

(6) Assign the remaining quantity pro rata to receipts during the month from each source as specified in paragraph (c) (6) (i) and (ii) of this section:

(i) Receipts at the handler's pool distributing plant(s) of producer milk and milk diverted from other pool plants, except that if the quantity prorated to any distributing plant exceeds the Class I disposition from such plant, such quantity shall be reduced to the amount of such Class I disposition and the quantity of milk represented in such reduction shall be prorated to receipts of producer milk at other distributing plants of the handler (limited in each instance to the amount of Class I disposition at each such plant) and receipts of bulk fluid milk products at such distributing plants from other pool plants; and

(ii) Receipts of bulk fluid milk products at such distributing plants from each other pool plant according to the quantity of such receipts from each such source;

(7) If, during the month, receipts at such distributing plants of producer milk, milk diverted from other pool plants, and bulk fluid milk products from other pool plants are less than the quantity to be assigned pursuant to paragraph (c) (6) of this section, prorate the amount of such excess in the same manner over such receipts in the next prior month in which there were receipts in excess of those assigned in that month pursuant to paragraph (c) (7) of this section;

(8) Multiply by the location adjustment rates applicable at the transferor plants, the quantity assigned to receipts of producer milk and milk diverted from other pool plants at such distributing plant pursuant to paragraph (c) (6) (i) and (7) of this section;

(9) Multiply by the location adjustment rates applicable at the transferor plant, the lesser of:

(i) 110 percent of the quantities assigned to receipts from each other pool plant pursuant to paragraph (c) (6) (ii) of this section; or

(ii) Receipts specified in paragraph (c) (6) (ii) of this section;

(10) Multiply by the location adjustment rates applicable at the transferor plants, the quantities assigned pursuant to paragraph (c) (7) of this section to receipts from other pool plants in prior months;

(11) Multiply the quantity of bulk fluid milk products shipped from the handler's pool plant(s) to nonpool plants and classified as Class I by the location adjustment rate applicable at the shipping plant;

(12) Multiply the quantity of Class I milk packaged by pool supply plants and disposed of as route disposition or to other plants by the location adjustment rates applicable at the pool supply plants from which disposition is made; and

(13) Add together the minus amounts obtained pursuant to paragraph (c) (8), (9), (10), (11), and (12) of this section.

(d) A handler (other than one described in paragraph (c) of this section) who operates a pool supply plant shall receive a location adjustment credit on receipts at such plant of producer milk and milk diverted from other pool plants that is classified as Class I but is not shipped as a bulk fluid milk product to a pool distributing plant.

(e) The Class I price applicable to other source milk shall be reduced at the rates set forth in paragraph (a) of this section.

12. Section 1030.53 is revised to read as follows:

§ 1030.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month.

13. In § 1030.60, the introductory text is revised to read as follows:

§ 1030.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk of each handler described in § 1030.9 (a), (b), and (c) as follows:

§ 1030.71 [Amended]

14. In § 1030.71(b) (2), the words "(but not to be less than the Class III price)" are deleted.

§ 1030.76 [Amended]

15. In § 1030.76(a) (4) and (5), the words "(but not to be less than the Class III price)" are deleted.

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

Effective date: August 1, 1977.

Signed at Washington, D.C., on: July 26, 1977.

JERRY C. HILL,
Deputy Assistant Secretary
for Marketing Services.

[FR Doc. 77-21935 Filed 7-28-77; 8:45 am]

[Milk Order No. 40; Docket No. AO-225-A32]

PART 1040—MILK IN THE SOUTHERN MICHIGAN MARKETING AREA

Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action amends the present order based on industry proposals considered at a public hearing held January 4-5, 1977. The principal amendments proposed relate to the rates used to adjust milk prices for different plant locations and to the performance standards for pooling distributing plants. The proposed amendments are needed to reflect recent increases in hauling cost and to aid the orderly marketing of milk by dairy farmers.

EFFECTIVE DATE: September 1, 1977.
FOR FURTHER INFORMATION CONTACT:

Irving E. Sutin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202-447-4829).

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of hearing, issued November 11, 1976; published November 16, 1976 (41 FR 50453).

Emergency final decision (partial), issued February 9, 1977; published February 14, 1977 (42 FR 9027).

Final order, issued February 16, 1977; published February 23, 1977 (42 FR 10680).

Recommended decision, issued June 6, 1977; published June 10, 1977 (42 FR 29881).

Final decision, issued July 18, 1977; published July 22, 1977 (42 FR 37562).

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; 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 findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southern Michigan marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is 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;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only

to persons in the respective classes of industrial or commercial activity specified in a marketing agreement upon which a hearing has been held.

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

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Southern Michigan marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 1040.7, paragraph (c) is revised to read as follows:

§ 1040.7 Pool plant.

