heavy Leaf.
B5G	Immature, medium body, close leaf structure, rough, lean in oil, dull finish, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance. Low Quality Green Heavy Leaf.
	Immature, medium body, close leaf structure, rough, lean in oil, dull finish, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.

[30 FR 9207, July 23, 1965, as amended at 49 FR 16759, Apr. 20, 1984]

§ 29.3648 Thin Leaf (C Group).

This group consists of leaves that are thin to medium in body and show little or no ground injury.

Grades	Grade names, minimum specifications, and tolerances
C1L	Choice Quality Light-brown Thin Leaf. Ripe, thin, open leaf structure, smooth, oily, clear finish, deep color intensity, semielastic, spready, 90 percent uniform, and 10 percent injury tolerance.
C2L	Fine Quality Light-brown Thin Leaf.

Grades	Grade names, minimum specifications, and tolerances
C3L	Ripe, thin, open leaf structure, smooth, oily, clear finish, deep color intensity, semielastic, spready, 85 percent uniform, and 15 percent injury tolerance. Good Quality Light-brown Thin Leaf.
C4L	Mature, thin, firm leaf structure, crepy, oily, normal finish, moderate color intensity, semielastic, normal width, 80 percent uniform, and 20 percent injury tolerance. Fair Quality Light-brown Thin Leaf.
C5L	Mature, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance. Low Quality Light-brown Thin Leaf
C1F	Underripe, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance. Choice Quality Medium-brown Thin Leaf.
C2F	Ripe, thin, open leaf structure, smooth, rich in oil, clear finish, deep color intensity, semi-elastic, spready, 90 percent uniform, and 10 percent injury tolerance. Fine Quality Medium-brown Thin Leaf.
C3F	Ripe, thin, open leaf structure, smooth, rich in oil, clear finish, deep color intensity, semi-elastic, spready, 85 percent uniform, and 15 percent injury tolerance. Good Quality Medium-brown Thin Leaf.
C4F	Mature, thin, firm leaf structure, crepy, oily, normal finish, moderate color intensity, semielastic, normal width, 80 percent uniform, and 20 percent injury tolerance. Fair Quality Medium-brown Thin Leaf.
C5F	Mature, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance. Low Quality Medium-brown Thin Leaf.
C1R	Underripe, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance. Choice Quality Reddish-brown Thin Leaf.
C2R	Ripe, thin, open leaf structure, smooth, rich in oil, clear finish, deep color intensity, semi-elastic, spready, 90 percent uniform, and 10 percent injury tolerance. Fine Quality Reddish-brown Thin Leaf.
C3R	Ripe, thin, open leaf structure, smooth, rich in oil, clear finish, deep color intensity, semi-elastic, spready, 85 percent uniform, and 15 percent injury tolerance. Good Quality Reddish-brown Thin Leaf.
	Mature, thin, firm leaf structure, crepy, oily, normal finish, moderate color intensity, semielastic, normal width, 80 percent uniform, and 20 percent injury tolerance.

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<i>Grades</i>	<i>Grade names, minimum specifications, and tolerances</i>
C4R .....	Fair Quality Reddish-brown Thin Leaf. Mature, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5R .....	Low Quality Reddish-brown Thin Leaf. Underripe, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.
C3M .....	Good Quality Mixed Thin Leaf. Mature, thin, firm leaf structure, crepy, oily, normal finish, moderate color intensity, semielastic, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4M .....	Fair Quality Mixed Thin Leaf. Mature, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5M .....	Low Quality Mixed Thin Leaf. Underripe, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.
C3G .....	Good Quality Green Thin Leaf. Underripe, medium body, firm leaf structure, crepy, oily, normal finish, semielastic, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4G .....	Fair Quality Green Thin Leaf. Immature, thin, close leaf structure, rough, lean in oil, dull finish, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5G .....	Low Quality Green Thin Leaf. Immature, thin, close leaf structure, rough, lean in oil, dull finish, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.

[30 FR 9207, July 23, 1965, as amended at 49 FR 16759, Apr. 20, 1984]

**§ 29.3649 [Reserved]**

**§ 29.3650 Lugs (X Group).**

This group consists of leaves that normally grow on the lower portions of the stalk. Leaves of the X group usually have a high degree of maturity and show ground and other injury characteristic of the group.

<i>Grades</i>	<i>Grade names, minimum specifications, and tolerances</i>
X1L .....	Choice Quality Light-brown Lugs. Ripe, thin, open leaf structure, smooth, oily, clear finish, deep color intensity, semielastic, normal width, 90 percent uniform, and 10 percent injury tolerance.

<i>Grades</i>	<i>Grade names, minimum specifications, and tolerances</i>
X2L .....	Fine Quality Light-brown Lugs. Ripe, thin, open leaf structure, smooth, oily, clear finish, deep color intensity, semielastic, normal width, 85 percent uniform, and 15 percent injury tolerance.
X3L .....	Good Quality Light-brown Lugs. Mature, thin, firm leaf structure, crepy, lean in oil, normal finish, moderate color intensity, inelastic, narrow, 80 percent uniform, and 20 percent injury tolerance.
X4L .....	Fair Quality Light-brown Lugs. Mature, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
X5L .....	Low Quality Light-brown Lugs. Underripe, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.
X1F .....	Choice Quality Medium-brown Lugs. Ripe, thin, open leaf structure, smooth, oily, clear finish, deep color intensity, semielastic, normal width, 90 percent uniform, and 10 percent injury tolerance.
X2F .....	Fine Quality Medium-brown Lugs. Ripe, thin, open leaf structure, smooth, oily, clear finish, deep color intensity, semielastic, normal width, 85 percent uniform, and 15 percent injury tolerance.
X3F .....	Good Quality Medium-brown Lugs. Mature, thin, firm leaf structure, crepy, lean in oil, normal finish, moderate color intensity, inelastic, narrow 80 percent uniform, and 20 percent injury tolerance.
X4F .....	Fair Quality Medium-brown Lugs. Mature, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
X5F .....	Low Quality Medium-brown Lugs. Underripe, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.
X1R .....	Choice Quality Reddish-brown Lugs. Ripe, medium body, open leaf structure, smooth, oily, clear finish, deep color intensity, semielastic, normal width, 90 percent uniform, and 10 percent injury tolerance.
X2R .....	Fine Quality Reddish-brown Lugs. Ripe, medium body, open leaf structure, smooth, oily, clear finish, deep color intensity, semielastic, normal width, 85 percent uniform, and 15 percent injury tolerance.
X3R .....	Good Quality Reddish-brown Lugs. Mature, medium body, firm leaf structure, crepy, lean in oil, normal finish, moderate color intensity, inelastic, narrow, 80 percent uniform, and 20 percent injury tolerance.
X4R .....	Fair Quality Reddish-brown Lugs.

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Grades	Grade names, minimum specifications, and tolerances
	Mature, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
X5R .....	Low Quality Reddish-brown Lugs. Underripe, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.
X3D .....	Good Quality Dark-brown Lugs. Mature, medium body, firm leaf structure, crepy, lean in oil, normal finish, moderate color intensity, inelastic, narrow, 80 percent uniform, and 20 percent injury tolerance.
X4D .....	Fair Quality Dark-brown Lugs. Mature, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
X5D .....	Low Quality Dark-brown Lugs. Underripe, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.
X3M .....	Good Quality Mixed Lugs. Mature, thin, firm leaf structure, crepy, lean in oil, normal finish, moderate color intensity, inelastic, narrow, 80 percent uniform, and 20 percent injury tolerance.
X4M .....	Fair Quality Mixed Lugs. Mature, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
X5M .....	Low Quality Mixed Lugs. Underripe, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.
X3G .....	Good Quality Green Lugs. Underripe, medium body, firm leaf structure, crepy, lean in oil, normal finish, inelastic, narrow, 80 percent uniform, and 20 percent injury tolerance.
X4G .....	Fair Quality Green Lugs. Immature, thin, close leaf structure, rough, lean in oil, dull finish, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
X5G .....	Low Quality Green Lugs. Immature, thin, close leaf structure, rough, lean in oil, dull finish, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.

[30 FR 9207, July 23, 1965, as amended at 49 FR 16759, Apr. 20, 1984]

§ 29.3651 Nondescript (N Group).

Extremely common tobacco which does not meet the minimum specifica-

tions or which exceeds the tolerance of the lower grade of any other group except Scrap.

