and potential needs of the small business community. Plans, directs, and administers the secondary market liaison function. Develops and recommends policies concerning the investment and special guaranty programs. Plans, directs, and administers the Small Business Investment Company (SBIC) and 301(d) SBIC programs, including licensing, lending, and regulations to effectively strengthen and improve the Agency's programs of venture capital assistance to small businesses. Continually evaluates the operation of the program. Provides technical advice, assistance, and support to the Associate Deputy Administrator for Programs relating to investment program matters. Represents the Administrator as specifically delegated in negotiations with other Government agencies whose activities relate to the investment program areas. Plans, directs, and administers the Agency's Special Guaranty programs and continually evaluates the operation of this program. Maintains liaison with other Government agencies relating to the investment activities and special guaranty programs.

6. Section 101.2–7e is added as follows:

§ 101.2–7e Assistant Administrator for Women's Business Enterprise.

Develops and recommends policies concerning the Women's Business Enterprise program. Develops and coordinates a national program to increase the number and enlarge the success of women-owned businesses while making maximum use of existing Government and private sector resources. Develops plans, operating procedures, and standards to effectively strengthen and improve the Agency's responsiveness to the needs of women entrepreneurs. Researches and evaluates the special programmatic needs of women entrepreneurs and develops and tests ways of meeting them. Develops program goals and objectives within the framework of approved policies. Reviews and evaluates program effectiveness. Works with other Agency program areas to ensure that they consider women's business enterprise in their programs. Establishes and maintains a free flow of information in both directions. Provides advice, assistance, and support to the Interagency Committee on Women's Business Enterprise in fulfilling its mandate to promote, coordinate, and monitor the efforts of the Federal Government to establish, preserve, and strengthen women-owned businesses. Serves as principal liaison with non-Federal, business, educational, philanthropic, organizational, and community resources to assist the growth and development of women-owned businesses.

7. Section 101.3–1(b)(2) is revised as follows:

§ 101.3–1 Listing of Field Offices.

* * * * *

(b) Region II. * * *

(2) 401 Broad Hollow Road, Melville, NY 11747 (branch office). Serves the following counties in New York: Nassau and Suffolk.

* * * * *

§ 101.3–1 [Amended]

8. Section 101.3–1(d) is amended by renumbering existing subparagraphs (12) through (14) as (13) through (15) and adding a new subparagraph (12) as follows:

* * * * *

(d) Region IV. * * *

* * * * *

(12) 701 Clematis Street, West Palm Beach, FL 33402 (post-of-duty). Serves the following counties in Florida: Brevard, Glades, Highlands, Indian River, Martin, Okeechobee, and St. Luce.

* * * * *

Date: June 12, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 80–19060 Filed 6–26–80; 8:45 am]

BILLING CODE 8025–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1203

Information Security Program; Delegation of Authority To Make Determinations in Original Classification Matters

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This amendment revises the delegation of authority to make determinations in original classification matters as contained in 44 FR 26066–26067, May 4, 1979. Pursuant to Section 1–204, Executive Order 12065, this amendment delegates original classification authority to additional NASA officials designated in § 1203.800, Subpart 1203.H hereunder.

EFFECTIVE DATE: June 27, 1980.

ADDRESS: Chief, NASA Security Office, National Aeronautics and Space Administration, Washington, D.C., 20546.

FOR FURTHER INFORMATION CONTACT: Ben B. Pagac, Telephone (202) 755–3400.

SUPPLEMENTARY INFORMATION: This regulation involves a national security function and is exempt from the procedures of 5 U.S.C. 553.

14 CFR Part 1203 is amended by revising § 1203.800(c) as follows:

§ 1203.800 Delegations.

* * * * *

(c) Designated Officials.

(1) *TOP SECRET Classification Authority.*

(i) Administrator.

(ii) Deputy Administrator.

(iii) Chairperson, NASA Information Security Program Committee.

(iv) Assistant for Special Projects.

(2) *SECRET and CONFIDENTIAL Classification Authority.*

(i) Officials listed in paragraph (c)(1) of this section.

(ii) Associate Deputy Administrator.

(iii) Associate Administrator for Space and Terrestrial Applications.

(iv) Associate Administrator for External Relations.

(v) Associate Administrator for Space Transportation Systems.

(vi) Associate Administrator for Management Operations.

(vii) Associate Administrator for Space Transportation Operations.