(c) The term "pool plant" shall not apply to the following plants:

- (1) A producer-handler plant;
- (2) An exempt plant;
- (3) A distributing plant from which the Secretary determines there is a greater proportion of route disposition (except filled milk) in another marketing area regulated by another order issued pursuant to the Act than in the Southern Michigan marketing area and such plant is fully subject to regulation of such other order: *Provided*, That a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which it has a greater proportion of its route disposition (except filled milk) in such other marketing area, unless, notwithstanding the provisions of this subparagraph, it is regulated by such other order;
- (4) A distributing plant which meets the requirements of paragraph (a) of this section which also meets the pooling requirements of another order on the basis of its route disposition in such other marketing area and from which the Secretary determines there is a greater quantity of route disposition (except filled milk) during the month in this marketing area than in such other marketing area but which plant is nevertheless fully regulated under such other order; and

(5) A supply plant which during the month is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to paragraph (b) of this section and a greater volume of fluid milk products (except filled milk) is moved to pool distributing plants than is moved to plants qualified as fully regulated plants under such other order on the basis of route disposition in the other marketing area.

2. In § 1040.40, paragraph (c) (1) (iv) is revised to read as follows:

§ 1040.40 Classes of utilization.

- (c) * * *
- (1) * * *
- (iv) Milk shake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts (including frozen yogurt), and frozen dessert mixes (including frozen yogurt mixes);

§ 1040.50 [Amended]

3. In § 1040.50, paragraph (a) (1) is amended by changing "Zone II, 3 cents", "Zone III, 5 cents", "Zone IV, 7 cents", "Zone V, 9 cents", "Zone VI, 12 cents" and "Zone VII, 15 cents" to "Zone II, 5 cents", "Zone III, 7 cents", "Zone IV, 9 cents", "Zone V, 11 cents", "Zone VI, 14 cents" and "Zone VII, 17 cents", respectively.

§ 1040.75 [Amended]

4. In § 1040.75, paragraph (a) (3) is amended by changing "8 cents" to "10 cents".

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

Effective date: September 1, 1977.

Signed at Washington, D.C., on July 26, 1977.

JERRY C. HILL,
Deputy Assistant Secretary
for Marketing Services.

[FR Doc. 77-21936 Filed 7-28-77; 8:45 am]

CHAPTER XXVIII—FOOD SAFETY AND QUALITY SERVICE, DEPARTMENT OF AGRICULTURE

PART 2852—PROCESSED FRUITS, VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Canned Ripe Olives¹

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: This rule changes the grade standards for canned ripe olives. The action was taken at the request of members of the olive industry. The effect of

¹ Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act, or with applicable State laws and regulations.

the change is to improve the U.S. Standards for Grades of Canned Ripe Olives.

EFFECTIVE DATE: September 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Dale C. Dunham, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250. (202-447-4693).

SUPPLEMENTARY INFORMATION: On pages 40152 through 40156 of the FEDERAL REGISTER of September 17, 1976 (41 FR 40152), there was published a notice of proposed rulemaking to revise the United States Standards for Grades of Canned Ripe Olives.

The changes proposed included:

1. Reducing the number of sizes incorporated in the standards from ten (10) to five (5).
2. Redesignating the olive sizes to eliminate confusing descriptive terms.
3. Changing the method of determining sizes of olives from a count per pound to a diameter criteria.
4. Providing more accurate methodology for determining drained weights of canned ripe olives.
5. Designating the grades as U.S. Grade A, U.S. Grade B, U.S. Grade C and Substandard, and dropping the descriptive names of Fancy, Choice and Standard.
6. Editorial changes such as the elimination of text where graphic tables will reduce misunderstanding.

Interested persons were given until March 1, 1977, to submit data, views, or arguments regarding the proposed revision.

Thirty-five (35) comments were received as a result of the notice of proposed rulemaking. Of this number, fourteen (14) were from consumers supporting the proposal.

Fifteen (15) olive growers, canners, brokers or buyers commented in support of the proposed reduction in sizes, citing savings that could accrue to the consumer as a result of potential cost reductions in processing plants, and in reduced costs for labelling, storage and warehousing, and inventory control.

Three (3) canners and one (1) grower objected to reduction in number of sizes on the basis that it would mean less shelf space therefore less sales, less product movement and less in return to growers.

No substantial evidence, such as test market results, was offered to support or refute either savings or sales loss as a result of the reduction in the number sizes.

The canners contended that pitting equipment requires sorting into 10 sizes. Nothing in the proposal prohibits this practice. They also contend that growers will lose their incentive to produce quality (large) olives. Again nothing in the proposal prohibits incentive payments to growers to continue on the current basis.

Three (3) canners have stated their opposition as well to changing the method of determining size from an average count per pound to diameter measurement.

The Olive Administrative Committee, in a letter dated January 3, 1977, stated that the Committee had unanimously voted the following:

The Olive Administrative Committee recommends that the proposed U.S. Standards for Grades of Canned Ripe Olives relative to the size determination by diameter and all references thereto be deleted and urges that the U.S. Department of Agriculture maintain size determination by count per pound until the industry can complete sufficient study of size by diameter so proper evaluation of this method can be made.

Again, in a letter dated February 24, 1977, the Olive Administrative Committee reiterated its position on the method of determining the size of olives. In addition, the committee pointed out several editorial changes or additions that would enhance the usability or application of the standards.

One (1) canner has indicated full support of the proposal, without change.

Several comments suggested additional revisions for the betterment of the proposal.