Grades	Grade names, minimum specifications, and tolerances
N1L .....	First Quality Light-colored Nondescript. Thin to medium body and 60 percent injury tolerance.
N2L .....	Second Quality Light-colored Nondescript. Thin to medium body and over 60 percent injury tolerance.
N1R .....	First Quality Dark-colored Nondescript. Thin to heavy body and 60 percent injury tolerance.
N2R .....	Second Quality Dark-colored Nondescript. Thin to heavy body and over 60 percent injury tolerance.
N1G .....	First Quality Crude Green Nondescript 60 percent crude leaves or injury tolerance.
N2G .....	Second Quality Crude Green Nondescript. Over 60 percent crude leaves or injury tolerance.

[30 FR 9207, July 23, 1965, as amended at 49 FR 16759, Apr. 20, 1984]

§ 29.3652 Scrap (S Group).

A byproduct of stemmed and unstemmed tobacco. Scrap accumulates from handling tobacco in farm buildings, warehouses, packing and conditioning plants, and stemmeries.

Grades	Grade name and specifications
S	Scrap. Loose, tangled, whole, or broken unstemmed leaves; or the web portions of tobacco leaves reduced to scrap by any process.

[30 FR 9207, July 23, 1965, as amended at 49 FR 16759, Apr. 20, 1984]

SUMMARY OF STANDARD GRADES

§ 29.3676 Summary of standard grades.

6 Grades of Wrappers					
A1F	A1R				
A2F	A2R				
A3F	A3R				
21 Grades of Heavy Leaf					
B1F	B1R	B1D			
B2F	B2R	B2D			
B3F	B3R	B3D	B3M	B3G	
B4F	B4R	B4D	B4M	B4G	
B5F	B5R	B5D	B5M	B5G	
21 Grades of Thin Leaf					
C1L	C1F	C1R			
C2L	C2F	C2R			

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C3L	C3F	C3R	C3M	C3G
C4L	C4F	C4R	C4M	C4G
C5L	C5F	C5R	C5M	C5G

OFFICIAL STANDARD GRADES FOR WISCONSIN CIGAR-BINDER TOBACCO (U.S. TYPES 54 AND 55)<sup>1</sup>

DEFINITIONS

**§ 29.6001 Definitions.**

As used in these standards, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

**§ 29.6002 Air-cured.**

Tobacco cured under natural atmospheric conditions. Artificial heat sometimes is used to control excess humidity during the curing period to prevent pole-sweat, pole-burn, and shed-burn in damp weather. Air-cured tobacco should not carry the odor of smoke or fumes resulting from the application of artificial heat.

**§ 29.6003 Body.**

The thickness and density of a leaf or the weight per unit of surface. (See chart.)

**§ 29.6004 Burn.**

The duration of combustion or length of time that a tobacco leaf will hold fire after ignition. (See Rule 18.)

**§ 29.6005 Case (order).**

The state of tobacco with respect to its moisture content.

**§ 29.6006 Class.**

A major division of tobacco based on method of cure or principal usage.

**§ 29.6007 Clean.**

Tobacco is described as clean when it contains only a normal amount of sand or soil particles. Leaves grown on the lower portion of the stalk normally contain more sand or dirt than those from higher stalk positions. (See Rule 4.)

<sup>1</sup>These standards also apply to Type 53 Havana seed tobacco.

24 Grades of Lugs					
X1L	X1F	X1R			
X2L	X2F	X2R			
X3L	X3F	X3R	X3D	X3M	X3G
X4L	X4F	X4R	X4D	X4M	X4G
X5L	X5F	X5R	X5D	X5M	X5G

  

6 Grades of Nondescript		
N1L	N1R	N1G
N2L	N2R	N2G

  

1 Grade of Scrap
S

Special factors "U", "W", and "S" may be applied to all grades in all types, "BH" to grades in types 35 and 36, and "BL" to type 35. Tobacco not covered by the standard grades is designated "No-G."

[30 FR 9207, July 23, 1965, as amended at 49 FR 16759, Apr. 20, 1984; 51 FR 40408, Nov. 7, 1986]

APPLICABLE STANDARD SIZES

**§ 29.3681 Applicable standard sizes.**

Types 35, 36, 37 and 95

A1, A2, A3 .....	2, 3
B1, B2, B3, B4, B5 .....	1, 2, 3
C1, C2, C3, C4, C5 .....	1, 2, 3

[51 FR 40408, Nov. 7, 1986]

KEY TO STANDARD GRADEMARKS

**§ 29.3686 Key to standard grademarks.**

Group	Qualities	Colors
A—Wrappers .....	1—Choice.	L—Light brown
B—Heavy Leaf .....	2—Fine ..	F—Medium brown
C—Thin Leaf .....	3—Good	R—Reddish brown
X—Lugs .....	4—Fair ...	D—Dark brown
N—Nondescript .....	5—Low ...	M—Mixed
S—Scrap .....	.....	G—Green

[30 FR 9207, July 23, 1965, as amended at 51 FR 40408, Nov. 7, 1986]

## § 29.6008

### § 29.6008 Condition.

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are Undried, air-dried, steam-dried, sweating, sweated, and aged.

### § 29.6009 Crude.

A subdegree of maturity. (See Rule 15.)

### § 29.6010 Cured.

Tobacco dried of its sap by either natural or artificial processes.

### § 29.6011 Damage.

The effect of mold, must, rot, black rot or other fungus or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must or rot is considered damaged. (See Rule 17.)

### § 29.6012 Dirty.

The state of tobacco containing an abnormal amount of dirt or sand, or tobacco to which additional quantities of dirt or sand have been added. (See Rule 17.)

### § 29.6013 Elasticity.

The flexible, springy nature of the tobacco leaf to recover approximately its original size and shape after it has been stretched. (See chart.)

### § 29.6014 Elements of quality.

Physical characteristics used to determine the quality of tobacco. Words selected to describe degrees within each element are shown in the chart in § 29.6081.

### § 29.6015 Foreign matter.

Any extraneous substance or material such as stalks, suckers, straw, strings, and rubber bands. (See Rule 17.)

### § 29.6016 Form.

The stage of preparation of tobacco such as stemmed or unstemmed.

### § 29.6017 General quality.

The quality of tobacco considered in relation to the type as a whole. General quality is distinguished from the

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restricted use of the term "quality" within a group.

### § 29.6018 Grade.

A subdivision of a type according to group and quality and to other characteristics when they are of sufficient importance to be treated separately.

### § 29.6019 Grademark.

In these types a grademark normally consists of a letter to indicate group and a number to indicate quality. For example, B2 means Binder, fair quality.

### § 29.6020 Group.

A type division consisting of one or more grades based on the general quality of tobacco. Groups in these types are: Binder (B), Stripper (C), Straight Stripped (X), Farm Filler (Y), Non-descript (N), and Scrap (S).

### § 29.6021 Injury.

Hurt or impairment from any cause except the fungus or bacterial diseases which attack tobacco in its cured state. (See definition of Damage.) Injury to tobacco may be caused by field diseases, insects, or weather conditions; insecticides, fungicides, or cell growth inhibitors; nutritional deficiencies or excesses; or improper fertilization, harvesting, curing, or handling. Injured tobacco includes dead, burnt, hail-cut, torn, broken, frost-bitten, frozen (see Rule 16), sunburned, sun-scalded, bulk-burnt, pole-burnt, shed-burnt, pole-sweated, stem-rotted, bleached, bruised, discolored, or deformed leaves; or tobacco affected by wildfire, rust, frog-eye, mosaic, root rot, wilt, black shank, or other diseases. (See Rule 13.)

### § 29.6022 Leaf scrap.

A byproduct of unstemmed tobacco. Leaf scrap results from handling unstemmed tobacco and consists of loose and tangled whole or broken leaves.

### § 29.6023 Leaf structure.

The cell development of a leaf as indicated by its porosity. The degrees range from close (slick and tight) to open (porous). (See chart.)

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**§ 29.6042**

**§ 29.6024 Length.**

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip.

**§ 29.6025 Lot.**

A pile, basket, bulk, package, or other definite unit.

**§ 29.6026 Maturity.**

The degree of ripeness. (See chart.)

**§ 29.6027 Nested.**

Any tobacco which has been loaded, packed, or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. Nested includes any lot of tobacco which contains foreign matter or damaged, injured, tangled, or other inferior tobacco, any of which cannot be readily detected upon inspection because of the way the lot is packed or arranged. (See Rule 17.)

**§ 29.6028 No Grade.**

A designation applied to a lot of tobacco classified as damaged, dirty, nested, offtype, semicured, or wet; tobacco that is improperly packed, contains foreign matter, or has an odor foreign to the type. (See Rules 5 and 17.)