(viii) Associate Administrator for Aeronautics and Space Technology.

(ix) Associate Administrator for Space Tracking and Data Systems.

(x) General Counsel.

(xi) Chief, NASA Security Office.

(xii) Director, DoD Affairs Division.

(xiii) Director, International Affairs Division.

(xiv) NASA Security Classification Manager.

(xv) Field Installation Directors.

(xvi) Installation Security Classification Officers.

(xvii) Such other officials as may be delegated original classification authority.

Robert A. Frosch,

Administrator.

June 19, 1980.

[FR Doc. 80–19421 Filed 6–26–80; 8:45 am]

BILLING CODE 7510–01–M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 9099]

Bell & Howell Co., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting

unfair acts and practices and unfair methods of competition, this consent order, among other things, requires a Lincolnwood, Ill., seller of home study courses and its subsidiary to cease misrepresenting admission criteria, potential earnings, employment opportunities, and the need or demand for their graduates. The firms are further prohibited from misrepresenting the effectiveness of their job placement service; that experience is not necessary or advantageous in obtaining employment; that their courses are endorsed by a governmental agency; and that students are provided with instructional assistance. The order also requires respondents to make prescribed disclosures regarding the job success of previous students; the manner in which contracts can be cancelled; and the method used to calculate tuition obligations should a student drop out of a course. Additionally, Bell & Howell is required to deposit in an escrow account the sum of $1.2 million to provide refunds for former eligible students.

DATES: Complaint issued May 27, 1977. Final order issued May 8, 1980.[1]

FOR FURTHER INFORMATION CONTACT: Paul W. Turley, Director, 3R, Chicago Regional Office, Federal Trade Commission, 55 East Monroe St., Suite 1437, Chicago, Ill. 60603. (312) 353-4423.

SUPPLEMENTARY INFORMATION: On Friday, March 30, 1979, there was published in the **Federal Register**, 44 FR 18983, a proposed consent agreement with analysis In the Matter of Bell & Howell Company, a corporation, and Bell & Howell Schools, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly: § 13.10 Advertising falsely or misleadingly; 13.10–1 Availability of merchandise and/or facilities; § 13.15 Business status, advantages or connections; 13.15–20 Business methods and policies; 13.15–30 Connections or arrangements with others; 13.15–90 Government endorsement; 13.15–255 Reputation, success, or standing; 13.15–265 Service; § 13.42 Connection of others with goods; § 13.50 Dealer or seller assistance; § 13.55 Demand, business or other opportunities; § 13.60 Earnings and profits; § 13.85 Government approval, action, connection or standards; § 13.90 History of product or offering; § 13.100 Individual attention; § 13.115 Jobs and employment service; § 13.135 Nature of product or services; § 13.143 Opportunities; §13.155 Prices; 13.155–5 Additional charges unmentioned; § 13.160 Promotional sales plans; § 13.170 Qualities or properties of product or service; 13.170–35 Educational, informative, training; § 13.175 Quality of product or service; § 13.185 Refunds, repairs, and replacements; §13.190 Results; § 13.205 Scientific or other relevant facts; § 13.250 Success, use or standing. Subpart—Claiming or Using Endorsements or Testimonials Falsely or Misleadingly: § 13.330 Claiming or using endorsements or testimonials falsely or misleadingly; 13.330–90 United States Government; 13.30–90(1) Veterans Administration. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–35 Employment of independent agencies; 13.533–45 Maintain records; 13.533–55 Refunds, rebates and/or credits. Subpart-Delaying or Withholding Corrections, Adjustments or Action Owed: § 13.675 Delaying or withholding corrections, adjustments or action owed; § 13.677 Delaying or failing to deliver goods or provide services or facilities. Subpart—Failing to Maintain Records: § 13.1051 Failing to maintain records; 13.1051–20 Adequate. Subpart—Misrepresenting Oneself and Goods—Business Status, Advantages or Connections: § 13.1370 Business methods, policies, and practices; § 13.1395 Connections and arrangements with others; § 13.1430 Government endorsement, sanction or sponsorship; § 13.1540 Reputation, success or standing; § 13.1553 Services—Goods: § 13.1572 Availability of advertised merchandise and/or facilities; § 13.1608 Dealer or seller assistance; § 13.1610 Demand for or business opportunities; §13.1615 Earnings and profits; § 13.1632 Government endorsement or recommendation; § 13.1650 History of product; § 13.1660 Individual attention; § 13.1670 Jobs and employment; § 13.1697 Opportunities in product or service; § 13.1710 Qualities or properties; § 13.1725 Refunds; § 13.1740 Scientific or other relevant facts; § 13.1755 Success, use, or standing—Prices: § 13.1778 Additional costs unmentioned. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1854 History of products; § 13.1863 Limitations of product; § 13.1870 Nature; § 13.1882 Prices; 13.1882–10 Additional prices unmentioned; § 13.1885 Qualities or properties; § 13.1892 Sales contract, right-to-cancel provision; § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions; 13.1905–50 Sales contract. Subpart—Offering Unfair, Improper and Deceptive Inducements To Purchase or Deal: §13.1935 Earnings and profits; § 13.2015 Opportunities in product or service; § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Carol M. Thomas,

