

## Agricultural Marketing Service, USDA

## § 29.56

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.

### § 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

## § 29.57

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

## 7 CFR Ch. I (1–1–10 Edition)

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:

- (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