After considering all of the relevant data, views and arguments presented, including the proposal set forth in the aforesaid notice, the Department has concluded that:

1. The number of sizes will be reduced from ten (10) to five (5) as proposed.

2. The names of the five (5) sizes will be: "Small," "Medium," "Large," "Extra Large" and "Colossal" as proposed.

3. Additional time and more supportive data is needed before determining if changing the size determination criteria for whole olives to diameter measurement is feasible. The current method of determining size on the basis of an average count per pound will be retained. The size of pitted olives must be based on diameter since the weight loss in pitting is not proportional to size. The revised standards provide pictures representative of the new size classifications and associated diameter criteria.

4. The proposed methodology for determining drained weight will be retained.

5. The grades will be designated as U.S. Grade A, U.S. Grade B, U.S. Grade C and Substandard.

6. Editorial changes that will enhance the understanding of the standards and suggested minor adjustments in tolerances for defects will be incorporated into the standards.

The proposed revision to the U.S. Standards for Grades of Canned Ripe Olives is adopted as set forth below.

Effective date. The revised U.S. Standards for Grades of Canned Ripe Olives shall become effective on September 1, 1977.

Sec.

2852.3751 Product description.
2852.3752 Types of canned ripe olives.
2852.3753 Styles of canned ripe olives.

Secs.

2852.3754 Size designation for whole and pitted styles.
2852.3755 Minimum drained weights.
2852.3756 Grades of canned ripe olives.
2852.3757 Standard sample unit size.
2852.3758 Determining the grade of a sample unit.
2852.3759 Determining the rating for the factors which are scored.
2852.3760 Color.
2852.3761 Defects.
2852.3762 Character.
2852.3763 Determining the grade of a lot.
2852.3764 Score sheet for canned ripe olives.

AUTHORITY: Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended (7 U.S.C. 1622, 1624).

§ 2852.3751 Product description.

Canned ripe olives are prepared from properly matured olives which have first been properly treated to remove the characteristic bitterness; are packed in a solution of sodium chloride, with or without spices and are sufficiently processed by heat in hermetically sealed containers. Canned olives which are not oxidized in processing and which possess a tan to light bronze color indicative of preparation from olives of advanced maturity and commonly referred to as "tree-ripened" or "home-cured" are not covered by the standards in this subpart.

§ 2852.3752 Types of canned ripe olives.

Canned ripe olives are processed as two distinct types. Unless a specific type is stated in this subpart, "canned ripe olives" refers to olives of either "ripe-type" or "green-ripe type."

(a) *Ripe type.* "Ripe-type" olives are those which have been treated and oxidized in processing to produce a typical dark brown to black color.

(b) *Green-ripe type.* "Green-ripe type" olives are those which have not been oxidized in processing; which range in color from yellow-green, green-yellow or other greenish casts; and which may be mottled.

§ 2852.3753 Styles of canned ripe olives.

(a) *Whole.* "Whole" olives are those which have not been pitted.

(b) *Pitted.* "Pitted" olives are those from which pits have been removed.

(c) *Halved.* "Halved" olives are pitted olives in which each olive is cut lengthwise into two approximately equal parts.

(d) *Segmented.* "Segmented" olives are pitted olives in which each olive is cut lengthwise into three or more approximately equal parts.

(e) *Sliced.* "Sliced" olives consist of parallel slices of fairly uniform thickness prepared from pitted olives.

(f) *Chopped.* "Chopped" olives are random-size cut pieces or cut bits prepared from pitted olives.

(g) *Broken pitted.* "Broken pitted" olives consist substantially of large pieces that may have been broken in pitting but have not been sliced or cut.

§ 2852.3754 Size designations for whole and pitted style.

(a) *General.* (1) "Average count" for canned whole ripe olives is determined from all containers in the sample and is calculated on the basis of the drained weight of the olives.

(2) Diameters of canned whole and pitted ripe olives are determined by measuring the smallest diameters at the largest circumferences at right angles to the longitudinal axes of the olives. The longitudinal axis is a line running from the stem to the apex of the olive.

(b) *Determining compliance.* (1) Sin-

gle size. Canned whole or pitted olives shall be considered of a single size if the olives are at least as uniform in size as defined for U.S. Grade C in § 52.3756 of this subpart and conform with the applicable count per pound range indicated in Table I in the case of whole olives, or conform closely to the applicable illustration in Table I in the case of pitted olives.

(2) Mixed sizes. Canned whole or pitted ripe olives shall be considered "mixed sizes" when the olives do not meet the requirements of a single size.

TABLE I
SIZE - CANNED WHOLE AND PITTED RIPE OLIVES

DESIGNATION	COUNT PER POUND	ILLUSTRATION	DIAMETER RANGE ILLUSTRATED (mm)
Small	106 - 140		16 - 18
Medium	80 - 108		18 - 20
Large	60 - 79		20 - 22
Extra Large	44 - 59		22 - 24
Colossal	43 or less		24 and over

§ 2852.3755 Minimum drained weights.

(a) *General.* (1) The minimum drained weights for the various applicable styles in Table II and III are not incorporated in the grade of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades.

(2) The minimum drained weights are based on equalization of the product 30 days or more after the product has been canned.

