§ 929.103 Inspection procedure.  
(b) The cleaned berries are run through a separator, having a 9⁄32 inch screen, and with the bounce boards in the lowest position.  
(c) The berries from the lower three bounce boards are rerun through the separator.  
(d) The berries from the upper four bounce boards are thoroughly mixed and a random cupful (approximately 1 pint) is used to determine, from a count of the sound and unsound berries, the percentage of sound berries in the lot.  
(e) Such percentage is adjusted by increasing it by 5 percentage points but not to exceed a total of 100 percent. (This increase makes the sample comparable to lots of screened cranberries, as such lots generally contain an average of 5 percent unsound berries.)  
(f) The net weight, as determined in accordance with paragraph (a) of this section, of the berries in the unscreened lot, is multiplied by the adjusted percentage to obtain the quantity of screened cranberries in the unscreened lot.

[28 FR 11611, Oct. 31, 1963]

§ 929.104 Outlets for excess cranberries.  
(a) In accordance with §929.61, excess cranberries may be disposed of only in the following noncommercial or non-competitive outlets, but only if the requirements in paragraph (b) of this section are complied with:  
(1) Foreign countries, except Canada.  
(2) Charitable institutions.  
(3) Any nonhuman food use.  
(4) Research and development projects approved by the committee dealing with the development of foreign and domestic markets, including, but not limited to dehydration, radiation, freeze drying, or freezing of cranberries.  
(b) Excess cranberries may not be converted into canned, frozen, or dehydrated cranberries or other cranberry products by any commercial process. Handlers may divert excess cranberries in the outlets listed in paragraph (a) of this section only if they meet the diversion requirements specified in §929.61(c).

[65 FR 42614, July 11, 2000, as amended at 66 FR 34351, June 27, 2001]

§ 929.105 Reporting.  
(a) Each report required to be filed with the committee pursuant to §§929.6 and 929.48 shall be mailed to the committee office or delivered to that office. If the report is mailed, it shall be deemed filed when postmarked.  
(b) Certified reports shall be filed with the committee, on a form provided by the committee, by each handler not later than January 20, May 20, and August 20 of each fiscal period and by September 20 of the succeeding fiscal period showing:  
(1) The total quantity of cranberries the handler acquired and the total quantity of cranberries and Vaccinium oxycoccus cranberries the handler handled from the beginning of the reporting period indicated through December 31, April 30, July 31, and August 31, respectively, and  
(2) The respective quantities of cranberries and Vaccinium oxycoccus cranberries and cranberry products and Vaccinium oxycoccus cranberry products held by the handler on January 1, May
§ 929.106 Fiscal period.

The fiscal period specified in §929.6 of this part which began September 1, 1968, and ends on August 31, 1969, is changed to include the period of August 1, through August 31, 1968. Thereafter, the fiscal period will begin on September 1 and end on August 31 of the following year.

§ 929.110 Transfers or sales of cranberry acreage.

(a) Sales or transfers of cranberry acreage shall be reported by the transferee and transferee to the committee, in writing, on forms provided by the committee. Completed forms shall be sent to the committee office not later than 30 days after the transaction has occurred.

(b) Upon transfer of all or a portion of a growers’ acreage, the committee shall be provided with certain information on the forms it will provide to the parties. The transferor and transferee must provide the following information:

(1) Crop records for the acreage involved;
(2) Annual production and sales for each crop year on the acreage involved, either in total, or for each individual parcel; and
(3) Such other information as the committee deems necessary.

(c) Cranberry acreage sold or transferred shall be recognized in connection with the issuance of sales history as follows:

(1) If a grower sells all of the acreage comprising the entity, all prior sales history shall accrue to the purchaser;
(2) If a grower sells only a portion of the acreage comprising the entity from which prior sales have been made, the purchaser and the seller must agree as to the amount of sales history attributed to each portion and shall provide, on a form provided by the committee, sufficient information so that sales are shown separately by crop year. However, the sales history attributed to each portion shall not exceed the total sales history, as determined by the committee, for such acreage at the time of transfer.

(d) During a year of regulation, all transfers of growers’ sales histories for partial or total leases of acreage shall be received in the Committee office by close of business on July 31.

§ 929.125 Committee review procedures.

Growers may request, and the Committee may grant, a review of determinations made by the Committee pursuant to section 929.48, in accordance with the following procedures:

(a) If a grower is dissatisfied with a determination made by the Committee which affects such grower, the grower may submit to the Committee within 30 days after receipt of the Committee’s determination of sales history, a request for a review by an appeals subcommittee composed of two independent and two cooperative representatives, as well as a public member. Such appeals subcommittee shall be appointed by the Chairman of the Committee. Such grower may forward with the request any pertinent material for consideration of such grower’s appeal.

(b) The subcommittee shall review the information submitted by the grower and render a decision within 30 days of receipt of such appeal. The subcommittee shall notify the grower of its decision, accompanied by the reasons for its conclusions and findings.

(c) The grower may further appeal to the Secretary, within 15 days after notification of the subcommittee’s findings, if such grower is not satisfied with the appeals subcommittee’s decision. The Committee shall forward a file with all pertinent information related to the grower’s appeal. The Secretary shall inform the grower and all interested parties of the Secretary’s decision. All decisions by the Secretary are final.