

[Grapefruit Reg. 60]

PART 912—GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.360 Grapefruit Regulation 60.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 10, 1969.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period April 14, 1969, through April 20, 1969, is hereby fixed at 175,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: April 11, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and
Vegetable Division, Consumer
and Marketing Service.

[F.R. Doc. 69-4418; Filed, Apr. 11, 1969;
11:21 a.m.]

[Grapefruit Reg. 29]

PART 913—GRAPEFRUIT GROWN IN INTERIOR DISTRICT IN FLORIDA

Limitation of Handling

§ 913.329 Grapefruit Regulation 29.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 913 (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Interior Grapefruit Marketing Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Interior grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such Interior

grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 10, 1969.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled during the period April 14, 1969, through April 20, 1969, is hereby fixed at 187,500 standard packed boxes.

(2) As used in this section, "handled," "Interior District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: April 10, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and
Vegetable Division, Consumer
and Marketing Service.

[F.R. Doc. 69-4417; Filed, Apr. 11, 1969;
11:21 a.m.]

PART 959—ONIONS GROWN IN SOUTH TEXAS

Miscellaneous Amendments

§ 959.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order, and all of the said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the finding and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Edinburg, Tex., on December 18, 1968, upon a proposed amendment of Marketing Agreement No. 143 and Order No. 959 (7 CFR Part 959) regulating the handling of onions grown in the South Texas production area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order as hereby amended and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to onions produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (1) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a

gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such onions above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such onions as will be in the public interest;

(2) The said order as hereby amended regulates the handling of onions grown in the production area in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing order upon which hearings have been held;

(3) The said order as hereby amended is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The said order as hereby amended prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of onions grown in the production area; and

(5) All handling of onions as defined in this part is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found that good cause exists for not postponing the effective date of this amendment beyond the date hereinafter specified and for making it effective on such date (5 U.S.C. 553): (1) Shipments of production area onions are expected to be moving in volume before mid-April and the amendment should be made effective as far as possible in advance of such date so that producers may avail themselves of any benefits that may be derivable from the amendment during the greatest possible portion of the current marketing season; (2) the provisions

of the amendment are well known to handlers and other interested persons by reason of the public hearing, the recommended decision, and the final decision thereon; (3) the producer referendum was held during the period March 27-April 2, 1969, when copies of the amendment were mailed to all known producers; (4) the changes effected by this amendment will not require advance preparation by handlers which cannot be completed prior to the effective date hereof; and (5) no useful purpose will be served by postponing the effective date beyond that hereinafter set forth.

(c) *Determinations.* It is hereby determined that:

(1) Handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping onions covered by this order) who during the representative period (Aug. 1, 1967, through July 31, 1968), handled more than 50 percent of the volume of onions covered by the said order, have signed the marketing agreement, as amended, regulating the handling of onions grown in the production area, and

(2) The issuance of this order, amending the order, is approved or favored (i) by at least two-thirds of the producers of onions who participated in a referendum held during the period March 27-April 2, 1969, and who, during the determined representative period (Aug. 1, 1967, through July 31, 1968) were engaged within the production area in the production of onions for market, and (ii) by producers who participated in the aforesaid referendum and who, during the aforesaid representative period, produced for market at least two-thirds of the volume of such onions produced for market within the production area.

It is therefore ordered, That, on and after the effective date hereof, all handling of onions grown in the South Texas production area shall be in conformity to and in compliance with, the terms and conditions of the said order as hereby amended, as follows:

1. Section 959.27 *Nomination*, is revised by adding to the end of each of paragraphs (a) and (c) thereof, the following: "or by such other date as may be specified by the Secretary."

2. Section 959.43 *Accounting*, is revised by changing the first sentence in subparagraph (2), of paragraph (a) to read as follows:

(2) The committee, with the approval of the Secretary, may carry over excess

funds into subsequent fiscal periods as reserves: *Provided*, That funds already in reserves do not equal approximately two fiscal periods' expenses. * * *

3. Section 959.52 *Issuance of regulations*, is revised as follows:

a. As to paragraph (b): By deleting "or" appearing at the end of subparagraph (3); by changing the period to a semicolon at the end of subparagraph (4); and by revising subparagraph (5) and adding subparagraph (6) to read as follows:

(5) Establish holidays by prohibiting throughout the entire production area, the packaging or loading, or both, of onions on Sundays;

