

**§ 29.1101**

**7 CFR Ch. I (1–1–10 Edition)**

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 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

**Agricultural Marketing Service, USDA**

**§ 29.1128**

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]

**§ 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