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[71 FR 7676, Feb. 14, 2006]

EXEMPTIONS AND SAFEGUARDS

§ 927.120 Pears for charitable or by-product purposes.

Pears which do not meet the requirements of the then effective grade, size, or quality regulations shall not be shipped or handled for consumption by any charitable institution or for distribution by any relief agency or for conversion into any by-product, unless there first shall have been delivered to the manager of the Fresh Pear Committee a certificate executed by the intended receiver and user of said pears showing, to the manager's satisfaction, that said pears actually will be used for one or more of the aforesaid purposes.

[70 FR 59625, Oct. 13, 2005, as amended at 71 FR 7676, Feb. 14, 2006]

§ 927.121 Pears for gift purposes.

There are exempted from the provisions of the order any and all pears which, in individual gift packages, are shipped directly to, or which are shipped for distribution without resale to, an individual person as the consumer thereof, and any and all pears which, in individual gift packages are shipped directly to, or are shipped for distribution without resale to, a purchaser who will use these pears solely for gift purposes and not for sale.

[70 FR 59625, Oct. 13, 2005, as amended at 71 FR 7676, Feb. 14, 2006]

§ 927.122 [Reserved]

§ 927.123 Interest and late payment charges.

Payments received more than 45 days after the date on which they are due shall be considered delinquent and subject to a late payment charge of \$25.00 or 2 percent of the total due, whichever is greater. Payments received more than 60 days after the date on which they are due shall be subject to a 1½ percent interest charge per month, until final payment is made and interest shall be applied to the total unpaid balance, including the late payment charge and any accumulated interest.

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Any amount paid shall be credited when the payment is received in the Fresh Pear Committee or Processed Pear Committee office.

[70 FR 59625, Oct. 13, 2005, as amended at 71 FR 7676, Feb. 14, 2006]

REPORTS

§ 927.125 Fresh pear reports.

(a) Each handler shall furnish to the Fresh Pear Committee, as of every other Friday or at such other times established by the Fresh Pear Committee, a "Handler's Statement of Fresh Pear Shipments" containing the following information:

(1) The quantity of each variety or subvariety of fresh pears shipped by that handler during the preceding two weeks;

(2) The assessment payment due and enclosed;

(3) The date of each shipment;

(4) The ultimate destination by city and state or city and country;

(5) The name and address of such handler; and

(6) Other information as may be requested by the Fresh Pear Committee.

(b) Each handler shall furnish to the Fresh Pear Committee, each Friday during the shipping season or at such other times established by the Fresh Pear Committee, a "Handler's Packout Report" containing the following information:

(1) The projected total quantity of the packout of each variety or subvariety;

(2) The quantity to date of the packout of each variety or subvariety;

(3) The quantity of each variety or subvariety loose in storage;

(4) The quantity of the packout in controlled atmosphere (C.A.) storage and the quantity in C.A. storage which is sold;

(5) The quantity of each variety or subvariety shipped;

(6) The name and address of such handler; and

(7) Other information as may be requested by the Fresh Pear Committee.

(c) Each handler shall furnish to the Fresh Pear Committee, upon request, the "Pear Size and Grade Storage Report" containing the quantity of specific grades and sizes of fresh pears in

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regular and C.A. storage by variety or subvariety, and such other information as may be requested from the Fresh Pear Committee for the time period specified.

(d) Each handler who has shipped less than 2,500 44-pound net weight standard boxes or container equivalents of fresh pears during any reporting period of the shipping season may, in lieu of reporting as provided in (a) and (b) of this section, report as follows:

(1) At completion of harvest, on the next reporting date, furnish to the Fresh Pear Committee a “Handlers Packout Report”;

(2) After unreported shipments total 2,500 44-pound net weight standard boxes or container equivalents of fresh pears, furnish to the Fresh Pear Committee a “Handler’s Statement of Fresh Pear Shipments” and a “Handler’s Packout Report” on the next reporting date;

(3) After completion of all shipments from regular storage (i.e. non-C.A. storage), furnish to the Fresh Pear Committee a “Handler’s Statement of Fresh Pear Shipments” and a “Handler’s Packout Report” on the next reporting date;

(4) At mid-season for C.A. storage, at a date established by the Fresh Pear Committee, furnish to the Fresh Pear Committee a “Handler’s Statement of Fresh Pear Shipments”, and a “Handler’s Packout Report”; and

(5) At the completion of all seasonal pear shipments, furnish to the Fresh Pear Committee a “Handler’s Statement of Fresh Pear Shipments” and a “Handler’s Packout Report”, on the next reporting date. Each of these reports shall be marked “final report” and include an explanation of the actual shipments versus the original estimate, if different.

(e) Each handler shall specify on each bill of lading covering each shipment, the variety or subvariety and quantity of all pears included in that shipment.

[71 FR 7677, Feb. 14, 2006]

§ 927.126 Processed pear reports.

(a) Each handler shall furnish to the Processed Pear Committee annually on a date established by the Processed Pear Committee the “Processed Pear

Assessment Report” containing the following information:

(1) The name of the processor(s) or firm(s) to whom pears were sold;

(2) The quantity of each variety or subvariety of pears shipped by that handler;

(3) The crop year covered in the report;

(4) The assessment payment due and enclosed;

(5) The name and address of such handler; and

(6) Other information as may be requested by the Processed Pear Committee.

(b) Each handler shall specify on each bill of lading covering each shipment, the variety or subvariety and quantity of all pears included in that shipment.

[71 FR 7677, Feb. 14, 2006]

§ 927.142 [Reserved]

ASSESSMENT RATE

§ 927.236 Fresh pear assessment rate.

On and after July 1, 2005, the following base rates of assessment for fresh pears are established for the Fresh Pear Committee:

(a) \$0.366 per 44-pound net weight standard box or container equivalent for any or all varieties or subvarieties of fresh pears classified as “summer/fall”;

(b) \$0.501 per 44-pound net weight standard box or container equivalent for any or all varieties or subvarieties of fresh pears classified as “winter”; and

(c) \$0.000 per 44-pound net weight standard box or container equivalent for any or all varieties or subvarieties of fresh pears classified as “other”.

[71 FR 7677, Feb. 14, 2006]

§ 927.237 Processed pear assessment rate.

On or after July 1, 2009, the following base rates of assessment for pears for processing are established for the Processed Pear Committee:

(a) \$8.41 per ton for any or all varieties or subvarieties of pears for canning classified as “summer/fall” excluding pears for other methods of processing;