(6) Prohibit the packaging or loading, or both, of onions except during specified consecutive hours of any calendar day or days: *Provided*, That, any handler may, upon such notice to the committee as it may prescribe with approval of the Secretary, package or load onions during a different period in such day consisting of the same number of consecutive hours: *Provided further*, That any handler who, due to conditions specified in regulations established by the committee with the approval of the Secretary as being beyond a handler's reasonable control, is prevented for more than one of such consecutive hours from so packaging or loading onions may, in accordance with such regulations, obtain permission from the committee to package or load onions, or both, during a comparable number of additional hours in the same day or a later day as specified by the committee.

b. New paragraph (d) is added as follows:

(d) No handler may handle onions that were packaged or loaded or both during any period when such packaging or loading or both was prohibited by any regulation issued pursuant to subparagraph (5) or (6) of paragraph (b) of this section, except such onions as were exempted thereunder.

4. Section 959.7 *Handle*, is revised by adding the word "load" between the words "package" and "sell."

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: Issued at Washington, D.C., April 8, 1969, to become effective April 8, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69-4400; Filed, Apr. 11, 1969; 9:22 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 3]

CERTAIN CRABMEATS

Proposed Revision of Policy Statement Regarding Labeling

In the FEDERAL REGISTER of April 8, 1954 (19 F.R. 2013), the Commissioner of Food and Drugs promulgated a statement of policy (§ 3.34) concerning the common or usual name for imported canned crabmeat prepared from various specified species of crab. Since that time, domestic production has developed of crabmeat from certain of such species and Canadian production has developed of crabmeat from the species *Chionoecetes opilio* from the North Atlantic. Methods of preservation such as freezing and canning have been used.

Most if not all of the crabmeat from *Chionoecetes opilio* has been imported in the past from the Orient. Recently, production has developed of crabmeat from crabs of this species taken in the North Atlantic by Canadian fishermen, and domestic production has developed from crabs taken in the Alaska area. Three *Chionoecetes* species, *C. tanneri*, *C. bairdii*, and *C. angulatus*, closely resemble the species *C. opilio*, and are sometimes taken and processed with it. Crabmeat from the four *Chionoecetes* species is for practical purposes indistinguishable, and such differences as may exist between crabmeat from these species are not of significance to consumers.

Crabmeat from *C. opilio* has been distributed since at least 1955 as "Snow crabmeat"; however, a substantial proportion of the Canadian pack of *C. opilio* and some of the domestic pack has been labeled as "Queen crabmeat." There has been a limited distribution of crabmeat from *C. tanneri* as "Tanner crab," but not sufficient to establish "Tanner crab" as the common or usual name among consumers generally. Crabmeat from *C. bairdii* and *C. angulatus* does not appear to have an established common or usual name.

It will be in the interest of consumers generally to apply the common or usual name principles set forth in § 3.34 to crabmeat from the species in question preserved by freezing or other methods, as well as that preserved by canning, and to crabmeat from these species when produced domestically as well as that imported.

It also will be in the interest of consumers to have a recognized common or

usual name for the four *Chionoecetes* species in question. "Snow crabmeat" has been established by many years usage as the common or usual name for crabmeat from the species *C. opilio*. The coined name "Queen crabmeat" has been used for the product of the recently developed Canadian *C. opilio* fishery and, to a lesser extent, has been applied to crabmeat from *C. opilio* from other areas. It has not become generally recognized by consumers of this crabmeat in the United States as the common or usual name. Use of the coined name "Queen crabmeat" in place of the established, common, or usual name "Snow crabmeat" is misleading and confusing. Further, the name "Queen crabmeat" may cause confusion with the different article, King crabmeat. "Snow crabmeat," and not "Queen crabmeat," should be recognized as the common or usual name for crabmeat from *C. opilio*. "Snow crabmeat" is also an appropriate common or usual name for the similar crabmeat from the species *C. tanneri*, *C. bairdii*, and *C. angulatus*.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403(i)(1), 701(a), 52 Stat. 1048, 1055; 21 U.S.C. 343(i)(1), 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that § 3.34 be revised to read as follows:

§ 3.34 Labeling of crabmeat.