(b) *Method for determining drained weight.* The drained weight of canned ripe olives is determined by emptying the contents of the container upon a U.S. Standard No. 8 circular sieve of proper diameter containing eight meshes to the inch (2.3 mm (0.0937 inch), ± 3 percent, square openings) so as to distribute the product evenly over the sieve. Without shifting the product, incline the sieve at an angle of 17 degrees to 20 degrees to facilitate drainage and allow to drain for two minutes. The weight of drained olives is the weight of the sieve and product less the weight of the

dry sieve. A sieve 20 mm (8 inches) in diameter is used for containers with total contents of 1.5 kg (3.3 lbs) and less, and a sieve 30 mm (12 inches) in diameter is used for containers with total contents greater than 1.5 kg (3.3 lbs).

(c) *Compliance with minimum drained weights.* A lot of canned ripe olives is considered as meeting the minimum drained weights if the following criteria are met:

(1) The average of the drained weights from all the sample units in the sample is equal to or greater than the acceptance value for drained weights for the size (designated as "X_s" in Tables II and III); and

(2) The number of sample units which fail to meet the acceptance value for drained weight lower limit for individual containers (designated as "LL" in Tables II and III) does not exceed the applicable acceptance number specified in the sampling plan contained in "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables and Related Products."

TABLE II
ACCEPTANCE VALUES FOR DRAINED WEIGHTS (OUNCES)
WHOLE

	Small		Medium		Large		Extra Large		Colossal	
	$\bar{X}_d$	LL	$\bar{X}_d$	LL	$\bar{X}_d$	LL	$\bar{X}_d$	LL	$\bar{X}_d$	LL
305 X 109	3.7	3.2	3.5	3.0	3.5	3.0	3.5	2.9	3.2	2.6
307 X 113	3.7	3.2	3.5	3.0	3.5	3.0	3.5	2.9	3.2	2.6
8 Z (211 X 304)	4.5	4.0	4.3	3.8	4.2	3.7	4.1	3.5	4.0	3.4
No 300 (300 X 407)	7.8	7.1	7.7	6.9	7.4	6.6	7.3	6.5	7.2	6.3
No. 1 T (301 X 411)	9.0	8.3	9.0	8.2	8.7	7.9	8.5	7.7	8.0	7.1
No. 10 (603 X 700)	66.0	64.1	65.0	63.0	64.0	62.0	64.0	61.9	64.0	61.8

PITTED

305 X 109	2.8	2.3	3.0	2.5	3.0	2.5	3.0	2.5	2.7	2.1
307 X 113	2.8	2.3	3.0	2.5	3.0	2.5	3.0	2.5	2.7	2.1
8 Z (211 X 304)	3.3	2.8	3.5	3.0	3.4	2.9	3.3	2.7	3.2	2.6
No 300 (300 X 407)	6.0	5.3	6.0	5.2	5.8	5.0	5.7	4.9	5.6	4.7
No 1 T (301 X 411)	7.0	6.3	7.5	6.7	7.2	6.4	7.0	6.2	6.5	5.6
No. 10 (603 X 700)	51.0	49.1	51.0	49.0	51.0	49.0	51.0	48.9	51.0	48.8

TABLE II
ACCEPTANCE VALUES FOR DRAINED WEIGHTS (GRAMS)
WHOLE

	Small		Medium		Large		Extra Large		Colossal	
	$\bar{X}_d$	LL	$\bar{X}_d$	LL	$\bar{X}_d$	LL	$\bar{X}_d$	LL	$\bar{X}_d$	LL
305 X 109	104.9	90.7	99.2	85.0	99.2	85.0	99.2	32.2	90.7	73.7
307 X 113	104.9	90.7	99.2	85.0	99.2	85.0	99.2	82.2	90.7	73.7
8 Z (211 X 304)	127.6	113.4	121.9	107.7	119.1	104.9	116.2	99.2	113.4	96.4
No 300 (300 X 407)	221.1	201.3	218.3	195.6	209.8	187.1	206.9	184.3	204.1	178.6
No. 1 T (301 X 411)	255.1	235.3	255.1	232.5	246.6	224.0	241.0	218.3	226.8	201.3
No. 10 (603 X 700)	1871.0	1817.2	1842.7	1786.0	1814.3	1757.6	1814.3	1754.8	1814.3	1752.0

PITTED

305 X 109	79.4	65.2	85.0	70.9	85.0	70.9	85.0	70.9	76.5	59.5
307 X 113	79.4	65.2	85.0	70.9	85.0	70.9	85.0	70.9	76.5	59.5
8 Z (211 X 304)	93.5	79.4	99.2	85.0	96.4	82.2	93.5	76.5	90.7	73.7
No 300 (300 X 407)	170.0	150.2	170.0	147.4	164.4	141.7	161.6	138.9	158.7	133.2
No 1 T (301 X 411)	198.4	178.6	212.6	189.9	204.1	181.4	198.4	175.8	184.2	158.7
No. 10 (603 X 700)	1445.8	1391.9	1445.8	1389.1	1445.8	1389.1	1445.8	1386.2	1445.8	1383.4

TABLE III
ACCEPTANCE VALUE FOR DRAINED WEIGHTS (OUNCES)