**§ 29.6029 Offtype.**

Tobacco of distinctly different characteristics which cannot be classified as Type 53, 54, or 55. (See Rule 17.)

**§ 29.6030 Package.**

A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

**§ 29.6031 Packing.**

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspection. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

**§ 29.6032 Quality.**

A division of a group or the second factor of a grade based on the relative degree of one or more elements of quality.

**§ 29.6033 Raw.**

Tobacco as it appears between the time of harvesting and the beginning of the curing process.

**§ 29.6034 Semicured.**

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, wet butts, swelled stems, and tobacco having frozen stems or stems that have not been thoroughly dried in the curing process. (See definition of No Grade and Rule 17.)

**§ 29.6035 Side.**

A certain phase of quality as contrasted with some other phase of quality or any peculiar characteristic of tobacco.

**§ 29.6036 Sound.**

Free of damage. (See Rule 4.)

**§ 29.6037 Stem.**

The midrib or large central vein of a tobacco leaf.

**§ 29.6038 Stemmed.**

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

**§ 29.6039 Stem rot.**

The deterioration of an uncured or frozen stem resulting from bacterial action. Although stem rot results from bacterial action, it is inactive in cured tobacco and is treated as a kind of injury in these types. (See Rule 14.)

**§ 29.6040 Strength (tensile).**

The stress a tobacco leaf can bear without tearing. (See chart.)

**§ 29.6041 Strips.**

The sides of a tobacco leaf from which the stem has been removed or a lot of tobacco composed of strips.

**§ 29.6042 Sweated.**

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition sometimes is described as aged.

**§ 29.6043**

**§ 29.6043 Tobacco.**

Tobacco in its unmanufactured forms as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters a manufacturing process. Conditioning, sweating, and stemming are not regarded as manufacturing processes.

**§ 29.6044 Tobacco products.**

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff, which is subject to Internal Revenue tax.

**§ 29.6045 Type.**

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

**§ 29.6046 Type 53.**

That type of cigar-leaf tobacco commonly known as York State or Havana Seed of New York and Pennsylvania, produced principally in the Big Flats and Onondaga sections of New York and extending into Pennsylvania.

**§ 29.6047 Type 54.**

That type of cigar-leaf tobacco commonly known as Southern Wisconsin Cigar-leaf or Southern Wisconsin Binder-type, produced principally south and east of the Wisconsin River.

**§ 29.6048 Type 55.**

That type of cigar-leaf tobacco commonly known as Northern Wisconsin Cigar-leaf or Northern Wisconsin Binder-type, produced principally north and west of the Wisconsin River and extending into Minnesota.

**§ 29.6049 Undried.**

The condition of unfermented tobacco which has not been air-dried or steam-dried.

**§ 29.6050 Uniformity.**

A grade requirement designating the percentage of a lot which must meet the specified degree of each element of quality. (See Rule 12.)

**§ 29.6051 Unstemmed.**

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

**§ 29.6052 Unsweated.**

The condition of cured tobacco which has not been sweated.

**§ 29.6053 Wet (high-case).**

Any sound tobacco containing excessive moisture to the extent that it is in unsafe or doubtful-keeping order. Wet applies to any tobacco which is not damaged but which is likely to damage if treated in the customary manner. (See Rule 17.)

**§ 29.6054 Width.**

The relative breadth of a tobacco leaf expressed in relation to its length. (See chart.)

ELEMENTS OF QUALITY

**§ 29.6081 Elements of quality and degrees of each element.**

These standardized words or terms are used to describe tobacco quality and to assist in interpreting grade specifications. Tobacco attributes or characteristics which constitute quality are designated as elements of quality. The range within each element is expressed by the use of words or terms designated as degrees. These degrees are arranged to show their relative value, but the actual value of each degree varies with type and group.

Elements	Degrees		
Body .....	Heavy .....	Medium .....	Thin.
Maturity .....	Immature .....	Mature .....	Ripe.
Leaf structure .....	Close .....	Firm .....	Open.
Elasticity .....	Inelastic .....	Semielastic .....	Elastic.
Strength (tensile) .....	Weak .....	Normal .....	Strong.

Width .....	Narrow .....	.....do .....	Spready.
Length .....	(1) .....	(1) .....	(1)
Uniformity .....	(2) .....	(2) .....	(2)
Injury tolerance .....	(2) .....	(2) .....	(2)

<sup>1</sup> Expressed in inches.  
<sup>2</sup> Expressed in percentages.

RULES

§ 29.6086 Rules.

The application of these official standard grades shall be in accordance with the following rules.

§ 29.6087 Rule 1.

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

§ 29.6088 Rule 2.

The determination of grade shall be based upon a representative sample or a thorough examination of a packing of tobacco.

§ 29.6089 Rule 3.

The grade of unsorted tobacco shall be based upon a representative sample of the packing. A minimum of 10 percent of the bundles or bales shall be selected at random for sampling; a higher percentage may be sampled at the discretion of the inspector. To obtain the sample, a sufficient amount of tobacco shall be drawn to be representative of each selected bale. In determining the grade, the inspector shall consider the quality of all samples. The grade assigned shall represent the quality of the lot as a whole.

§ 29.6090 Rule 4.

Standard grades shall be assigned to clean and sound tobacco only.

§ 29.6091 Rule 5.

Tobacco leaves shall be placed straight in bundles or bales of normal weight, size, and shape with the butts out and tips overlapping from 6 to 8 inches or sufficiently to make a level, solid, and uniform pack. The sides of the bundles shall be completely covered with paper, or other suitable protective material, and tightly bound with not less than three large twines spaced so that the tobacco will be held

securely together. Improperly packed tobacco shall be designated as “No—G.”

§ 29.6092 Rule 6.

The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot of tobacco does not comply with the specifications of the grade previously assigned, it shall not thereafter be represented as such grade.

§ 29.6093 Rule 7.

Any lot of tobacco which meets the specifications of two grades shall be placed in the higher grade. Any lot of tobacco on the marginal line between two grades shall be placed in the lower grade.

§ 29.6094 Rule 8.

A lot of tobacco meets the specifications of a grade when it is not lower in any degree of any element of quality than the minimum specifications of such grade.

§ 29.6095 Rule 9.

In determining the grade of a lot of tobacco, the lot as a whole shall be considered. Minor irregularities which do not affect over one percent of the tobacco shall be overlooked.

§ 29.6096 Rule 10.

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Standardization Branch and approved by the Director of the Tobacco Division, Agricultural Marketing Service.

§ 29.6097 Rule 11.

The use of any grade may be restricted by the Director during any marketing season when it is found that

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the grade is not needed or appears in insufficient volume to justify its use.

the tolerance shall apply to the entire leaf surface of the lot.

**§ 29.6098 Rule 12.**

Uniformity shall be expressed in percentages. These percentages shall govern the portion of a lot which must meet each specification of the grade; the remaining portion must be related. Grade specifications state the minimum acceptable degree of each element of quality. Specified percentages of uniformity shall not affect limitations established by other rules.

**§ 29.6103 Rule 17.**

Tobacco shall be designated as No Grade, using the grademark “No—G,” when it is damaged, dirty, nested, offtype, semicured, wet, improperly packed, contains foreign matter, or has an odor foreign to the type.

**§ 29.6099 Rule 13.**

Injury tolerance shall be expressed in percentages. The appraisal of injury shall be based upon the percentage of affected leaf surface or the degree of injury, and consideration shall be given to the kinds of injury normal to the group or grade.

**§ 29.6104 Rule 18.**

Burn shall be determined as the average burning time of leaves selected at random from the sample. A minimum of 10 leaves shall be selected as representative regardless of the number of bundles or bales in the lot. All burn tests shall be made in the bindercutting area on the same side of the leaf. The leaf shall be punctured to permit quick ignition when placed over a candle, alcohol lamp, or electrical-lighting device. Good burn shall average 6 seconds or longer; fair burn, 3 to 5 seconds; and poor burn, under 3 seconds. B1 and B2 shall require good burn and B3, fair burn.

**§ 29.6100 Rule 14.**

Stem rot shall not exceed 40 percent of the specified injury tolerance for any grade.

**GRADES**

**§ 29.6101 Rule 15.**

In grade specifications the tolerance of crude shall apply to the entire leaf surface of the lot.

**§ 29.6126 Binder (B Group).**

Tobacco of this group is of cigar-binder quality from which trash and trashy Farm Fillers have been removed.