(a) For many years canned crabmeat has been imported into the United States from Japan. Such imports have consisted primarily of a product designated as "King crabmeat." There have been limited importations of articles designated as "Korean crabmeat" and "Snow crabmeat." Two closely allied species of crab have been packed in Japan for export to the United States under the designation "King crabmeat." These species are *Paralithodes camtschatica* (tarabagani) and *Paralithodes platypus* (aburagani). A third species of crab, *Paralithodes brevipes*, has been labeled either as "King crabmeat" or "Hanasaki crabmeat" when intended for export to the United States. The Food and Drug Administration considers the term "King crabmeat" as an acceptable common name for the product prepared from any one of the three species *P. camtschatica*, *P. platypus*, and *P. brevipes*. The Food and Drug Administration also considers the name "Hanasaki crabmeat" as an alternative common name for the product prepared from *P. brevipes*.

(b) Prior to World War II, there was a limited pack of crabmeat from the species *Erimacrus isenbeckii* at canneries located on the coast of Korea, but only a small quantity of this product was imported into the United States. To distinguish the product from the various

species of *Paralithodes* and to connote its geographic origin, the article was designated by the name "Korean crab." In the past, there has been a certain amount of the species *Erimacrus isenbeckii* packed in Japan or on Japanese factory ships operating in the Bering Sea. This species of crab is generally known in Japan as "Kegani." This product, packed in Japan, when offered for entry into the United States has been designated by a variety of names including "Korean crabmeat," "Snow crabmeat," "Eliza crabmeat," "Kegani crabmeat," and "Zuwal crabmeat," with resulting confusion to importers and consumers. The term "Korean crab" is no longer applicable to the product as an indication of its geographic origin. The long absence of the product from the domestic market, until its subsequent reintroduction under a variety of names, has largely eliminated consumer recognition of the identity of the product under the name "Korean crabmeat." The Food and Drug Administration therefore considers the designation "Korean variety crabmeat" or, alternatively, "Kegani crabmeat" as suitable common names for the product packed from the species *Erimacrus isenbeckii*.

(c) There has also been a limited pack of *Chionoecetes opilio* (zuwal-gani) offered for entry into the United States from the Orient and from Canada, and a limited pack of this species produced in the United States. This product has for many years been designated by the name "Snow crabmeat." Three other *Chionoecetes* species, *C. tanneri*, *C. bairdii*, and *C. angulatus*, produce crabmeat similar to that of *C. opilio*, and the four *Chionoecetes* species at times may be taken and processed into crabmeat together. The Food and Drug Administration regards the designation "Snow crabmeat" as the common or usual name for crabmeat from any of these four species when distributed in the United States.

(d) Section 403(i)(1) of the Federal Food, Drug, and Cosmetic Act requires that the label of a food for which there is no definition and standard of identity shall bear the common or usual name of the food, if any there be. No definition and standard of identity has been established for crabmeat under the act. The Food and Drug Administration regards the label designations for crabmeat prepared from the various species of crab as stated in paragraphs (a), (b), and (c) of this section, whether canned, frozen, or otherwise, and whether imported into or produced in this country, as satisfactory compliance with section 403(i)(1) of the act. For convenient reference, the scientific name of the crabs in question and the acceptable common name of the crabmeat produced from each are listed below.

Scientific name of crab	Common name of crabmeat
<i>Paralithodes camtschatica</i> and <i>Paralithodes platypus</i> .	King crabmeat.
<i>Paralithodes brevipes</i> .	King crabmeat or Hanasaki crabmeat.
<i>Erimacrus isenbeckii</i> .	Korean variety crabmeat or Kegan crabmeat.
<i>Chionoecetes opilio</i> , <i>Chionoecetes tanneri</i> , <i>Chionoecetes bairdii</i> , and <i>Chionoecetes angulatus</i> .	Snow crabmeat.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: April 4, 1969.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 69-4283; Filed, Apr. 11, 1969;
8:46 a.m.]

[21 CFR Part 120]

FOLPET

Proposed Reduction of Tolerances for Residues in or on Raw Agricultural Commodities

By an order promulgating § 120.191 in the FEDERAL REGISTER of January 27, 1962 (27 F.R. 824), tolerances were established for residues of the fungicide folpet (*N*-(trichloromethylthio) phthalimide) in or on certain raw agricultural commodities at 50 parts per million.

It is the policy of the Food and Drug Administration to review its pesticide tolerances in consideration of new scientific data and information and in response to recommendations by recognized scientific advisory bodies. Also, the report "Use of Pesticides" of the President's Science Advisory Committee (May 15, 1963) recommended that, to augment the safety of present practices, the Food and Drug Administration should review its current tolerances and the experimental studies on which they are based.