	Water Capacity Oz. Avdp.	Halved, Segmented, Sliced		Chopped	
		$\bar{X}_d$	LL	$\bar{X}_d$	LL
200 X 214	---	2.3	1.9	4.2	3.9
211 X 200	4.9	2.3	1.9	4.2	3.9
305 X 109	---	3.0	2.6	5.5	5.2
307 X 113	---	3.0	2.6	5.5	5.2
211 X 304	8.65	3.8	3.4	7.6	7.2
No. 300 (300 X 407)	15.2	6.5	6.1	13.3	12.7
No. 10 (603 X 700)	109.45	55.0	53.4	90.0	87.8
No. 10 (brine pack)	---	---	---	64.0	62.4

BROKEN PITTED

No. 300 (300 X 407)	15.2	6.5	4.7	
No. 10 (603 X 700)	109.45	51.0	59.0	

TABLE III
ACCEPTANCE VALUE FOR DRAINED WEIGHTS (GRAMS)

	Water Capacity	Halved, Segmented, Sliced		Chopped	
		$\bar{X}_d$	LL	$\bar{X}_d$	LL
200 X 214	---	65.2	53.9	119.1	110.6
211 X 200	138.9	65.2	53.9	119.1	110.6
305 X 109	---	85.0	73.7	155.9	147.4
307 X 113	---	85.0	73.7	155.9	147.4
211 X 304	245.2	107.7	96.4	215.4	204.1
No. 300 (300 X 407)	430.9	184.2	172.9	377.0	360.0
No. 10 (603 X 700)	3102.8	1559.2	1513.8	2551.4	2489.0
No. 10 (brine pack)	---	---	---	1814.3	1769.0

BROKEN PITTED

No. 300 (300 X 407)	430.9	184.2	133.2	
No. 10 (603 X 700)	3102.8	1445.8	1672.6	

§ 2852.3756 Grades of canned ripe olives.

(a) "U.S. Grade A" is the quality of canned ripe olives of whole, pitted, halved, segmented, sliced, and chopped styles that has a good flavor, that has a good color, that is practically free from defects, that has a good character; and that for those factors which are rated in accordance with the scoring system outlined in the subpart, the total score is not less than 90 points: *Provided*, That such canned ripe olives may have a reasonably good color if the total score is not less than 90 points; and, further, *Provided*, That in the styles of whole and pitted olives that are declared to be of single size, the variation in diameters does not exceed 4 mm, and of the 90 percent, by count, of the most uniform in size, the diameter of the largest does not exceed the diameter of the smallest by more than 3 mm.

(b) "U.S. Grade B" is the quality of canned ripe olives of whole, pitted, halved, segmented, sliced, and chopped styles that has a good flavor, that has a reasonably good color, that is reasonably free from defects, that has a reasonably good character; and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 80 points: *Provided*, That for the styles of whole and pitted olives that are declared to be of a single size, the variation in diameters does not exceed 8 mm, and of the 80 percent, by count, of the most uniform in size, the diameter of the largest does not exceed the diameter of the smallest by more than 4 mm.

(c) "U.S. Grade C" is the quality of canned ripe olives of whole, pitted, halved, segmented, sliced, chopped, and broken pitted styles that has a reasonably good flavor, that has a fairly good color, that is fairly free from defects, that has a fairly good character; and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 70 points; and *Provided*, That for the styles of whole and pitted olives that are declared to be of a single size, of the 60 percent, by count, of the most uniform in size, the diameter of the largest does not exceed the diameter of the smallest by more than 4 mm.

(d) "Substandard" is the quality of canned ripe olives of any style that fail to meet the applicable requirements for U.S. Grade C.

§ 2852.3757 Standard sample unit size.

Compliance with requirements for the various quality factors except "size designation" is based on the following standard sample unit size for the applicable style:

- (a) *Whole and pitted*—50 olives.
- (b) *Halved*—100 units.
- (c) *All other styles*—255 g (9 ounces).

§ 2852.3758 Determining the grade of a sample unit.

(a) *General*. In addition to considering other requirements outlined in the

standards the following quality factors are evaluated:

(1) *Factors not rated by score points.* (i) Flavor; (ii) Uniformity of size (styles of whole and pitted only).

(2) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

	Points
(i) Color	30
(ii) Absence of defects	40
(iii) Character	30
Total score	100

(b) *Definition of flavor.*—(1) *Good flavor.* (i) "Good flavor" in ripe type means a distinctive flavor characteristic of ripe type olives (including that of properly spiced olives) which have been properly prepared and processed and which are free from objectionable flavors of any kind.

(ii) "Good Flavor" in green-ripe type means a distinctive mellow flavor characteristic of green-ripe type olives which have been properly prepared and processed and which are free from objectionable flavors of any kind.

(2) *Reasonably good flavor.* "Reasonably good flavor" in either ripe type or green-ripe type (including that of properly spiced olives) means that the flavor may be slightly lacking in distinctly characteristic flavor for the respective type but the olives are free from objectionable flavors of any kind.

§ 2852.3759 Determining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be determined for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "27 to 30 points" means 27, 28, 29, and 30 points).

§ 2852.3760 Color.

