Agricultural Marketing Service, USDA

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 fol-
lowing provisions: the petition and re-
view under section 1999K of the Act, en-
forsement 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 es-
tablished pursuant to 7 U.S.C. 6407(b)(1)
and this subpart (hereinafter known as
the National Fluid Milk Processor Pro-
motion Board or Board).

§ 1160.106 Person.

Person means any individual, group
of individuals, partnership, corpora-
tion, 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

[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 resi-
dence of a consumer), except that the
term fluid milk processor shall not in-
clude 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 pe-
riod because of the 3,000,000-pound limi-
tation shall not later qualify as a fluid
milk processor during that fiscal pe-
riod 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 hun-
dredweight of fluid milk products proc-
essed 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 estab-
lished for Class I milk in each mar-
keting area under milk marketing or-
ders authorized by the Agricultural
Marketing Agreement Act of 1937, as

§ 1160.111 Promotion.

Promotion means the following activi-
ties:

(a) Consumer Education, which means
any program utilizing public relations,
advertising or other means devoted to
educating consumers about the desir-
able characteristics of fluid milk pro-
ducts and directed toward increasing the
general demand for fluid milk prod-
ucts.

(b) Advertising, which means any ad-
vertising or promotion program involv-
ing only fluid milk products and di-
rected toward educating consumers
about the positive attributes of fluid
milk and increasing the general de-
mand for fluid milk products.