**§ 29.6102 Rule 16.**

In grade specifications frozen shall be treated as a separate kind of injury and

U.S. grades	Grade names, minimum specifications, and tolerances
B1 .....	Fine Quality Binder. Thin, ripe, open, elastic, strong, spready, and 19 inches or over in length. Uniformity, 90 percent; injury tolerance, 10 percent.
B2 .....	Fair Quality Binder. Medium body, ripe, open, semielastic, strong, normal width, and 19 inches or over in length. Uniformity, 80 percent; injury tolerance, 20 percent.
B3 .....	Low Quality Binder. Medium, ripe, firm, semielastic, normal strength and width, and 17 inches or over in length. Uniformity, 70 percent; injury tolerance, 30 percent.

**§ 29.6127 Stripper (C Group).**

Fillers have been removed but does not meet the specifications of the Binder group.

This group consists of tobacco from which the trash and trashy Farm

U.S. grades	Grade names, minimum specifications, and tolerances
C1 .....	Fine Quality Stripper. Heavy, ripe, firm, semielastic, normal strength and width, and 16 inches or over in length. Uniformity, 90 percent; injury tolerance, 10 percent.
C2 .....	Fair Quality Stripper. Heavy, mature, close, inelastic, normal strength, narrow, and 16 inches or over in length. Uniformity, 80 percent. Tolerances: 5 percent crude, 5 percent frozen, and 20 percent injury.
C3 .....	Low Quality Stripper. Heavy, immature, close, inelastic, weak, and narrow. Uniformity, 70 percent. Tolerances: 10 percent crude, 10 percent frozen, and 30 percent injury.

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**§ 29.6128 Straight Stripped (X Group).**

This group consists of unsorted tobacco from which the trash has been removed.

U.S. grades	Grade names, minimum specifications, and tolerances
X1 .....	Fine Quality Straight Stripped. Heavy, ripe, firm, semielastic, normal strength and width, and 16 inches or over in length. Uniformity, 85 percent; injury tolerance, 15 percent.
X2 .....	Fair Quality Straight Stripped. Heavy mature, close, inelastic, normal strength, narrow, and 16 inches or over in length. Uniformity, 75 percent. Tolerances: 5 percent crude, 5 percent frozen, and 25 percent injury.
X3 .....	Low Quality Straight Stripped. Heavy, immature, close, inelastic, weak, and narrow. Uniformity, 60 percent. Tolerances: 10 percent crude, 10 percent frozen, and 40 percent injury.

**§ 29.6129 Farm Filler (Y Group).**

include throw out leaves from the Binder and Stripper groups.

This group consists of tobacco from the lower portion of the stalk and may

U.S. grades	Grade names, minimum specifications, and tolerances
Y1 .....	Fine Quality Farm Filler. Thin, ripe, open, semielastic, normal strength and width, and 12 inches or over in length. Uniformity, 85 percent; injury tolerance, 15 percent.
Y2 .....	Fair Quality Farm Filler. Thin, ripe, firm, inelastic, normal strength, and narrow. Uniformity, 75 percent. Tolerances: 5 percent crude, 5 percent frozen, and 25 percent injury.
Y3 .....	Low Quality Farm Filler. Thin, mature, close, inelastic, weak, and narrow. Uniformity, 60 percent. Tolerances: 10 percent crude, 10 percent frozen, and 40 percent injury.

**§ 29.6130 Nondescript (N Group).**

tolerance of the lowest grade of any other group.

Tobacco which does not meet the minimum specifications or exceeds the

U.S. grades	Grade names, minimum specifications, and tolerances
N1 .....	First Quality Nondescript. Tolerances: 20 percent crude, 20 percent frozen, and 60 percent injury.
N2 .....	Second Quality Nondescript. Over 20 percent crude, over 20 percent frozen, or over 60 percent injury.

**§ 29.6131 Scrap (S Group).**

from handling tobacco in farm buildings, warehouses, packing and conditioning plants, and stemmeries.

A byproduct of unstemmed and stemmed tobacco. Scrap accumulates

U.S. grades	Grade names and specifications
S .....	Loose, tangled, whole, or broken unstemmed leaves, or the web portion of tobacco leaves reduced to scrap by any process.

SUMMARY OF STANDARD GRADES

**§ 29.6155 Summary of standard grades.**

Three grades of binder	Three grades of stripper
B1 .....	C1
B2 .....	C2
B3 .....	C3

Three grades of straight stripped	Three grades of farm filler
X1 .....	Y1
X2 .....	Y2
X3 .....	Y3
Two grades of nondescript	One grades of scrap
N1 .....	S

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Two grades of nondescript	One grade of scrap
N2	

Tobacco not covered by standard grades is designated as "No-G."

**KEY TO STANDARD GRADEMARKS**

**§ 29.6161 Key to standard grademarks.**

Groups	Qualities
B—Binder .....	1—Fine.
C—Stripper .....	2—Fair.
X—Straight Stripped .....	3—Low.
Y—Farm Filler	
N—Nondescript	
S—Scrap	

**Subpart D—Orders of Designation of Tobacco Markets**

AUTHORITY: Sec. 5, 49 Stat. 732, as amended by sec. 157(a)(1), 95 Stat. 374 (7 U.S.C. 511d).

**§ 29.8001 Designation of tobacco markets.**

The Act of Congress approved August 23, 1935 (49 Stat. 731; 7 U.S.C., Chapter 21A) entitled "The Tobacco Inspection Act" contains the following provisions:

Sec. 2. That transactions in tobacco involving the sale thereof at auction as commonly conducted at auction markets are affected with a public interest; that such transactions are carried on by tobacco producers generally and by persons engaged in the business of buying and selling tobacco in commerce; that the classification of tobacco according to type, grade, and other characteristics affects the prices received therefor by producers; that without uniform standards of classification and inspection the evaluation of tobacco is susceptible to speculation, manipulation, and control, and unreasonable fluctuations in prices and quality determinations occur which are detrimental to producers and persons handling tobacco in commerce; that such fluctuations constitute a burden upon commerce and make the use of uniform standards of classification and inspection imperative for the protection of producers and others engaged in commerce and the public interested therein. \* \* \*

Sec. 5. That the Secretary is authorized to designate those auction markets where to-

bacco bought and sold thereon at auction, or the products customarily manufactured therefrom, moves in commerce. Before any market is designated by the Secretary under this section he shall determine by referendum the desire of tobacco growers who sold tobacco at auction on such market during the preceding marketing season. The Secretary may at his discretion hold one referendum for two or more markets or for all markets in a type area. No market or group of markets shall be designated by the Secretary unless two-thirds of the growers voting favor it. The Secretary shall have access to the tobacco records of the Collector of Internal Revenue and of the several collectors of internal revenue for the purpose of obtaining the names and addresses of growers who sold tobacco on any auction market, and the Secretary shall determine from said records the eligibility of such grower to vote in such referendum, and no grower shall be eligible to vote in more than one referendum. After public notice of not less than thirty days that any auction market has been so designated by the Secretary, no tobacco shall be offered for sale at auction on such market until it shall have been inspected and certified by an authorized representative of the Secretary according to the standards established under this Act, except that the Secretary may temporarily suspend the requirement of inspection and certification at any designated market whenever he finds it impracticable to provide for such inspection and certification because competent inspectors are not obtainable or because the quantity of tobacco available for inspection is insufficient to justify the cost of such service: *Provided*, That, in the event competent inspectors are not available, or for other reasons, the Secretary is unable to provide for such inspection and certification at all auction markets within a type area, he shall first designate those auction markets where the greatest number of growers may be served with the facilities available to him. No fee or charge shall be imposed or collected for inspection or certification under this section at any designated auction market. Nothing contained in this Act shall be construed to prevent transactions in tobacco at markets not designated by the Secretary or at designated markets where the Secretary has suspended the requirement of inspection or to authorize the Secretary to close any market.