(a) *General.* The evaluation of color shall be determined within five minutes after the olives are removed from the container and is based upon the uniformity of the exterior color or general appearance as to color of the olives within the container. The evaluation of color in "halved" style is based on the uncut surfaces.

(b) *Color measurement of ripe type.* The color of ripe type is determined by comparison with a spinning disc of variations in percentages of the following Munsell color discs: Red (5R 4/14), Yellow (2.5Y 8/12), and Black (N/1 Glossy).

(c) *Composite color standards.* Composite USDA Color Standards for Canned Ripe Olives are available and are comparable to the colors produced by the spinning discs.

(d) *Color appearance of green-ripe type.* Normal color for green-ripe type olives is yellow-green, green-yellow, or other greenish casts, any of which may have a mottled appearance that is typical

of green-ripe type olives. Off-color means dark brown, dark purple or black olives.

(e) The USDA spinning color discs and the USDA composite color standards cited in paragraphs (b) and (c) of this section are available from the USDA licensed supplier:

Munsell Color Company, Inc., 2441 North Calvert Street, Baltimore, Md. 21218.

(f) *Grade A.* Canned ripe olives that have a good color may be given a score of 27 to 30 points. "Good color" has the following meanings with respect to the applicable type and style:

(1) *Ripe type.*—(i) *Whole; pitted; halved.* The olives or units have a practically uniform black or dark brown color. Not less than 90 percent, by count, of the olives or units have a color equal to or darker than the appropriate USDA Composite Color Standard or that produced by spinning the Munsell discs specified in paragraph (b) of this section in the following combination: 3½ percent Red, 3½ percent Yellow, and 93 percent Black.

(ii) *Segmented; sliced, chopped.* The general color impression of the olive as a mass is normal and typical of these styles prepared from olives with good color.

(2) *Green-ripe type.* The general color appearance of the olives shall be normal. Not less than 90 percent, by count, shall be practically uniform in such normal color for the type, and no off-color olives may be present.

(g) *Grade B.* If the canned ripe olives have a reasonably good color, a score of 24 to 26 points may be given. "Reasonably good color" has the following meanings with respect to the applicable type and style:

(1) *Ripe type.*—(i) *Whole; pitted; halved.* The olives or units have a reasonably uniform black, dark brown or reddish-brown color. Not less than 80 percent, by count, of the olives or units have a color equal to or darker than the appropriate USDA Composite Color Standard or that produced by spinning the Munsell color discs specified in paragraph (b) of this section in the following combination: 6 percent Red, 6 percent Yellow, and 88 percent Black.

(ii) *Segmented; sliced; chopped.* The general color impression of the olives as a mass is normal and typical of these styles prepared from olives with reasonably good color.

(2) *Green-ripe type.* The general color appearance of the olives shall be normal. Not less than 80 percent, by count, shall be reasonably uniform in such normal color for the type, and no off-color olives may be present.

(h) *Grade C.* If the ripe olives have a fairly good color, a score of 21 to 23 points may be given. Canned ripe olives that fall into this classification shall not be graded above U.S. Grade C regardless of the total score for the product (this is a limiting rule). "Fairly good color" has the following meanings with respect to the applicable type and style:

(1) *Ripe type.*—(i) *Whole; pitted; halved.* The olives or units have a fairly

uniform black, dark brown or reddish-brown color. Not less than 60 percent, by count, of the olives or units have a color equal to or darker than the appropriate USDA Composite Color Standard or that produced by spinning the Munsell color discs specified in paragraph (b) of this section in the following combination: 6 percent Red, 6 percent Yellow, and 88 percent Black.

(ii) *Segmented; sliced; chopped.* The general color impression of the olives as a mass is normal and typical of these styles prepared from olives of fairly good color.

(iii) *Broken pitted.* The general color impression of the olives as a mass is normal and may be variable, but is typical of this style prepared from olives of good, reasonably good, or fairly good color.

(2) *Green-ripe type.* The general color impression of the olives shall be normal but may vary markedly for the type. Not more than 10 percent, by count, of off-color olives may be present.

(i) *Substandard (SStd.).* Canned ripe olives that are abnormal in color for any reason or that fail to meet the requirements of paragraph (h) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 2852.3761 Defects.

(a) *General.* The factor of defects refers to the degree of freedom from harmless extraneous vegetable material, stems and portions thereof, blemishes, wrinkles, mutilated olives, and from any other defects which affect the appearance or edibility of the product.

(b) *Definition of defects.*—(1) *Blemishes.* "Blemishes" means dark-colored surface marks in either ripe type or green-ripe type which may or may not penetrate into the flesh. Olives or pieces of olives affected by blemishes are classified as follows:

(i) "Minor blemishes" are olives or pieces of olives with surface blemishes which individually or collectively materially affect the appearance of the unit.

(ii) "Major blemishes" are olives or pieces of olives with black flesh (oxidized) or with surface blemishes which may or may not be associated with a soft texture below the skin and which individually or collectively seriously affect the appearance or edibility of the unit.

(iii) "Severe blemishes" are olives or pieces of olives of the green-ripe type with dark brown, dark purple, or black surface areas; or any other blemishes, whether or not specifically defined, which severely affect the appearance or edibility of the unit.

