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“producer” shall include any person whose production unit has qualified for diversion under a diversion program announced by the Committee.

[50 FR 1831, Jan. 14, 1985]

§ 989.12 Dehydrator.

Dehydrator means any person who produces raisins by dehydrating grapes by artificial means.

§ 989.12a Cooperative bargaining association.

Cooperative bargaining association means a nonprofit cooperative association of raisin producers engaged within the area in bargaining with handlers as to price and otherwise arranging for the sale of natural condition raisin of its members.

[32 FR 12158, Aug. 24, 1967]

§ 989.13 Processor.

Processor means any person who receives or acquires natural condition raisins, off-grade raisins, other failing raisins or raisin residual material and uses them or it within the area, with or without other ingredients, in the production of a product other than raisins, for market or distribution.

[32 FR 12158, Aug. 24, 1967; 33 FR 2983, Feb. 15, 1968, as amended at 42 FR 37201, July 20, 1977]

§ 989.14 Packer.

Packer means any person who, within the area, stems, sorts, cleans, or seeds raisins, grades stemmed raisins, or packages raisins for market as raisins: *Provided*, That:

(a) No producer with respect to the raisins produced by him, and no group of producers with respect to raisins produced by the producers comprising the group, and not otherwise a packer, shall be deemed a packer if he or it sorts or cleans (with or without water) such raisins in their unstemmed form;

(b) Any dehydrator shall be deemed to be a packer, with respect to raisins dehydrated by him, only if he stems, cleans with water subsequent to such dehydration, seeds or packages them for market as raisin;

(c) The committee may, with the approval of the Secretary restrict the exceptions as to permitted cleaning if

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necessary to cause delivery of sound raisins; and

(d) No person shall be deemed a packer by reason of the fact he repackages for market (with or without additional preparation) packed raisins which, in the hands of a previous holder, have been inspected and certified as meeting the applicable minimum grade standards for packed raisins.

[32 FR 12158, Aug. 24, 1967]

§ 989.15 Handler.

Handler means:

(a) Any processor or packer;

(b) Any person who places, ships, or continues natural condition raisins in the current of commerce from within the area to any point outside thereof;

(c) Any person who delivers off-grade raisins, other failing raisins or raisin residual material to other than a packer or other than into any eligible non-normal outlet; or

(d) Any person who blends raisins: *Provided*, That blending shall not cause a person not otherwise a handler to be a handler on account of such blending if he is either:

(1) A producer who, in his capacity as a producer, blends raisins entirely of his own production in the course of his usual and customary practices of preparing raisins for delivery to processors, packers, or dehydrators;

(2) A person who blends raisins after they have been placed in trade channels by a packer with other such raisins in trade channels; or

(3) A dehydrator who, in his capacity as a dehydrator, blends raisins entirely of his own manufacture.

[37 FR 19622, Sept. 21, 1972]

§ 989.16 Blend.

Blend means to mix or commingle raisins.

§ 989.17 Acquire.

Acquire means to have or obtain physical possession of raisins by a handler at his packing or processing plant or at any other established receiving station operated by him: *Provided*, That a handler shall not be deemed to acquire any raisins (including raisins produced or dehydrated by him) while:

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(a) He stores them for another person or as handler-produced tonnage in compliance with the provisions of §§ 989.58 and 989.70;

(b) He reconditions them, or;

(c) He has them in his possession for the purpose of inspection; and *Provided further*, That the term shall apply only to the handler who first acquires the raisins.

§ 989.18 Committee.

Committee means the Raisin Administrative Committee established under § 989.26.

[41 FR 32412, Aug. 3, 1976]

§ 989.20 Ton.

Ton means a short ton of 2,000 pounds.

§ 989.21 Crop year.

Crop year means the 12-month period beginning with August 1 of any year and ending with July 31 of the following year.

[41 FR 32412, Aug. 3, 1976]

§ 989.22 District.

District means any one of the geographical areas referred to in § 989.26, and designated in the rules and regulations.

[48 FR 32974, July 20, 1983]

§ 989.23 File.

File means transmit or deliver to the Secretary or committee, as the case may be, and such act shall be deemed to have been accomplished at the time:

(a) Of actual receipt by the Secretary or committee in the event of personal delivery;

(b) Of receipt at the office of the telegraph company, in case submission is by telegram; or

(c) Shown by the postmark, in case submission is by mail.

§ 989.24 Standard raisins, off-grade raisins, other failing raisins, and raisin residual material.

(a) *Standard raisins* means raisins which meet the then effective minimum grade and condition standards for natural condition raisins.

(b) *Offgrade raisins* means raisins which do not meet the then effective

minimum grade and condition standards for natural condition raisins: *Provided*, That raisins which are certified as off-grade raisins shall continue to be such until successfully reconditioned or become "other failing raisins."

(c) *Other failing raisins* means any raisins received or acquired by a handler, either as standard raisins or off-grade raisins, which are processed to a point where they qualify as packed raisins but fail to meet the applicable minimum grade standards for packed raisins.

(d) *Raisin residual material* means defective raisins, stemmer waste, sweepings, and other residue accumulated by a handler from reconditioning raisins or from processing standard raisins and other failing raisins.

[25 FR 12813, Dec. 14, 1960, as amended at 42 FR 37201, July 20, 1977]

§ 989.24a Non-normal outlets.

Non-normal outlets means outlets other than those customarily used for commercial disposition of raisins meeting the then applicable minimum standards for natural condition raisins or packed raisins.

[29 FR 9483, July 11, 1964]

§ 989.25 Part and subpart.

Part means the order regulating the handling of raisins produced from grapes grown in California, and all rules, regulations, and supplementary orders issued thereunder. This order regulating the handling of raisins produced from grapes grown in California shall be a *subpart* of such part.

RAISIN ADMINISTRATIVE COMMITTEE

§ 989.26 Establishment and membership.

A Raisin Administrative Committee is hereby established consisting of 47 members of whom 35 shall represent producers, 10 shall represent handlers, 1 shall represent the cooperative bargaining association(s) and 1 shall be a public member. The producer members shall be selected as follows:

(a) Producer members representing the cooperative marketing association(s) shall be members of such association(s) engaged in the handling of