Designated Tobacco Markets

Territory	Types of tobaccos	Auction markets	Order of designation	Citation
(a) Kentucky-Tennessee	Fire-cured, and Green River Dark Air-cured—Types 22, 23, 24 and 36.	Clarksville, Tenn. .... Springfield, Tenn. .... Hopkinsville, Ky. .... Paducah, Ky. .... Mayfield, Ky. .... Murray Ky. .... Madisonville, Ky. .... Henderson, Ky. ....	June 18, 1936 ..	1 FR 757.
(b) Virginia	Fire-cured—Type 21	Lynchburg, Va. .... Bedford, Va. .... Farmville, Va. .... Blackstone, Va. .... Drakes Branch, Va. ....	.....do .....	Do.
(c) South Carolina	Flue-cured—Type 13	Lake City, S. C. .... Darlington, S. C. .... Pamplico, S. C. ....	July 1, 1936; as amended July 15, 1936.	1 FR 842, 968.
(d) North Carolina	Flue-cured—Type 12	Farmville, N. C. .... Goldsboro, N. C. ....	July 13, 1936. ...	1 FR 921.
(e) North Carolina	Flue-cured—Type 11(b).	Oxford, N. C. ....	Aug. 26, 1936. ..	1 FR 1416.
(f) Kentucky	Burley—Type 31	Bowling Green, Ky. .... Cynthiana, Ky. .... Horse Cave, Ky. .... Mt. Sterling, Ky. .... Wendell, N. C. ....	Nov. 14, 1936. ..	1 FR 2266.
(g) North Carolina	Flue-cured	Danville, Ky. ....	Sept. 14, 1937.	2 FR 2169.
(h) Kentucky	Burley—Type 31	South Hill, Va. ....	Dec. 3, 1937 ....	2 FR 3102.
(i) Virginia	Flue-cured	Owensboro, Ky. ....	Aug. 23, 1938. ..	3 FR 2074.
(j) Kentucky	Green River and One-Sucker.	Abingdon, Va. .... Huntington, W. Va. .... Knoxville, Tenn. .... Maysville, Ky. .... Paris, Ky. .... Springfield, Ky. .... Ripley, Ohio. ....	Sept. 9, 1938. ...	3 FR 2208.
(k) Virginia	Burley	Adel, Ga. .... Douglas, Ga. .... Nashville, Ga. .... Greenville, N. C. ....	Nov. 16, 1938 ...	3 FR 2734.
(l) West Virginia		Paris, Tenn. .... Lebanon, Ky. .... Columbia, Tenn. .... Mt. Pleasant, Tenn. .... Live Oak, Fla. ....	June 22, 1939 ...	4 FR 2476.
(m) North Carolina	Flue-cured	Franklin, Ky. .... Mayfield, Ky. .... Russellville, Ky. .... Westmoreland, Tenn. ....	July 24, 1939 ....	4 FR 3421.
(n) Tennessee	Fire-cured	Asheville, N.C. .... Bloomfield, Ky. .... Boone, N.C. .... Camp Taylor, Ky. .... Carrollton, Ky. .... Carthage, Tenn. .... Covington, Ky. .... Fayetteville, Tenn. .... Franklin, Tenn. .... Gallatin, Tenn. .... Glasgow, Ky. .... Greensburg, Ky. ....	Nov. 7, 1939 ....	4 FR 4537.
(o) Florida			.....do .....	Do.
(p) Kentucky	All		July 17, 1940 ....	5 FR 2607.
(q) Georgia	Flue-cured		Aug. 16, 1941 ...	6 FR 4111.
North Carolina				
South Carolina				
Virginia				
(r) Kentucky	One-sucker		Oct. 9, 1941 .....	6 FR 5147.
Tennessee				
(s) Indiana	Burley		Oct. 25, 1941 ....	6 FR 5478.
Kentucky				
Missouri				
North Carolina				
Tennessee				

*Designated Tobacco Markets—Continued*

Territory	Types of tobaccos	Auction markets	Order of designation	Citation
(t) Georgia .....	Flue-cured .....	Greeneville, Tenn. Harrodsburg, Ky. Hartsville, Tenn. Hopkinsville, Ky. Johnson City, Tenn. Lexington, Ky. Louisville, Ky. Madison, Ind. Morristown, Tenn. New Albany, Ind. New Tazewell, Tenn. Owensboro, Ky. Richmond, Ky. Rogersville, Tenn. Weston, Mo.	June 26, 1942 ...	7 FR 4811.
Florida .....	.....	Ahoskie, N.C.		
North Carolina .....	.....	Baxley, Ga.		
South Carolina .....	.....	Blackshear, Ga.		
Virginia .....	.....	Brookneal, Va.		
	Flue-cured .....	Chadbourn, N.C. Chase City, Va. Clarksville, Va. Clarkton, N.C. Conway, S.C. Durham, N.C. Fair Bluff, N.C. Fairmont, N.C. Hazlehurst, Ga. Henderson, N.C. Kenbridge, Va. Kingstree, S.C. Kinston, N.C. Lake City, Fla. Lawrenceville, Va. Louisburg, N.C. Lumberton, N.C. Martinsville, Va. Moultrie, Ga. Mt. Airy, N.C. Mullins, S.C. Pelham, Ga. Petersburg, Va. Rocky Mount, N.C. Rocky Mount, Va. Roxboro, N.C. Sanford, N.C. Smithfield, N.C. South Boston, Va. Tabor City, N.C. Tifton, Ga. Vidalia, Ga. Wallace, N.C. Warrenton, N.C. Washington, N.C. Waycross, Ga. Whiteville, N.C. Wilson, N.C. Winston-Salem, N.C.		
(u) Virginia .....	All .....	Richmond, Va .....	Nov. 7, 1942 .....	7 FR 9107.
(v) Tennessee .....	.....do .....	Springfield and Clarksville, Tenn.	Sept. 18, 1944 ..	9 FR 11571.
(w) Georgia .....	.....do .....	Quitman, Ga .....	Aug. 28, 1945 ...	10 FR 11104.
(x) Georgia .....	.....do .....	Fitzgerald, Ga .....	July 22, 1946 ...	11 FR 7967.
(y) North Carolina .....	.....do .....	Clinton, N C .....	Aug. 9, 1946 .....	11 FR 8712.
(z) Kentucky .....	.....do .....	Winchester, Ky .....	Oct. 30, 1946 .....	11 FR 13099.
(aa) North Carolina .....	.....do .....	Fayetteville, N.C .....	June 17, 1947 ...	12 FR 4015.
(bb) Maryland .....	.....do .....	Hughesville, La Plata, Upper Marlboro, and Wal- dorf, Md.	May 17, 1948 ....	13 FR 2579.

Designated Tobacco Markets—Continued

Territory	Types of tobaccos	Auction markets	Order of designation	Citation
(cc) Florida	.....do	Jasper, Fla	May 27, 1948	13 FR 2963.
(dd) Georgia	.....do	Claxton, Ga.	July 30, 1948	13 FR 4498.
(ee) Kentucky	.....do	London, Ky	Oct. 25, 1948	13 FR 6349.
(ff) North Carolina	.....do	West Jefferson, N.C	.....do	13 FR 6348.
(gg) North Carolina	.....do	Dunn, N.C	July 15, 1949	14 FR 4514.
(hh) North Carolina	.....do	Ellerbe, N.C	Aug. 25, 1949	14 FR 5364.
(ii) Kentucky, Tennessee	.....do	Somerset, Ky Sparta, Tenn.	Oct. 7, 1949	14 FR 6193.
(jj) North Carolina	.....do	Greensboro, N.C	June 16, 1950	15 FR 3980.
South Carolina	.....do	Windsor, N.C.	.....do	.....do
Georgia	.....do	Hemingway, S.C. Sylvester, Ga.	.....do	.....do
(kk) Kentucky	All	Franklin, Ky Russellville, Ky. Scottsville, Ky.	June 21, 1950	15 FR 4072.
(ll) Tennessee, Virginia	.....do	Sweetwater, Tenn Pennington Gap, Va.	July 18, 1950	15 FR 4675.
(mm) Kentucky	.....do	Mayfield, Ky Murray, Ky. Paducah, Ky.	Oct. 19, 1950	15 FR 7117.
(nn) South Carolina	.....do	Lamar, S.C	May 28, 1951	16 FR 5108.
(oo) Tennessee	.....do	Mountain City, Tenn	Nov. 1, 1951	16 FR 11260.
(pp) Florida	.....do	High Springs	June 2, 1954	19 FR 3211.
(qq) Tennessee	.....do	Newport	Oct. 27, 1954	19 FR 6878.
(rr) Georgia	.....do	Alma and Pearson	May 13, 1955	20 FR 3252.
(ss) Kentucky	.....do	Henderson, Ky	Oct. 29, 1942	20 FR 8142.
Virginia	.....do	Gate City, Va.	.....do	.....do
(tt) Florida	All	Madison, Fla	July 6, 1956	21 FR 4998.
Georgia	.....do	Swainsboro, Ga. Thomasville, Ga.	.....do	.....do
(uu) Kentucky	All	Morehead	June 18, 1958	23 FR 4377.
(vv) North Carolina	.....do	Yadkinville, N.C	April 15, 1970	35 FR 6107.
(ww) North Carolina	Flue-Cured	Mebane-Burlington	Mar. 11, 1983	48 FR 10291.
(xx) Georgia	Flue-Cured	Valdosta-Hahira	Apr. 19, 1985	50 FR 15537.
(yy) Virginia	Type 37	Farmville	Oct. 9, 1985	50 FR 41127.
(zz) Georgia	Flue-Cured	Baxley-Hazlehurst	July 6, 1987	52 FR 25199.
(aaa) South Carolina	Flue-Cured	Darlington-Timmonsville	July 6, 1987	52 FR 25200.
(bbb) North Carolina	Flue-Cured	Carthage-Aberdeen	Aug. 30, 1988	53 FR 33097.
(ccc) North Carolina	Flue-cured	Stoneville-Madison	Aug. 2, 1989	54 FR 31797.
(ddd) Georgia	Flue-Cured	.....do	Sept. 4, 1990	55 FR 35886.
(eee) Georgia	Flue-Cured	Metter	Sept. 4, 1990	55 FR 35885.
(fff) Georgia	Flue-Cured	Fitzgerald-Ocilla	May 29, 1991	56 FR 19541.
(ggg) North Carolina	Flue-cured	Windsor-Williamston- Robersonville.	June 27, 1994	59 FR 27215.
(hhh) Georgia	Flue-Cured	Tifton-Fitzgerald-Ocilla	Apr. 6, 1995	60 FR 12398.
(iii) South Carolina	Flue-Cured	Kingsree-Hemingway	Apr. 6, 1995	60 FR 12399.
(jii) North Carolina	Flue-Cured	Clarkton-Chadbourne	Apr. 6, 1995	60 FR 12400.
(kkk) North Carolina	Flue-Cured	Fairmont-Fair Bluff	Apr. 6, 1995	60 FR 12401.
(lll) North Carolina	Flue-cured	Sanford-Carthage-Aberdeen	July 5, 1996	61 FR 27997.
(mmm) Kentucky	Burley	Horse Cave-Glasgow- Greensburg, KY.	July 15, 1996	61 FR 29924.
(nnn) North Carolina, Tennessee.	Burley	Boone-West Jefferson- Mountain City.	July 15, 1996	61 FR 29923.
(ooo) North Carolina	Flue-Cured	Tabor City-Whiteville	June 5, 1997	62 FR 24559.
(ppp) Virginia	Flue-Cured	Clarksville-Chase City	July 1, 1998	63 FR 29529.
(qqq) North Carolina, South Carolina.	Flue-Cured	Fairmont-Fair Bluff-Loris	October 22, 2001.	66 FR 53076.