(2) *Blowout.* A soft pitted olive in which the pit has been pushed out instead of cut out leaving an irregular ring of flesh that materially affects its appearance.

(3) *Broken piece.* A "broken piece" in halved, segmented and sliced style olives is any piece of olive flesh that appears to be less than three-fourths of a full unit. Also included are poorly cut slices and end slices less than one-half the average size slice.

(4) *Cross pitted.* Olives pitted along an axis other than the stem-flower axis. A defect is a unit where the angle of these two axes exceeds 45 degrees.

(5) *Harmless extraneous vegetable material.* "Harmless extraneous vegetable material" means any vegetable substance that is harmless.

(6) *Mechanically damaged.* A mechanically damaged unit in whole, pitted and halved styles means a unit that is punctured, cut or damaged by other means so that its appearance is materially affected.

(7) *Mutilated.* A "mutilated" olive in whole or pitted styles means an olive that is so pitter-torn or damaged by other means that the entire pit cavity is exposed or the appearance of the olive is seriously affected.

(8) *Pitter damage.* A pitted olive with a loss of skin and flesh from the pitter on the cut end exceeding the area of a circle 3 mm in diameter but is not mutilated.

(9) *Plunger damage.* A pitted olive with a loss of skin and flesh equal to or exceeding the area of a circle 5 mm in diameter.

(10) *Stem.* An attached stem is a defect when it measures 3 mm or more from the shoulder of the olive. Stems are classified as follows:

(i) A "Minor stem" is an attached stem that measures more than 3 mm but not more than 4 mm from the shoulder of the olives.

(ii) A "Major stem" is an attached stem that measures more than 4 mm from the shoulder of the olive.

(iii) A "Detached stem" is a defect when it measures 4 mm or more, and will be scored as a "minor stem" for the purposes of this subpart.

(11) *Wrinkles.* "Wrinkles" are grooves 0.5 mm or more in width. Classification of wrinkles shall be determined immediately after removing surface moisture and any increase in wrinkles due to dehydration after removing from the container shall not be considered. Olives or pieces of olives affected by wrinkles are classified as follows:

(i) "Minor wrinkles" are wrinkles which collectively do not more than materially affect the appearance or edibility of the unit.

(ii) "Major wrinkles" are wrinkles which collectively more than materially affect the appearance or edibility of the unit.

(c) *Grade A.* Canned ripe olives of whole, pitted, halved, segmented, sliced and chopped styles that are practically free from defects may be given a score of 36 to 40 points. "Practically free from defects" means that any defects present, but not specifically limited in Table IV, may not more than slightly affect the appearance or edibility of the olives; and, in addition; specified defects may be present in all other styles except "broken pitted" not to exceed the allowances for grade A provided in Table IV.

(d) *Grade B.* If canned ripe olives of whole, pitted, halved, segmented, sliced, and chopped styles are reasonably free from defects, a score of 32 to 35 points may be given. Canned ripe olives that fall into this classification shall not be graded above U.S. Grade B regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that any defects present but not specifically limited in Table V may not materially affect the appearance or edibility of the olives; and in addition; specified defects may be present in all other styles except "broken pitted" not to exceed the allowances for grade B provided in Table V.

(e) *Grade C.* If canned ripe olives of whole, pitted, halved, segmented, sliced, chopped and broken pitted styles are fairly free from defects, a score of 28 to 31 points may be given. Canned ripe olives that fall into this classification shall not be granted above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that any defects present but not specifically limited in Table VI may not seriously affect the appearance and edibility of the olives; and, in addition; specified defects may be present in all other styles not to exceed the allowances for Grade C provided in Table VI.

(f) *Substandard (SStd.).* Canned ripe olives that fail to meet the requirements of paragraph (e) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TYPE WITHIN THIS LINE FOR 25% REDUCTION

TABLE IV

LIMITS FOR DEFECTS IN GRADE-A

	Whole per 100 olives	Pitted per 100 olives	Halved per 200 halves	Segmented per 255 gm (9oz)	Sliced per 255 gm (9oz)	Chopped per 255 gm (9oz)
HEM or EVM	1	1	1	1	1	1
Stems						
Minor and Major stems incl.	4	4	4	2	2	2
Major stems	1	1	1	1	1	1
Blemishes - Wrinkles, Mutilated and Mechanically damaged	10	10	20	26 g	26 g 1/	—
Provided:						
Major Blemishes						
Major Wrinkles						
Mutilated and Mechanical Damage do not exceed	5	5	10	13 g	13 g 1/	13 g 1/
Further Provided:						
Mutilated do not exceed	2	2	—	—	—	—
Broken Pieces	—	—	16	20 g	26 g	—
Blowouts, Cross Pitted, Plunger and Pitter Damage	—	10	—	—	—	—
Obvious Split-Pit or Misshapen	5	—	—	—	—	—
Severe Blemishes (Green-ripe type only)	0	0	0	—	—	—

