

**Agricultural Marketing Service, USDA**

**§ 51.49**

**SCHEDULE OF FEES AND CHARGES AT SHIPPING POINT AREAS**

**§ 51.45 Fees and charges at shipping point areas.**

Fees for inspection performed under cooperative agreements pursuant to authority contained in any Act of Congress shall be those provided by such agreements.

**MISCELLANEOUS**

**§ 51.46 Denial of inspection service.**

Any or all benefits of the act may be denied any person for any of the following reasons: (a) Any willful misrepresentation or deceptive or fraudulent practice made or committed by any person in connection with the making or filing of an application for inspection service; (b) any fraudulent or unauthorized use, alteration, or imitation of any certificate issued pursuant to the regulations in this subpart; (c) any interference with or obstruction of any inspector or official sampler in the performance of his duties, by intimidation, threat, assault or any other improper means; or (d) any willful violation of the regulations in this subpart may be deemed sufficient cause for debarring the person found guilty thereof from any or all benefits of the acts, after notice and opportunity for hearing has been accorded him. The Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes set forth in §§1.130 through 1.151 of this title and the Supplemental Rules of Practice in part 50 of this chapter shall govern proceedings conducted pursuant to this section.

[32 FR 15066, Nov. 1, 1967. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981, and amended at 60 FR 8464, Feb. 14, 1995]

**§ 51.47 Political activity.**

All inspectors are forbidden, during the period of their respective appointments or while holding a valid inspectors' license to take an active part in political campaigns and a violation by a licensee shall constitute grounds for revocation of his license. All Federal employees are subject to the applicable provisions of the Department's admin-

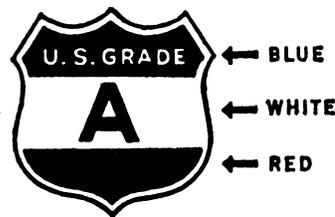
istrative regulations relating to political activity.

**§ 51.48 Inspector's identification.**

Each inspector shall have in his possession at all times, and present upon request, while on duty, the means of identification furnished by the Department to such person.

**§ 51.49 Approved identifications.**

(a) *Grade marks.* The approved shield mark with the appropriate U.S. grade designation may be used on containers, labels or otherwise indicated on the package when: (1) The product has been packed under continuous inspection as provided by the Inspection Service, (2) the plant in which the product is packed is maintained under good commercial sanitary practices, and (3) the product has been certified by an inspector as meeting the requirements of U.S. Grade A, U.S. Grade No. 1, or a higher U.S. grade as shown within the shield. The shields with approved grade designation for use shall be similar in form and design to the examples in figures 1 and 2 of this section.



**Shield using red, white and blue background**

**FIGURE 1**



**Shields with plain background.**

**FIGURE 2**

(b) *Inspection legends.* The approved continuous inspection legends may be used on containers, labels or otherwise indicated on the package when: (1) The

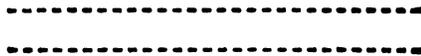
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product has been packed under continuous inspection provided by the Inspection Service, (2) the plant in which the product is packed is maintained under good commercial sanitary practices, and (3) the product meets the requirements of such quality, grade, or specification as may be approved by the Administrator. The continuous inspection legends approved for use shall be similar in form and design to the examples in figures 3 and 4.

**PACKED UNDER  
CONTINUOUS  
INSPECTION  
OF THE  
U. S. DEPT. OF  
AGRICULTURE**

FIGURE 3

PACKED BY



**UNDER CONTINUOUS  
FEDERAL-STATE  
INSPECTION**

FIGURE 4

(c) *Combined grade and inspection legends.* The grade marks set forth in paragraph (a) of this section and illustrated by figures 1 and 2 of this section and the inspection legends set forth in paragraph (b) of this section and illustrated by figures 3 and 4 of paragraph (b) of this section may be combined into a consolidated grade and inspection legend for use on products which meet the requirements of both of these paragraphs. See figure 5.

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PACKED BY



**UNDER CONTINUOUS  
FEDERAL-STATE  
INSPECTION**

FIGURE 5

(d) *Packer identification.* The packer's name and address or assigned code number or other mark identifying the packer as may be approved by the Administrator, shall appear on any container bearing grade marks or inspection legends approved under paragraph (a), (b), or (c) of this section, as illustrated by the example in figure 6.



**PACKER NO. 01**

**PACKED UNDER CONTINUOUS  
FEDERAL - STATE INSPECTION**

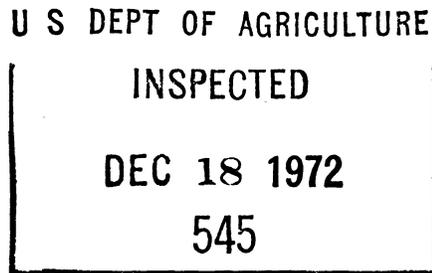
FIGURE 6

(e) *Other identification marks.* Products may be inspected on a lot inspection basis as provided in this part and identified by an official inspection

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mark similar in form and design to figure 7 of this paragraph. The use of this mark or other comparable identification marks may be required by the Administrator whenever he determines that such identification is necessary in order to maintain the identity of lots which have been inspected and certified.



**FIGURE 7**

[38 FR 7448, Mar. 22, 1973. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981]

**§ 51.50 Custody of official inspection marking devices.**

All official inspection marking devices as shown in figure 6 of § 51.49 shall be kept in the custody of the Agricultural Marketing Service and accurate records shall be kept of these devices. Each inspection office shall keep a record of the devices assigned to it. Such devices shall be distributed only to authorized employees of the Department who shall keep the devices in their official possession or control at all times and keep complete records of such devices.

**§ 51.51 Prohibited uses of approved identification.**

No label or advertising material used on, or in conjunction with any product, shall bear a brand name, trademark, product name or any other descriptive material that incorporates, resembles, simulates, or alludes to any official U.S. Department of Agriculture grade mark, grade statement, continuous inspection legend, sampling mark or sampling statement, or combination of one or more thereof.

**§ 51.52 Licensing and identification of certain official devices.**

The Administrator may issue licenses permitting the manufacture, identification, distribution, and sale of any official device designated as a USDA color standard, defect guide or other similar aid under such terms and conditions as may be specified by the Administrator. Licenses shall be available to all persons meeting conditions prescribed by the Administrator, shall be nonexclusive, and shall be revocable for cause. No person shall manufacture, identify, distribute or sell any such official device except at the direction of or under license from the Administrator. Such official devices may be marked, tagged or otherwise designated with the prefix "USDA" together with other identifying words or symbols, as prescribed by the license.

**REQUIREMENTS FOR PLANTS OPERATING UNDER CONTINUOUS INSPECTION ON A CONTRACT BASIS**

**§ 51.53 Continuous inspections.**

Continuous inspection service which is associated with the use of the approved shield showing the U.S. grade, the approved continuous inspection legend, or both, on the container may be furnished whenever inspectors are available, the facilities and conditions are satisfactory for the conduct of the service, and there is a signed contract between the applicant and the Department or a cooperative Federal-State Inspection Agency in which it is agreed that such service will be conducted subject to regulations governing the inspection and certification of fresh fruits, vegetables, and other products, contained in this part and any additional and supplemental instructions issued by the Department or such instructions issued by a cooperating agency which are not inconsistent with those issued by the Department.

**§ 51.54 Plant survey.**

Prior to the inauguration of continuous Federal or Federal-State Inspection Service on a contract basis, the Administrator will make or cause to be made a survey and inspection where such service is to be performed to determine whether the premises, plant