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[1 FR 649, June 23, 1936. Redesignated at 14 FR 465, Feb. 3, 1949, and further redesignated at 24 FR 2776, Apr. 10, 1959, as amended at 35 FR 6107, Apr. 15, 1970; 45 FR 36957, Oct. 16, 1974; 48 FR 10291, Mar. 11, 1983; 50 FR 15537, Apr. 19, 1985; 50 FR 41127, Oct. 9, 1985; 52 FR 25199, 25200, July 6, 1987; 53 FR 33097, Aug. 30, 1988; 54 FR 31797, Aug. 2, 1989; 55 FR 35885, 35886 Sept. 4, 1990; 56 FR 19541, Apr. 29, 1991; 59 FR 27215, May 26, 1994; 60 FR 12398, 12399, 12400, and 12401, Mar. 7, 1995; 61 FR 29923, 29924, June 13, 1996; 61 FR 37351, July 18, 1996; 62 FR 24559, May 6, 1997; 63 FR 29529, June 1, 1998; 66 FR 53075, Oct. 19, 2001]

### Subpart E [Reserved]

## Subpart F—Policy Statement and Regulations Governing the Identification and Certification of Nonquota Tobacco Produced and Marketed in a Quota Area

AUTHORITY: Pub. L. 97-98, 95 Stat. 1266, as amended (7 U.S.C. 1314f).

SOURCE: 47 FR 8980, Mar. 3, 1982, unless otherwise noted.

### DEFINITIONS

#### § 29.9201 Terms defined.

As used in this subpart and in all instructions, forms, and documents in connection therewith, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

#### § 29.9202 Approved receiving station.

Points approved by the Director at which tobacco is offered for marketing or shipment into commerce including tobacco auction warehouses, packing houses, prizeries, or places where tobacco is handled or stored.

#### § 29.9203 Certification.

The documentation of class or type, weight, or other tobacco characteristics as required in § 29.9263.

#### § 29.9204 Crop-lot.

The assemblage of individual lots representing the season's production of each kind or type of nonquota tobacco produced on an individual farm.

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#### § 29.9205 Identification number (farm serial number).

The serial number assigned to an individual farm by the appropriate office of the Agricultural Stabilization and Conservation Service.

#### § 29.9206 Inspection.

The examination by an inspector of a lot or crop-lot of tobacco to make determinations necessary for proper certification.

#### § 29.9207 Nonquota tobacco.

Any kind or type of tobacco not subject to production and/or marketing limitations or restrictions under regulations issued by the Agricultural Stabilization and Conservation Service.

#### § 29.9208 Permissive inspection.

Permissive inspection consists of inspecting and certificating tobacco, upon the request of an interested party.

#### § 29.9209 Lot.

A pile, basket, bulk, package, or other definite unit.

#### § 29.9210 Office of inspection.

A field office of the inspection service of the Tobacco Division.

### POLICY STATEMENT

#### § 29.9221 Policy statement.

Public Law 97-98 enacted on December 22, 1981, amended section 320 of the Agricultural Adjustment Act of 1938, to preserve the effectiveness of the tobacco program by discouraging the production of tobacco not under quota in states where tobacco farmers have elected to comply with marketing quotas. Under the amendment, any tobacco represented by the producer as nonquota which is produced in a state where producers have approved marketing quotas shall be determined to be subject to marketing quotas for the quota tobacco produced in that state having the highest price support, with the specific exemptions provided for in section 320(b) and set out in 7 CFR parts 724, 725, and 726 of these regulations. The regulations in this subpart

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set out procedures for requesting a Tobacco Classification Certificate which would certify that the inspected tobacco is readily and distinguishably different from all kinds of quota tobacco, as determined through application of the standards for inspection and identification of tobacco.

### ADMINISTRATION

#### § 29.9231 Administration.

The Director, Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC, 20250, is charged with the supervision of the Division and the performance of all duties assigned thereto in the administration of the act. The conduct of all services and the licensing or employment of inspection/grading/sampling personnel under these regulations shall be accomplished without discrimination as to race, color, creed, sex, or national origin. Information concerning such administration may be obtained from the Director.

#### § 29.9232 Where certification is available.

Nonquota tobacco may be inspected and certified by class or type, upon request of an interested party, when the tobacco is displayed at an approved receiving station where the tobacco is accessible to the inspector.

#### § 29.9233 When certification will be made.

Certification services for the nonquota tobacco shall be made when inspectors are available and such sales will not interfere with scheduled sales on designated auction markets.

#### § 29.9234 Who may obtain certification.

Certification of nonquota tobacco may be requested by an interested party (applicant) by filing an application in accordance with §§ 29.9236 and 29.9237.

#### § 29.9235 How to make application.

Application for certification by class or type of nonquota tobacco shall be made to the office of inspection, not less than 14 days before the date of requested certification. The application

shall be in writing and signed by the applicant.

#### § 29.9236 Form of application.

Application for inspection and certification of class or type of nonquota tobacco shall include the following information;

- (a) The date of the application;
- (b) The producer's certification of the type of the tobacco, the crop year when produced, and where produced;
- (c) The name and post office address of the applicant;
- (d) The financial interest of the applicant in the tobacco;
- (e) The exact nature of the service desired;
- (f) A statement that the tobacco is (1) in commerce, as defined in the act, or (2) entering such commerce; and
- (g) Such other necessary information as the Director may require.

#### § 29.9237 When application deemed filed.

An application shall be deemed filed when delivered to the office of inspection. When an application is filed, the date and time of filing shall be recorded by the official receiving it.

#### § 29.9238 When application may be rejected.

An application may be rejected (a) for noncompliance with the act or the regulations in this subpart, or (b) when it is not practicable to provide the service. All expenses incurred in connection with an application rejected for noncompliance with the act or the regulations in this subpart shall be paid by the applicant as provided in § 29.124 of subpart B of this part.

#### § 29.9239 When application may be withdrawn.

An application may be withdrawn at any time before the requested service is rendered. Payment of expenses incurred in connection therewith shall be paid by the applicant as provided in § 29.124 and subpart B of this part.