1/ Blemishes only - sliced and chopped styles

TYPE WITHIN THIS LINE FOR 25% REDUCTION

4.4.9

TABLE V

LIMITS FOR DEFECTS IN GRADE B. 10%

	Whole per 100 olives	Pitted per 100 olives	Halved per 200 halves	Segmented per 255 gm (9oz)	Sliced per 255 gm (9oz)	Chopped per 255 gm (9oz)
HEM or EVM	2	2	2	2	2	2
Stems						
Minor and major stems incl.	6	6	6	3	3	3
Major stems	3	3	3	2	2	2
Blemishes, Wrinkles, Mutilated and Mechanically Damaged	20	20	40	50 g	50 g 1/	—
Provided: Major Blemishes Major Wrinkles Mutilated and Mechanical Damage do not exceed	—	—	—	—	—	—
Further Provided: Mutilated do not exceed	5	5	10	10 g	—	—
Broken Pieces	—	—	30	40 g	51 g	—
Blowouts, Cross Pitted, Plunger and Pitter Damaged	—	20	—	—	—	—
Obvious Split-Pit or Misshapen	10	—	—	—	—	—
Severe Blemishes (Green-ripe type only)	0	0	0	—	—	—

1/ Blemishes only, sliced and chopped styles only.

TYPE WITHIN THIS LINE 1/2 IN REDUCTION

TABLE VI
LIMITS FOR DEFECTS IN GRADE C 10%

	Whole per 100 olives	Pitted per 100 olives	Halves per 200 halves	Segmented per 255 g (9oz)	Sliced per 255 g (9oz)	Chopped per 255 g (9oz)	Broken Pitted per 255 g (9oz)
REM	2	2	2	2	2	2	2
Stems							
Minor and Major stems incl.	8	8	8	---	---	4	4
Major stems	4	4	4	3	3	4	4
Blemishes, Wrinkles, Mutilated and Mechanically Damaged	No limit	No limit	No limit	No limit	No limit	No limit	No limit
Provided: Major Blemishes, Major Wrinkles, Mutilated and Mechanical Damage do not exceed	25	25	50	65 g	51 g 1/2	51 g 1/2	51 g 1/2
Further Provided: Mutilated do not exceed	10	10	10	13 g	13 g	No limit	No limit
Broken Pieces	---	---	50	65 g	85 g	No limit	No limit
Blowouts, Cross Pitted, Plunger and Pitter Damaged	---	30	---	---	---	No limit	No limit
Severe Blemishes (green- ripe type only)	5	5	5	0	0	0	---

1/ Blemishes only, sliced and chopped styles only.

TYPE WITHIN THIS LINE 1/2 IN REDUCTION

§ 2852.3762 Character.

(a) *General*. The factor of character refers to the firmness, tenderness, and texture characteristic for the variety and type.

(b) *Grade A*. Canned ripe olives of whole, pitted, halved, segmented, sliced, and chopped styles that have a good character may be given a score of 27 to 30 points. "Good character" means that, for the type, the olives have a fleshy texture characteristic for the variety and size; that not less than 95 percent, by count, of whole, pitted and halved olives and by weight of other style olives are practically uniform in texture and are tender but not soft. The remaining 5 percent may be soft but not excessively soft.

(c) *Grade B*. If canned ripe olives of whole, pitted, halved, segmented, sliced and chopped styles have a reasonably good character, a score of 24 to 26 points may be given. Canned ripe olives that fall into this classification shall not be graded above U.S. Grade B regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that, for the type, the olives generally have a fleshy texture characteristic for the variety and size; that not less than 90 percent, by count, of whole, pitted and halved olives, and by weight of other style olives are practically uniform in texture and are tender but not soft. The 10 percent may be soft but not more than 1/2, or 5 percent, may be excessively soft.

(d) *Grade C*. If canned ripe olives of whole, pitted, halved, segmented, sliced, chopped and broken pitted styles have a fairly good character, a score of 21 to 23 points may be given. Canned ripe olives that fall into this classification shall not be graded above U.S. Grade C regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the olives generally have a fleshy texture characteristic for the variety and size; that not less than 80 percent, by count, of whole, pitted and halved olives and by weight of other style olives are practically uniform in texture and are tender but not soft. The remain-

ing 20 percent may be soft but not more than 1/2, or 10 percent, may be excessively soft.

(e) *Substandard (SStd)*. Canned ripe olives that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 2852.3764 Score sheet.

Number, size and kind of container	-----
Label (including size declaration)	-----
Container mark or identification	-----
Net weight (ounces)	-----
Vacuum (inches)	-----
Drained weight (ounces)	-----
Size	-----
Style	-----
Average count per pound (whole style)	-----

FACTORS		SCORE POINTS			
Color -----	30	(A)	27 - 30		
		(B)	24 - 26		
		(C)	21 - 23	1/	
		(SStd.)	0 - 20	1/	
Absence of defects -----	40	(A)	36 - 40		
		(B)	32 - 35	1/	
		(C)	28 - 31	1/	
		(SStd.)	0 - 27	1/	
Character -----	30	(A)	27 - 30		
		(B)	24 - 26	1/	
		(C)	21 - 23	1/	
		(SStd.)	0 - 20	1/	
Total Score -----	100				

Flavor () Good () Reasonably good () Off -----
Grade -----

1/ Indicates limiting rule.

Dated: July 20, 1977.

CAROL TUCKER FOREMAN,
Assistant Secretary for Food and Consumer Services.
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