the package or label which are normally presented in retail display, in terms of the applicable numerical or nomenclature designation prescribed in §993.515, which designation shall not be lacking in prominence and conspicuousness. Any handler may, at his option, clearly mark on such consumer package additional information describing in numerical terms the average size count, or particular range of size counts, of the prunes in such lot so long as such numerical terms fall within the range of the size counts of the applicable numerical or nomenclature designation and do not tend to be deceptive as to the actual average size count, or range of the size counts, of the prunes in such lot. Descriptive terms other than synonyms of the prescribed nomenclature designation or words of like connotation, describing the style of pack, variety of prune, or other item of commercial significance may also be marked on the consumer package. Prunes in any lot of which the maximum size count is less than 25 shall be clearly marked by the handler in terms of the applicable numerical designation prescribed in §993.515(a); and the handler may use nomenclature terms descriptive of size other than the nomenclature designations prescribed in §993.515(b).


EFFECTIVE DATE NOTE: At 70 FR 30613, May 27, 2005, §993.517 was suspended indefinitely.

§ 993.518 Compliance.

Whenever the season average price to producers for prunes is below the parity level specified in section 2(1) of the act, no handler shall ship consumer packages of prunes unless such prunes are packed and labeled in accordance with the specifications prescribed in this subpart; and whether prices are above or below parity, no handler shall use the nomenclature designations in §993.515(b) to describe size categories other than those prescribed pursuant to §993.515(c).


EFFECTIVE DATE NOTE: At 70 FR 30613, May 27, 2005, §993.518 was suspended indefinitely.

§ 993.601 More restrictive grade regulation.

(a) Incoming and outgoing regulation. Whenever the estimated season average price to producers for prunes does not exceed the parity level specified in section 2(1) of the act, the minimum standards which handlers’ receipts of natural condition prunes are required to meet pursuant to §993.49(a) shall be the standards specified in §§993.49(a) and 993.97(1), and the minimum standards which handlers’ shipments or other final dispositions of prunes are required to meet pursuant to §993.50(a) shall be the applicable standards set forth in §993.97 Exhibit A: minimum standards, except that the following revised tolerance allowances shall apply in lieu of the tolerance allowances prescribed in paragraphs I C(2), II C(3), I C(5) and II C(6) of §993.97 as follows:

(1) The combined tolerance allowance for off-color, inferior meat condition, end cracks, fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed fifteen percent (15%), except that the first eight percent (8%) of end cracks shall be given one-half value and any additional percentage of end cracks shall be given full value.

(2) The combined tolerance allowance for mold, brown rot, imbedded dirt, insect infestation, and decay shall not exceed five percent (5%), and, within such tolerance, brown rot shall not exceed three percent (3%).

(b) Above parity situations. Whenever the estimated season average price to producers for prunes exceeds the parity level specified in section 2(1) of the act, the minimum standards set forth in §993.97 shall apply in their entirety.


EFFECTIVE DATE NOTE: At 70 FR 30613, May 27, 2005, §993.601 was suspended indefinitely.

§ 993.602 Maximum tolerances.

In lieu of the provision prescribed in I C of §993.97 that the tolerance allowances prescribed therein shall be on a weight basis, the tolerance allowance percentage for each defect or group of defects in I C of §993.97 shall be derived
by dividing the number of prunes in the applicable sample affected with the applicable defect(s) by the total number of prunes in such sample.
[39 FR 30344, Aug. 22, 1974]

EFFECTIVE DATE NOTE: At 70 FR 30613, May 27, 2005, § 993.602 was suspended indefinitely.

PART 996—MINIMUM QUALITY AND HANDLING STANDARDS FOR DOMESTIC AND IMPORTED PEANUTS MARKETED IN THE UNITED STATES

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SOURCE: 67 FR 57140, Sept. 9, 2002, unless otherwise noted.

DEFINITIONS

§ 996.1 Act and scope.

Act means Public Law 107–171, or the Farm Security and Rural Investment Act of 2002, enacted May 13, 2002. None of the definitions or provisions of this part shall apply to any other part or program (including, but not limited to, any program providing for payments or loans to peanut producers or other persons interested in peanuts or peanut quotas) unless explicitly adopted in such other part or program.

§ 996.2 Conditional release.

Conditional release means release from U.S. Customs Service custody to the importer for purposes of handling and USDA required sampling, inspection and chemical analysis.

[68 FR 1157, Jan. 9, 2003]

§ 996.3 Crop year.

Crop year means the 12-month period beginning with July 1 of any year and ending with June 30 of the following year, or other period established by USDA.

§ 996.4 Handle.

Handle means to engage in the receiving or acquiring, cleaning and shelling, cleaning inshell, or crushing of domestic or imported peanuts and in the shipment (except as a common or contract carrier of peanuts owned by another) or sale of clean-inshell or shelled peanuts or other activity causing peanuts to enter into human consumption channels of commerce: Provided, That this term does not include sales or deliveries of peanuts by a producer to a handler or to an intermediary person engaged in delivering peanuts to handler(s); And provided further, That this term does not include sales or deliveries of peanuts by such intermediary person(s) to a handler.

§ 996.5 Handler.

Handler means any person who handles peanuts, in a capacity other than that of a custom cleaner or dryer, an assembler, a warehouseman or other intermediary between the producer and the person handling peanuts.