

§ 30.19

affected by wild-fire, black fire, rust, frog-eye, mosaic, frenching, sand-drown, or other field diseases.

§ 30.19 Nested.

Any lot of tobacco which has been so handled or packed as to conceal damaged, injured, tangled, or inferior tobacco, or foreign matter.

§ 30.20 Crude.

A subdegree of maturity, crude leaves usually have the general appearance of being raw and unfinished as a result of extreme immaturity. Crude tobacco ordinarily has a characteristic green color.

§ 30.21 Foreign matter.

Any substance or material extraneous to tobacco leaves, such as dirt, sand, stalks, suckers, straws, and strings.

§ 30.31 Classification of leaf tobacco.

For the purpose of this classification leaf tobacco shall be divided into the following classes:

- Class 1. Flue-cured types.
- Class 2. Fire-cured types.
- Class 3.¹ Air-cured types.
- Class 4. Cigar-filler types.
- Class 5. Cigar-binder types.
- Class 6. Cigar-wrapper types.
- Class 7. Miscellaneous domestic types.
- Class 8. Foreign-grown cigar-leaf types.
- Class 9. Foreign-grown types, other than cigar types.

¹Class 3 covers Air-cured tobacco other than cigar leaf. This class may be subdivided as follows: Class 3a, Light Air-cured tobacco, including types 31 and 32, and Class 3b, Dark Air-cured tobacco, including types 35, 36, and 37.

For the purpose of this classification the classes shall be divided into the types and groups set forth in §§ 30.36 through 30.44.

§ 30.36 Class 1; flue-cured types and groups.

All flue-cured tobacco is graded under the same set of Official Standard Grades for Flue-cured Tobacco (U.S. Types 11, 12, 13, and 14). Flue-cured types are defined according to established general geographical areas of production. However, the determination as to type designations are based upon and indicate the geographic location where inspection and certification

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are performed—and do not necessarily identify the production area in which the tobacco was grown.

(a) *Type 11a.* That type of flue-cured tobacco commonly known as Western Flue-cured or Old Belt Flue-cured, produced principally in the Piedmont sections of Virginia and North Carolina.

(b) *Type 11b.* That type of flue-cured tobacco commonly known as Middle Belt Flue-cured, produced principally in a section lying between the Piedmont and coastal plains regions of Virginia and North Carolina.

(c) *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.

(d) *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.

(e) *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.

- Groups applicable to types 11, 12, 13, and 14:
- A—Wrappers.
- B—Leaf.
- H—Smoking Leaf.
- C—Cutters.
- X—Lugs.
- P—Primings.
- N—Nondescript, as defined.
- S—Scrap, as defined.

§ 30.37 Class 2; fire-cured types and groups.

(a) *Type 21.* That kind of fire-cured tobacco commonly known as Virginia Fire-cured, or Dark-fired, produced principally in the Piedmont and mountain sections of Virginia.

(b) *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.

(c) *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.

Groups applicable to types 21, 22, and 23:

- A—Wrappers.
- B—Heavy Leaf.
- C—Thin Leaf.
- X—Lugs.
- N—Nondescript, as defined.
- S—Scrap, as defined.

§ 30.38 Class 3; air-cured types and groups.

(a) *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.

Groups applicable to type 31:

- X—Flyings.
- C—Lugs or Cutters.
- B—Leaf.
- T—Tips.
- M—Mixed.
- N—Nondescript, as defined.
- S—Scrap, as defined.

(b) *Type 31-V.* Notwithstanding the definitions of “Type” and “Type 31”, any tobacco having the general visual characteristics of quality, color, and length of Class 3, Type 31, air-cured tobacco, but which is a low-nicotine strain or variety, produced and to be marketed under such restrictions or controls as shall be specified by the Director of the Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, and which in its cured state is found by an authorized representative of the Department to have a nicotine content of not more than eight-tenths of one percent ($\frac{8}{10}$ of 1%), oven dry weight, shall not be classified as Type 31 but shall be classified and designated upon certification by the Department as Type 31-V. No groups are established for Type 31-V.

(c) *Restrictions and controls relating to the production and marketing of Type 31-V tobacco as a prerequisite to the classification and certification of such tobacco—(1) Declaration of seed or seedlings.* Tobacco shall be produced from seed or seedlings declared to be a suitable low-nicotine strain or variety for the production of Type 31-V, by an agency or agencies designated by the Director of the Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture.

(2) *Production under contract.* Type 31-V tobacco shall be grown under contract with a dealer in tobacco or a manufacturer of tobacco products. In addition to any other provisions not inconsistent herewith, the contract shall provide that:

(i) The dealer or manufacturer shall furnish to the grower seed or seedlings declared therefor as provided in paragraph (c)(1) of this section.

(ii) The grower shall deliver to the dealer or manufacturer all tobacco produced from such seed or seedlings;

(iii) The grower shall produce not in excess of the number of acres of low-nicotine tobacco specified in the contract;

(iv) The grower shall establish clear lines of demarcation between the low-nicotine tobacco and any other type of tobacco grown on the farm; and

(v) The low-nicotine tobacco shall be housed and handled separately and shall not be commingled with any other type of tobacco: *Provided*, That this provision shall not prohibit the housing of low-nicotine and other types of tobacco in the same curing barn so long as the low-nicotine tobacco is clearly identified and is not commingled with any other type of tobacco.

(3) *Filing of copy of contract.* A copy of each contract referred to in paragraph (c)(2) of this section shall be filed by the dealer or manufacturer with the Director, Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250, by May 1 of each year.

(4) *Restrictions on sale and marketing.* The low-nicotine tobacco shall not be offered for sale, sold, marketed, or otherwise disposed of unless such tobacco is clearly represented and identified as being low-nicotine tobacco: *Provided*, That this restriction shall not apply to products manufactured from such tobacco.

(5) *Nicotine content.* The nicotine content of the tobacco in its cured state, based on an official sample drawn and selected as being representative of the whole production from the acreage of low-nicotine tobacco planted under said contract by the same grower during the same calendar year, shall not be more than eight-tenths of one percent ($\frac{8}{10}$ of 1%) oven dry weight.