

Agricultural Marketing Service, USDA

§ 945.1

and quality requirements as those established for fresh prunes under Marketing Order No. 924 (7 CFR part 924).

[61 FR 40959, Aug. 7, 1996]

EFFECTIVE DATE NOTE: At 71 FR 26821, May 9, 2006, §944.700 was suspended indefinitely, effective May 10, 2006.

PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREGON

Subpart—Order Regulating Handling

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AUTHORITY: 7 U.S.C. 601–674.

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SOURCE: 23 FR 5709, July 30, 1958, unless otherwise noted. Redesignated at 26 FR 12751, Dec. 30, 1961.

DEFINITIONS

§ 945.1 Secretary.

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

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States Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 945.2 Act.

Act means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 *et seq.*; 68 Stat. 906, 1047).

§ 945.3 Person.

Person means an individual, partnership, corporation, association, or any other business unit.

§ 945.4 Production area.

Production area means all territory included within Malheur County, Oregon, and the counties of Adams, Valley, Lemhi, Clark, and Fremont in the State of Idaho, and all of the counties in Idaho lying south thereof.

§ 945.5 Potatoes.

Potatoes means all varieties of Irish potatoes grown within the aforesaid production area.

§ 945.6 Varieties.

Varieties means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 945.7 Certified seed potatoes.

Certified seed potatoes means and includes all potatoes officially certified and tagged, marked, or otherwise appropriately identified, under the supervision of the official seed potato certifying agency of the State in which the potatoes are grown, or other seed certification agencies which the Secretary may designate.

§ 945.8 Handler.

Handler is synonymous with shipper and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes.

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§ 945.9 Ship or handle.

Ship or handle means to pack, sell, consign, transport or in any other way to place potatoes grown in the production area, or cause such potatoes to be placed, in the current of commerce within the production area or between the production area and any point outside thereof, so as to directly burden, obstruct, or affect any such commerce; *Provided*, That the definition of *ship or handle* shall not include the transportation of ungraded potatoes within the production area for the purpose of having such potatoes stored or prepared for market, except that the committee may impose safeguards pursuant to § 945.53 with respect to such potatoes.

[60 FR 29726, June 5, 1995]

§ 945.10 Producer.

Producer means any person engaged in the production of potatoes for market.

§ 945.11 Committee.

Committee means the administrative committee, called the Idaho-Eastern Oregon Potato Committee, established pursuant to § 945.20.

§ 945.12 Fiscal period.

Fiscal period means the period beginning and ending on the dates approved by the Secretary pursuant to recommendations by the committee.

§ 945.13 Grade and size.

Grade means any one of the officially established grades of potatoes, and *size* means any one of the officially established sizes of potatoes, as defined and set forth in:

(a) The United States Standards for Potatoes issued by the United States Department of Agriculture (§§ 51.1540 to 51.1556 of this title), or amendments thereto, or modifications thereof, or variations based thereon;

(b) The United States Consumer Standards for Potatoes as issued by the United States Department of Agriculture (§§ 51.1575 to 51.1587 of this title), or amendments thereto, or modifications thereof, or variations based thereon; or

(c) Standards for potatoes issued by the State from which the potatoes are