#### § 29.9240 Responsibilities of applicant.

Any applicant requesting class or type certification on nonquota tobacco produced in a quota area, shall obtain from the appropriate county office of

**§ 29.9241**

the Agricultural Stabilization and Conservation Service a certificate showing the acreage of nonquota tobacco grown on each affected farm and the identification number. It shall also be the responsibility of the applicant to:

- (a) Make available to the inspector any or all information required by the inspector for completion of the Tobacco Classification Certificate,
- (b) Make the tobacco accessible to the inspector, and
- (c) Surrender to the inspector at time of certification a copy of the ASCS certificate and sale bill.

**§ 29.9241 Accessibility of tobacco.**

All tobacco to be inspected and certified by class or type upon application shall be made accessible by the applicant for proper examination, including any necessary display in proper light for determination of grade, class, type, or other characteristics or for drawing of samples. Each croplot shall be displayed at an approved receiving station in a continuous and orderly sequence with no other quota, nonquota, or other producer's tobacco in between. The lots shall be arranged in rows 18 inches apart with the leaves of adjacent lots not touching within the rows. Coverings shall be removed by the applicant in such manner as may be prescribed by the inspector.

**FEEs AND CHARGES**

**§ 29.9251 Fees and charges.**

Fees and charges for inspection and certification services shall comprise the cost of salaries, travel, per diem, and related expenses to cover the costs of performing the service. Fees shall be for actual time required to render the service calculated to the nearest 30-minute period. The hourly rate shall be \$47.40. The overtime rate for service performed outside the inspector's regularly scheduled tour of duty shall be \$53.70. The rate of \$64.45 shall be charged for work performed on Sundays and holidays.

[56 FR 41922, Aug. 26, 1991, as amended at 66 FR 28361, May 23, 2001]

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**CERTIFYING PROCEDURES**

**§ 29.9261 Procedure to be followed.**

In certifications based on permissive inspection of nonquota tobacco produced in a state where any quota tobacco is produced, the inspector shall use the Official Standard Grades for all types of quota tobacco. The inspector shall determine by inspecting each lot in the crop-lot whether the crop-lot can be certified as the nonquota tobacco requested by the applicant. If the inspector determines upon inspection that any individual lot in the crop-lot meets the specifications of any grade of any quota tobacco, no certificate will be issued on any tobacco in the crop-lot.

**§ 29.9262 Issuance of certificates.**

A "Tobacco Classification Certificate" may be issued upon request of an applicant for nonquota tobacco certified in accordance with § 29.9261. The Tobacco Classification Certificate will be supplied by the inspection office.

**§ 29.9263 Tobacco classification certificate.**

Each tobacco classification certificate shall show:

- (a) The caption "Tobacco Classification Certificate";
- (b) Whether it is an original, first, second, or other copy;
- (c) The number of the certificate;
- (d) The sale bill identification number;
- (e) The location of the tobacco at the time of inspection and certification;
- (f) The date of certification;
- (g) The class or type of tobacco;
- (h) The number of lots in the crop-lot;
- (i) The weight of each lot;
- (j) The signature of the inspector and,
- (k) Such additional information as may be required by the Director.

**§ 29.9264 Forms.**

Each certificate issued under this regulation shall:

- (a) Show that it was issued under the Tobacco Inspection Act;
- (b) Be in a form approved for the purpose by the Director, and

(c) Embody within it, written or printed terms with respect to the particular kind of service, all applicable information required by § 29.9263. Each certificate may also contain any information, not inconsistent with the act and the regulations in this subpart, as may be approved or required by the Director. The Director may, in his discretion, specify or limit the period in which a certificate shall be valid.

**§ 29.9265 Disposition of certificate.**

Distribution of the Tobacco Classification Certificate shall be limited to the provisions of this section. The original certificate and one copy shall be delivered or mailed to the applicant or his agent. One copy and the copy of the ASCS certificate shall be forwarded by the inspector to the Division or office of inspection.

**§ 29.9266 Changes or alterations.**

No change or alteration shall be made in the weight or other identification of a lot on the Tobacco Classification Certificate after the certification of class or type, and any such change or alteration shall constitute and be construed as a change or alteration in the certificate issued or authorized under the act.

PRECLUSION

**§ 29.9281 Preclusion.**

The provisions of this subpart shall not preclude the application of other administrative remedies or the institution of criminal proceedings in appropriate cases as provided by the act.

**Subpart G—Policy Statement and Regulations Governing Availability of Tobacco Inspection and Price Support Services to Flue-Cured Tobacco on Designated Markets**

AUTHORITY: Tobacco Inspection Act, 49 Stat. 731 (7 U.S.C. 511 *et seq.*); Commodity Credit Corporation Charter Act, 62 Stat. 1070, as amended (15 U.S.C. 714 *et seq.*); sec. 213, Pub. L. 98-180, 97 Stat. 1149 (7 U.S.C. 1421); 49 Stat. 731 (7 U.S.C. 511 *et seq.*), unless otherwise noted.

SOURCE: 39 FR 17754, May 20, 1974, unless otherwise noted.

**§ 29.9401 Definitions.**

As used in this subpart, the following terms shall have the following meanings:

(a) *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 may hereafter be delegated to act in his stead.

(b) *Marketing area* means a geographical area within the flue-cured tobacco production area specified by the Secretary each year on the basis of his determination that significant quantities of tobacco produced in such area are ready for marketing.

(c) *Resale tobacco* means any tobacco offered for sale, or sold, by someone other than its producer.

(d) *Nonauction-purchased tobacco* means tobacco purchased at other than a bona fide auction sale, as defined in 7 CFR 29.1(d), on a designated market, as defined in 7 CFR 29.1(e).

(e) *Nonauction-purchased resale tobacco* means tobacco being offered for sale, or sold, at auction by a person who purchased it at other than a bona fide auction sale, as defined in 7 CFR 29.1(d), on a designated market, as defined in 7 CFR 29.1(e).

[39 FR 17754, May 20, 1974, as amended at 40 FR 31592, July 28, 1975]

**§ 29.9402 Policy statement.**

The sets of inspectors available to serve the flue-cured marketing areas are currently adequate to provide inspection service as rapidly as tobacco can be purchased, handled and processed by the currently existing facilities of the buyers, and the lack of inspection personnel is not a limiting factor to accelerated marketings or the extension of price support to producers. The sets of buyers assigned to the flue-cured markets by the buying industry are adequate to purchase tobacco as rapidly as it can be handled and processed by the buyers' facilities. However, the tobacco ready for marketing during most weeks of the marketing season substantially exceeds the quantities which can be purchased, handled and processed by the currently existing facilities of the buyers. Moreover, the total number of flue-cured markets are

substantially greater than the number of sets of buyers assigned by the buying companies or the number of sets of available inspectors. In this situation, about 6 months is required to market a year's crop of flue-cured tobacco and all warehouses cannot be served at the same time by the available sets of inspectors and the sets of buyers assigned by the buying companies. As additional sets of inspectors would not relieve the situation, inspection service will be provided by assigning the available inspectors to the various marketing areas and to warehouses within the marketing areas in a manner determined by the Secretary to provide the best and most equitable service to all growers.

**§ 29.9403 Flue-Cured Tobacco Advisory Committee.**

To assist the Secretary in making the apportionment and assignment of inspectors, a Flue-Cured Tobacco Advisory Committee, appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. Appendix I), shall advise and recommend to the Secretary marketing area opening dates and selling schedules for both designated and undesignated flue-cured tobacco to be sold in each marketing area and in each warehouse within each marketing area.

[39 FR 30475, Aug. 23, 1974, as amended at 49 FR 4067, Feb. 2, 1984; 50 FR 45806, Nov. 4, 1985; 51 FR 5987, Feb. 19, 1986; 67 FR 61468, Oct. 1, 2002]

**§ 29.9404 Marketing area opening dates and marketing schedules.**

(a) The Flue-Cured Tobacco Advisory Committee shall recommend, to the Secretary, marketing areas in the flue-cured tobacco production area and marketing area opening dates and selling schedules for both designated and undesignated tobacco for each marketing area and for the individual warehouses in each marketing area, which specify the length of time inspectors will be available to inspect designated tobacco and undesignated tobacco and/or the quantity of designated or undesignated tobacco to be marketed in each area and through each warehouse within such marketing area. In developing such opening date

and selling schedules, the Committee shall take into account the following:

(1) When a sufficient volume of tobacco produced within a specific area of the flue-cured tobacco production area will be ready for marketing;

(2) The volume of tobacco ready for marketing which the producers have designated under §1464.2(e) of this title to be sold at specific warehouses and also the volume of tobacco ready for marketing which has not been so designated by the producer;

(3) With regard to undesignated tobacco, the Committee shall first determine, on the basis of all information available to it, the volume of undesignated tobacco in a geographical area, and then shall provide sales opportunity for each warehouse to sell an amount of the undesignated tobacco available for sale from that geographical area in proportion to the amount of tobacco designated to the warehouse in comparison to the total amount of tobacco designated in the marketing area in which the warehouse is located. Provided, however, that the Secretary may authorize additional undesignated sales opportunity if the warehouse provided proper proof that it does, in fact, have available for sale a volume of tobacco which has not previously been designated and which was eligible for designation to that warehouse had the producer chosen to designate and that such additional volume of tobacco warrants more sales opportunity than allowed by the schedule;

(4) The processing or redrying capacity of the industry and the number of inspectors available to provide inspection service during the specific period involved;

(5) Such other factors or information as may be necessary to develop an effective and equitable opening date and selling schedule.

