

Pt. 1160

of books, documents, papers, records, files, or facilities shall be kept confidential by all employees of the Department. Only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in the issuance of general statements based upon the applications of a number of persons, which do not identify the information furnished by any one person.

PARTS 1151–1159 [RESERVED]

PART 1160—FLUID MILK PROMOTION PROGRAM

Subpart—Fluid Milk Promotion Order

DEFINITIONS

- Sec.
- 1160.101 Act.
- 1160.102 Department.
- 1160.103 Secretary.
- 1160.104 United States.
- 1160.105 Board.
- 1160.106 Person.
- 1160.107 Fluid milk product.
- 1160.108 Fluid milk processor.
- 1160.109 Milk.
- 1160.110 Class I price.
- 1160.111 Promotion.
- 1160.112 Research.
- 1160.113 Fiscal period.
- 1160.114 Eligible organization.
- 1160.115 Milk marketing area.
- 1160.116 [Reserved]
- 1160.117 Continuation referendum.

NATIONAL FLUID MILK PROCESSOR PROMOTION BOARD

- 1160.200 Establishment and membership.
- 1160.201 Term of office.
- 1160.202 Nominations.
- 1160.203 Nominee's agreement to serve.
- 1160.204 Appointment.
- 1160.205 Vacancies.
- 1160.206 Procedure.
- 1160.207 Compensation and reimbursement.
- 1160.208 Powers of the Board.
- 1160.209 Duties of the Board.
- 1160.210 Expenses.
- 1160.211 Assessments.
- 1160.212 Influencing governmental action.
- 1160.213 Adjustment of accounts.
- 1160.214 Charges and penalties.
- 1160.215 Assessment exemption.

PROMOTION, CONSUMER EDUCATION AND RESEARCH

- 1160.301 Promotion, consumer education and research.

7 CFR Ch. X (1–1–11 Edition)

REPORTS, BOOKS AND RECORDS

- 1160.401 Reports.
- 1160.402 Books and records.
- 1160.403 Confidential treatment.

MISCELLANEOUS

- 1160.501 Continuation referenda.
- 1160.502 Proceedings after suspension or termination.
- 1160.503 Effect of suspension, termination or amendment.
- 1160.504 Personal liability.
- 1160.505 Patents, copyrights, inventions and publications.
- 1160.506 Amendments.
- 1160.507 Report.
- 1160.508 Separability.

Subpart—Procedure for Conduct of Referenda in Connection with a Fluid Milk Promotion Order

- 1160.600 General.
- 1160.601 Definitions.
- 1160.602 Conduct of referendum.
- 1160.603 Who may vote.
- 1160.604 Duties of the referendum agent.
- 1160.605 Scheduling of referendum.
- 1160.606 Notice of referendum.
- 1160.607 Tabulation of ballots.
- 1160.608 Confidential information.
- 1160.609 Supplementary instructions.

AUTHORITY: 7 U.S.C. 6401–6417 and 7 U.S.C. 7401.

SOURCE: 58 FR 46763, Sept. 3, 1993, unless otherwise noted.

Subpart—Fluid Milk Promotion Order

SOURCE: 58 FR 62503, Nov. 29, 1993, unless otherwise noted.

DEFINITIONS

§ 1160.101 Act.

Act means the Fluid Milk Promotion Act of 1990, Subtitle H of Title XIX of the Food, Agriculture, Conservation, and Trade Act of 1990, Public Law 101–624, 7 U.S.C. 6401–6417, and any amendments thereto.

§ 1160.102 Department.

Department means the United States Department of Agriculture.

§ 1160.103 Secretary.

Secretary means the Secretary of Agriculture of the United States or any officer or employee of the Department

Agricultural Marketing Service, USDA

§ 1160.111

to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in the Secretary's stead.

§ 1160.104 United States.

United States means the 48 contiguous states in the continental United States and the District of Columbia, except that United States means the 50 states of the United States of America and the District of Columbia under the following provisions: the petition and review under section 1999K of the Act, enforcement under section 1999L of the Act, and investigations and power to subpoena under section 1999M of the Act.

§ 1160.105 Board.

Board means the National Processor Advertising and Promotion Board established pursuant to 7 U.S.C. 6407(b)(1) and this subpart (hereinafter known as the National Fluid Milk Processor Promotion Board or Board).

§ 1160.106 Person.

Person means any individual, group of individuals, partnership, corporation, association, cooperative or other entity.

§ 1160.107 Fluid milk product.

Fluid milk product means any product that meets the definition provided in §1000.15 for milk marketing orders issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, 7 U.S.C. 601-674.

[67 FR 49858, Aug. 1, 2002]

§ 1160.108 Fluid milk processor.

(a) *Fluid milk processor* means any person who processes and markets commercially fluid milk products in consumer-type packages in the United States (excluding fluid milk products delivered directly to the place of residence of a consumer), except that the term fluid milk processor shall not include in each of the respective fiscal periods those persons who process and market not more than 3,000,000 pounds of such fluid milk products during the representative month, which shall be the first month of the fiscal period.

(b) Any person who did not qualify as a fluid milk processor for a fiscal period because of the 3,000,000-pound limitation shall not later qualify as a fluid milk processor during that fiscal period even though the monthly volume limitation is later exceeded during that period.

(c) Any person who qualified as a fluid milk processor for a fiscal period and whose monthly marketings of fluid milk products later become 3,000,000 pounds or less shall no longer qualify as a fluid milk processor during that fiscal period beginning with the month in which the marketings first dropped below the volume limitation.

(d) For the purpose of determining qualification as a fluid milk processor, each processor of fluid milk products shall report for the representative month of each fiscal period the hundredweight of fluid milk products processed and marketed by the processor.

[58 FR 62503, Nov. 29, 1993, as amended at 62 FR 3983, Jan. 28, 1997; 67 FR 49858, Aug. 1, 2002]

§ 1160.109 Milk.

Milk means any class of cow's milk produced in the United States.

§ 1160.110 Class I price.

Class I price is the price that is established for Class I milk in each marketing area under milk marketing orders authorized by the Agricultural Marketing Agreement Act of 1937, as amended, 7 U.S.C. 601-674.

§ 1160.111 Promotion.

Promotion means the following activities:

(a) *Consumer Education*, which means any program utilizing public relations, advertising or other means devoted to educating consumers about the desirable characteristics of fluid milk products and directed toward increasing the general demand for fluid milk products.

(b) *Advertising*, which means any advertising or promotion program involving only fluid milk products and directed toward educating consumers about the positive attributes of fluid milk and increasing the general demand for fluid milk products.