Secretary.

[FR Doc. 80-19378 Filed 6-26-80; 8:45 am]

BILLING CODE 6750-01-M

[1] Copies of the Complaint and the Decision and Order filed with the original document.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Ch. I

Classification of Dextropropoxyphene as a Narcotic Drug in Schedule IV of the Controlled Substances Act

Correction

The CFR bracket "21 CFR Part 1308" appearing in the heading of the Cross Reference appearing in the first column on page 42264 in the issue of Tuesday, June 24, 1980 is incorrect. Please change the CFR bracket to read as set forth above.

BILLING CODE 1505-01-M

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21 CFR Part 145

[Docket No. 76P-0026]

Canned Fruits: Identity Standard for Canned Pineapple; Confirmation of Effective Date and Further Amendment

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) confirms the effective date for compliance with all

provisions of the amended standard of identity for canned pineapple published in the **Federal Register** of July 10, 1979 (44 FR 40276), except for 21 CFR 145.180(a)(1), which is being revised to provide for previously canned pineapple as an optional ingredient.

DATES: Compliance with the final regulation, except for 21 CFR 145.180(a)(1) being herein revised, including any required labeling changes, may have begun September 10, 1979, and all affected products initially introduced or initially delivered for introduction into interstate commerce on or after July 1, 1981 shall fully comply. Objections to the provision being revised herein by July 28, 1980.

ADDRESS: Written objections to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF–214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1164.

SUPPLEMENTARY INFORMATION: A final regulation was published in the **Federal Register** of July 10, 1979 (44 FR 40276) revising the United States standard of identity for canned pineapple (21 CFR 145.180(a)) to (1) require that canned pineapple be prepared from fresh pineapple, (2) provide for the use of "pineapple juice and water" as an optional packing medium for all styles of canned pineapple, (3) provide for the alternate name "whole slices" or "rings" for the style "slices," and (4) provide for "quarter slices" and "pieces or irregular pieces" as additional styles of canned pineapple. The final regulation provided that any person who would be adversely affected could at any time, on or before August 9, 1979, file written objections to the final regulation and request a hearing on the specific provisions to which there were objections.

Two responses were filed relative to the subject regulation. One contained an objection and no request for a hearing. The second contained objections and requests for a hearing.

Pursuant to section 701(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(e)), FDA has considered the objections and requests for a hearing and its conclusions are as follows:

Objections and Requests for a Hearing

I. Label Declaration "Pineapple Juice and Water" as an Optional Packing Medium

The assertion is made by the Pineapple Growers Association of Hawaii (PGAH) that the label declaration of "pineapple juice and water" as an optional packing medium would be misleading to the consumer when water is the predominate ingredient of the packing medium.

FDA advises that the assertion is in error in that the optional packing medium "pineapple juice and water," provided for in 21 CFR 145.180(a)(3)(i)(*b*), is defined in 21 CFR 145.3(i) as any mixture of fruit juice and water, in which the fruit juice is 50 percent, or more, of such mixture. Therefore, water would not be the predominate ingredient because there must be 50 percent or more pineapple juice in such a packing medium. FDA concludes that this objection does not raise an issue of fact that warrants a hearing.

II. Optional Pineapple Style of Pieces or Irregular Pieces

The assertion is made by PGAH that providing for the additional optional pineapple style of "pieces or irregular pieces" would contribute to a proliferation of permissible types of canned pineapple which would confuse consumers, would permit nonuniformity of fruit units within the "pieces" style, and would increase the cost of distribution, inventory control, and supermarket shelving without providing any compensatory benefits. It is further asserted that there is very little consumer demand or need for an additional "pieces" style to facilitate use of fruit not employed in other styles (as there is, for example, in the standards of identity for canned pears and peaches).