(b) The Flue-Cured Tobacco Advisory Committee shall thereupon submit its recommended opening date and selling schedules for designated and undesignated tobacco and the geographic areas to be included in specific marketing areas to the Secretary together with a basis supporting its recommendations.

[39 FR 17754, May 20, 1974, as amended at 39 FR 30476, Aug. 23, 1974; 40 FR 24174, June 5, 1975; 40 FR 30917, July 24, 1975]

**§ 29.9405 Issuance of marketing area opening date and selling schedules by the Secretary.**

(a) The Secretary shall review the recommendations of the Flue-Cured Tobacco Advisory Committee and based upon such recommendations and the basis therefor and such other information as may be available to him, shall specify the geographic areas to be encompassed by specific marketing areas, set the opening dates for sale within the marketing areas and issue the selling schedules for designated and undesignated tobacco. The inspection of flue-cured tobacco shall be in accordance with said schedules.

(b) The Flue-Cured Tobacco Advisory Committee shall recommend modifications in the opening date and marketing schedule during the flue-cured tobacco marketing season as may be warranted by changes in marketing conditions and the Secretary shall act thereon in the same manner as approving the initial opening date and marketing schedules.

[39 FR 17754, May 20, 1974, as amended at 39 FR 30476, Aug. 23, 1974]

**§ 29.9406 Failure of warehouse to comply with opening and selling schedule.**

(a) Each warehouse shall comply with opening and selling schedules issued by the Secretary for designated and undesignated flue-cured tobacco.

(b) For each of any two consecutive sales days during the marketing season a warehouse may exceed its scheduled sales opportunity for designated or undesignated tobacco, but the pounds sold during the second or third sales day must be adjusted so the warehouse will be back in compliance at the end of the third sales day or no tobacco inspection or price support services will be made available on the next succeeding sales day. Any such adjustment which is within 100 pounds of the required reduction shall be considered as in compliance with this section. During the closeout period, if a warehouse sells tobacco in excess of that allowed by the sales schedule on either of the last two sales days of the marketing season, then such excess sales shall be deducted from its scheduled sales opportunity on the first, or more,

sales days of the next marketing season.

(c) The amount of the poundage adjustment specified in paragraph (b) of this section for a warehouse selling in excess of the sales schedule shall be as follows:

(1) If the excess is 5,000 pounds or less of designated producer tobacco, the adjustment in producer sales opportunity shall be one pound for each pound of excess; sales in excess of 5,000 pounds shall be a violation of the sales schedule and the adjustment for the first violation shall be 5,000 pounds plus the larger of 3 pounds for each pound in excess of 5,000 pounds or 5,000 pounds; for the second violation, the adjustment shall be 5,000 pounds plus the larger of 5 pounds for each pound in excess of 5,000 or 15,000 pounds; and for the third and subsequent violations, the adjustment shall be 5,000 pounds plus the larger of 5 pounds for each pound in excess of 5,000 pounds or 50 percent of a scheduled day's sales opportunity.

(2) If the excess is 1,000 pounds or less of undesignated producer tobacco, the adjustment in producers sales opportunity is one pound for each pound of excess; if the excess is larger than 1,000 pounds, the adjustment is 1,000 pounds plus the larger of 3 pounds for each pound in excess of 1,000 or 2,000 pounds.

(3) If the excess is designated producer tobacco that is not eligible for sale at the warehouse on the day of the sale, the adjustment in producers sales opportunity for the first violation is the larger of 3 pounds for each pound in excess or 5,000 pounds, and for the second and succeeding violations, the larger of 5 pounds for each pound in excess or 10,000 pounds.

(d) If, on any sales day, a warehouse does not sell the full quantity of designated or undesignated tobacco authorized to be sold at such warehouse, the designated or undesignated sales opportunity at such warehouse on the next immediate sales day shall automatically be increased by the unsold quantity except that no such increase in sales opportunity shall exceed 5,000 pounds for designated tobacco or 500 pounds for undesignated tobacco.

[46 FR 56156, Nov. 16, 1981, as amended at 65 FR 46087, July 27, 2000]

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**§ 29.9407 Records and reports.**

(a) Each warehouse, on a designated market, shall provide the Secretary with any information that is requested on forms provided said warehouse by the Secretary.

(b) Each warehouse shall keep records for a period of two years from the opening of the marketing season in which the tobacco is sold, and make available to the Secretary such records as are necessary for the Secretary to verify the information required by paragraph (a) of this section.

(c) Failure to comply with the requirements of this section including but not limited to failure to provide information which is accurate, shall result in suspension of tobacco inspection services for a minimum of the equivalent of one sales day or until such time as the warehouse comes into compliance.

(Approved by the Office of Management and Budget under control number 0581-0056)

(44 U.S.C. 3506)

[46 FR 56156, Nov. 16, 1981, as amended at 47 FR 745, Jan. 7, 1982]

**PART 30—TOBACCO STOCKS AND STANDARDS**

**CLASSIFICATION OF LEAF TOBACCO COVERING CLASSES, TYPES, AND GROUPS OF GRADES**

- Sec.
- 30.1 Definitions of terms used in classification of leaf tobacco.
- 30.2 Leaf tobacco.
- 30.3 Unstemmed.
- 30.4 Stemmed.
- 30.5 Class.
- 30.6 Type.
- 30.7 Group.
- 30.8 Scrap.
- 30.9 Nondescript.
- 30.10 Cure.
- 30.11 Flue-cure.
- 30.12 Fire-cure.
- 30.13 Air-cure.
- 30.14 Cigar filler.
- 30.15 Cigar binder.
- 30.16 Cigar wrapper.
- 30.17 Damage.
- 30.18 Injury.
- 30.19 Nested.
- 30.20 Crude.
- 30.21 Foreign matter.
- 30.31 Classification of leaf tobacco.
- 30.36 Class 1; flue-cured types and groups.
- 30.37 Class 2; fire-cured types and groups.

- 30.38 Class 3; air-cured types and groups.
- 30.39 Class 4; cigar-filler types and groups.
- 30.40 Class 5; cigar-binder types and groups.
- 30.41 Class 6; cigar-wrapper types and groups.
- 30.42 Class 7; miscellaneous domestic types.
- 30.43 Class 8; foreign-grown cigar-leaf types.
- 30.44 Class 9; foreign-grown types other than cigar-leaf.

**REPORTS**

- 30.60 Reports.

**ADMINISTRATION**

- 30.61 Administration.

**AUTHORITY:** 7 U.S.C. 502.

**SOURCE:** 39 FR 5300, Feb. 12, 1974, unless otherwise noted.

**CLASSIFICATION OF LEAF TOBACCO COVERING CLASSES, TYPES AND GROUPS OF GRADES**

**§ 30.1 Definitions of terms used in classification of leaf tobacco.**

For the purpose of §§30.1 through 30.44 the terms appearing in §§30.2 through 30.21 shall be construed as explained therein.

**§ 30.2 Leaf tobacco.**

Tobacco in the forms in which it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters into the different manufacturing processes. The acts of stemming, sweating or fermenting, and conditioning are not regarded as manufacturing processes. Leaf tobacco does not include any manufactured or semimanufactured tobacco, stems which have been removed from leaves, cuttings, clippings, trimmings, shorts, or dust.

**§ 30.3 Unstemmed.**

A form of leaf tobacco consisting of a collection of leaves from which the stems or midribs have not been removed, including leaf-scrap.

**§ 30.4 Stemmed.**

A form of leaf tobacco consisting of a collection of leaves from which the stems or midribs have been removed, including strip scrap.