

of any tolerance shall be allowed to reduce, for the lot as a whole, the 50 percent of apples of the higher grade required in the combination, but individual containers shall have not less than 40 percent of the higher grade.

(c) *Size*: When size is designated by the numerical count for a container, not more than 10 percent of packages in the lot may fail to be fairly uniform.<sup>1</sup> When size is designated by minimum or maximum diameter, not more than 5 percent of the apples in any lot may be smaller than the designated minimum, and not more than 10 percent may be larger than the designated maximum. For Red Delicious or Golden Delicious varieties only, a combination of minimum diameter and/or weight may be used. When this designation is used, an individual apple will be considered to have met the minimum size requirement even if the apple is smaller than the minimum diameter, provided it is equal to or greater than the weight provided in table II of this section. However, not more than 5 percent of the apples in any lot may fail to meet either the minimum diameter or minimum weight when so designated. In addition, when Red Delicious or Golden Delicious apples are designated with diameter/weight combinations, they may only be designated according to the following table:

TABLE II

Red delicious	Golden delicious
2 1/8 inches or 65 grams .....	63 grams
2 1/4 inches or 75 grams .....	70 grams
2 3/8 inches or 84 grams .....	82 grams
2 1/2 inches or 100 grams .....	95 grams
2 5/8 inches or 115 grams .....	109 grams
2 3/4 inches or 139 grams .....	134 grams

APPLICATION OF TOLERANCES

**§ 51.307 Application of tolerances.**

The contents of individual packages in the lot, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade:

<sup>1</sup>“Fairly uniform” means the size of the fruit within the container does not vary more than 1/2 inch diameter from the smallest to largest fruit.

(a) Packages which contain more than 10 pounds:

(1) Shall have not more than one and one-half times a specified tolerance of 10 percent or more and not more than double a tolerance of less than 10 percent, except that at least one apple which is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any package.

(2) [Reserved]

(b) Packages which contain 10 pounds or less:

(1) No package may have more than 3 times the tolerance specified, except that at least three defective apples may be permitted in any package: *Provided*, That not more than three apples or more than 18 percent (whichever is the larger amount) may be seriously damaged by insects or affected by decay or internal breakdown.

(2) [Reserved]

METHODS OF SAMPLING AND CALCULATION OF PERCENTAGES

**§ 51.308 Methods of sampling and calculation of percentages.**

(a) When the numerical count is marked on the container, containers are packed to weigh ten pounds or less, or in any container where the minimum diameter of the smallest apple does not vary more than 1/2 inch from the minimum diameter of the largest apple, percentages shall be calculated on the basis of count.

(b) In all other cases except those listed in paragraph (a) of this section, they shall be calculated on the basis of weight.

CONDITION AFTER STORAGE OR TRANSIT

**§ 51.309 Condition after storage or transit.**

Decay, scald, or any other deterioration which may have developed on apples after they have been in storage or transit shall be considered as affecting condition and not the grade.

PACKING REQUIREMENTS

**§ 51.310 Packing requirements.**

(a) Apples tray packed or cell packed in cartons shall be arranged according to approved and recognized methods.