The basis for this objection appears to be purely an economic one. Pineapple "pieces or irregular pieces," although not presently an article of commerce in the United States, is a food sold in other countries. FDA has no basis upon which to prevent the marketing of a style of canned pineapple, except where it can be clearly demonstrated that it is not in the best interest of consumers. FDA's policy is to facilitate international trade whenever possible. FDA's position is that proper label declaration of this new style of pineapple will inform American consumers as to the type of pineapple product they are purchasing. Therefore, FDA concludes that this objection does not raise an issue of fact that warrants a hearing.

III. Safe and Suitable Nutritive Carbohydrate Sweeteners

The assertion is made by the Whey Products Institute that there appears to be no valid scientific justification for precluding the use of valuable, functional, and low-cost nutritive carbohydrate sweeteners as optional ingredients of the packing media. Such action is said to serve as an unnecessary regulatory barrier to food manufacturers, to adversely affect the whey processing industry and, therefore, to be detrimental to the best interest of consumers. Without exception, this objection continues, all other canned fruit standards of identity have been amended to recognize the value and preference of permitting the use of safe and suitable nutritive carbohydrate sweeteners, rather than following a "recipe" listing of specific sweeteners. This preferred approach provides food manufacturers the flexibility to utilize new developments in food technology and serves, both directly and indirectly, in the best interest of consumers. No request for a hearing was made on this issue.

It has been FDA's past policy to allow the use of safe and suitable nutritive carbohydrate sweeteners as optional ingredients of the packing media as exemplified by the other canned fruit standards of identity (as stated above). However, as a result of a series of public hearings held between August 1978 and October 1978, it became apparent that consumers desire a specific listing, by name, in food standards of those ingredients which characterize the food rather than simply a general provision for the use of "safe and suitable" ingredients. A notice requesting public comment on a tentative proposed revision of the agency's policy regarding the use of "safe and suitable" provisions in food standards was published in the **Federal Register** of December 21, 1979 (44 FR 75990). FDA concludes that the provision in 21 CFR 145.180(a)(3)(ii) of the July 10, 1979 final regulation for sugar, invert sugar sirup, and the specified corn sweeteners is consistent with the stated consumer desires.

IV. Preparation of Canned Pineapple From Previously Canned Pineapple

The assertion is made by PGAH that the standard of identity for canned pineapple should provide not only for the use of fresh mature pineapple but also for the use of previously canned pineapple. This would be consistent with the Recommended International Standard for Canned Pineapple (Codex standard) and the standards of identity for most other canned fruits. PGAH stated that it is prepared to present factual information in a hearing to show that canned pineapple prepared from previously canned pineapple ingredients would be of acceptable quality to consumers, avoid food waste, and reduce manufacturing costs where can damage is incurred during production.

FDA understands the PGAH objection to constitute a withdrawal of its own

earlier adverse comment regarding the use of previously canned pineapple which was provided for in the proposal, published in the **Federal Register** of January 21, 1974 (39 FR 2368). As a result of that adverse comment, FDA was persuaded not to provide for previously canned pineapple in the July 10, 1979 final regulation. In order to be consistent with the Codex standard for canned pineapple and with other canned fruit standards, FDA has reconsidered its earlier action and is revising 21 CFR 145.180(a)(1) to provide for the use of previously canned pineapple and is allowing interested persons until July 28, 1980, to submit written objections to this amendment.

The final regulation amending the U.S. standard of quality for canned pineapple appears elsewhere in this issue of the **Federal Register.**

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), notice is given that the objections filed to the final regulation amending the standard of identity for canned pineapple under § 145.180(a) are not accepted as valid, except that, in accordance with the foregoing: *It is ordered,* That § 145.180(a) as promulgated in the **Federal Register** of July 10, 1979, be amended by revising paragraph (a)(1) to read as follows:

§ 145.180 Canned pineapple.

(a) *Identity*—(1) *Ingredients.* Canned pineapple is the food prepared from mature, fresh or previously canned, pineapple conforming to the characteristics of *Ananas comosus* (L.) Merrill and from which peel and core have been removed. The food consists of one of the optional styles of the pineapple ingredient specified in paragraph (a)(2) of this section and may be packed in one of the optional packing media specified in paragraph (a)(3) of this section, except water is not a suitable packing medium for crushed style. Crushed style additionally may be packed as heavy or solid pack as specified in paragraph (a)(4) of this section. The food may also contain one, or any combination of two or more, of the following safe and suitable optional ingredients:

(i) Natural fruit flavors.