Accordingly, a review of the folpet tolerances has been made and the following conclusions drawn:

1. The established tolerance level of 50 parts per million is higher than necessary to cover the residues that occur in or on many commodities from application in accordance with good agricultural practice.

2. Insufficient information is available on the possible transfer of residues of folpet to meat and milk from the feeding to cattle of dried citrus pulp when citrus fruits have been treated with folpet.

Therefore, all interested parties are invited to obtain and furnish to the Food and Drug Administration prior to January 1, 1970, residue data reflecting transfer to meat and milk when folpet is fed to cattle. In the absence of such data from interested parties, the Commissioner of Food and Drugs will proceed on the basis of available data.

Based on consideration given to the above information and other relevant material, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)) and delegated to the Commissioner (21 CFR 2.120), the Commissioner proposes that § 120.191 be revised to read as follows:

§ 120.191 Folpet; tolerances for residues.

Tolerances for residues of the fungicide folpet (*N*-(trichloromethylthio) phthalimide) in or on raw agricultural commodities are established as follows:

50 parts per million in or on celery, cherries, leeks, lettuce, onions (green), shallots.

25 parts per million in or on apples, avocados, blackberries, blueberries, boysenberries, crabapples, cranberries, currants, dewberries, gooseberries, grapes, huckleberries, loganberries, raspberries, strawberries, tomatoes.

15 parts per million in or on cucumbers, garlic, melons, onions (dry bulb), pumpkins, summer squash, winter squash.

15 parts per million in or on citrus fruits; this tolerance is on an interim basis pending evaluation of new data to be presented to the Food and Drug Administration before January 1, 1970, on transmission of such residues to milk and meat from feeding cattle with dried citrus pulp of such treated citrus fruits.

Any person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing the pesticide chemical folpet may request, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, that the proposal herein be referred to an advisory committee in accordance with section 408(e) of the act.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: April 4, 1969.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 69-4284; Filed, Apr. 11, 1969;
8:46 a.m.]

[21 CFR Parts 120, 121]

CAPTAN

Proposed Reduction of Tolerances for Residues

By an order promulgating § 120.103 in the FEDERAL REGISTER of March 18, 1953 (23 F.R. 1808), tolerances were established for residues of the fungicide captan (*N*-trichloromethylmercapto-4-cyclohexene-1,2-dicarboximide) in or on certain raw agricultural commodities at 100 parts per million. Another order promulgating § 121.1061 in the FEDERAL REGISTER of September 9, 1961 (26 F.R. 8489), established a tolerance of 100 parts per million for residues of captan in or on washed raisins.

It is the policy of the Food and Drug Administration to review its tolerances in consideration of new scientific data and information and in response to recommendations by recognized scientific advisory bodies. In 1965 the FAO Working Party and the WHO Expert Committee on Pesticide Residues in a joint meeting established an acceptable daily intake of captan for man at a level of 0.1 milligram per kilogram of body weight ("Evaluation of Some Pesticide Residues in Food," Food and Agriculture Organization of the United Nations, World Health Organization).

The report "Use of Pesticides" of the President's Science Advisory Committee (May 15, 1963) recommended that, to augment the safety of present practices, the Food and Drug Administration should review its current tolerances and the experimental studies on which they are based.

Accordingly, a review of the captan tolerances has been made and the following conclusions drawn:

1. The established tolerance level of 100 parts per million is higher than necessary to cover the residues that occur in or on many commodities from application in accordance with good agricultural practice.

2. Tolerances are unnecessary for those commodities for which there is no registered use of captan.

3. Insufficient information is available on the possible transfer of residues of captan to meat, milk, and eggs from the feeding to cattle or poultry of raw agricultural commodities or their by-products when such commodities have been treated with captan.

Therefore, all interested parties are invited to obtain and furnish to the Food and Drug Administration prior to January 1, 1970, residue data reflecting transfer to meat, milk, and eggs when feed containing captan is fed to cattle or poultry. In the absence of such data from interested parties, the Commissioner of Food and Drugs will proceed on the basis of available data.

The U.S. Department of Agriculture has advised that there are no registered uses for captan on beets (sugar), boysenberries, Chinese cabbage, citrus citron, dandelion, endive (escarole), fennel, horseradish (roots), kohlrabi, kumquats, loganberries, parsley, parsnips (roots).