(ii) Mint flavor.

(iii) Spices, spice oils.

(iv) Vinegar or organic acids.

(v) Dimethylpolysiloxane in an amount not greater than 10 milligrams/kilogram (10 parts per million) by weight of the finished food as a defoaming agent.

The food is sealed in a container and, before or after sealing, is so processed by heat as to prevent spoilage.

* * * * *

Any person who will be adversely affected by the foregoing amendment to the final regulation to provide for previously canned pineapple as an optional ingredient of canned pineapple may at any time on or before July 28, 1980, submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date. Except as to the amendment that may be stayed by the filing of proper objections, compliance with this amendment to the final regulation may begin July 29, 1980. Notice of the filing of objections or lack thereof will be published in the **Federal Register.** Accordingly, except as to that provision being herein amended, the effective date of § 145.180(a) as published in the **Federal Register** of July 10, 1979 (44 FR 40276) is confirmed as follows: Compliance with this regulation, including any required labeling changes, may have begun on September 10, 1979, and all affected products intially introduced or initially delivered for introduction into interstate commerce on or after July 1, 1981, shall fully comply.

(Secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e)))

Dated: June 19, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-19105 Filed 6-26-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 145

[Docket No. 76P-0026]

Canned Fruits: Canned Pineapple; Amendment of Standard of Quality

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the U.S. standard of quality for canned pineapple. This amendment is based on the quality features of the Recommended International Standard for Canned Pineapple developed by the Codex Alimentarius Commission.

DATES: Effective July 1, 1981 for all affected products initially introduced or initially delivered for introduction into interstate commerce on or after this date. Voluntary compliance: August 26, 1980. Objections by July 28, 1980.

ADDRESS: Written objections to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF-214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: A proposal to amend the United States standard of quality for canned pineapple (21 CFR 145.180(b)) was published in the **Federal Register** of July 10, 1979 (44 FR 40336). The proposal was published in consideration of the quality provisions of the Recommended International Standard for Canned Pineapple (Codex standard) developed by the Codex Alimentarius Commission of the Food and Agriculture Organization of the United Nations and of the World Health Organization (FAO/WHO). One letter containing several comments was received in response to the proposal.

1. One comment opposed changing the U.S. standard to conform to the requirements of the Codex standard and to metric dimensions.

The preamble to the proposal published in the **Federal Register** of July 10, 1979, stated that the United States, as a member of the FAO/WHO, is under treaty obligation to consider all Codex standards and to adopt, insofar as practicable, the Codex standards

developed by the Codex Alimentarius Commission.

Further, it stated that the metric system is generally used throughout the world and in the United States for technical purposes, and may eventually be adopted by this country for common usage. No information or data were submitted in support of the comment opposing the proposed metric provisions. Therefore, FDA concludes that the international metric system should be used in the U.S. standard of quality for canned pineapple with the equivalent units of the U.S. customary system shown parenthetically. FDA calls particular attention to the fact that metric units are used only for specifications in standards and not in labeling.

2. A second comment stated that Codex labeling provisions may not be in conformance with the Fair Packaging and Labeling Act of 1966.

FDA does not have the authority to change the labeling or other provisions of the Codex standard. The labeling aspects of the Codex standard were considered in the final regulation amending the standard of identity for canned pineapple (21 CFR 145.180(a)(5)) which was published in the **Federal Register** of July 10, 1979 (44 FR 40276). Elsewhere in this issue of the **Federal Register**, FDA is publishing a confirmation of the effective date of this final regulation amending the standard of identity for canned pineapple (21 CFR 145.180(a)). All labeling requirements adopted in accordance with the Codex standard are consistent with FDA food labeling requirements as specified in 21 CFR 101 and with the Fair Packaging and Labeling Act of 1966 and subsequent amendments.

3. A third comment stated that the quality aspects of the Codex standard appear to be lower than the present U.S. standard of quality, and that U.S. requirements should not be lowered.

FDA agrees that there are quality aspects of the Codex standard which are lower than the requirements of the present U.S. standard of quality. However, in no instance did FDA propose the lowering of a U.S. requirement based on a lower Codex requirement.

4. A fourth comment questioned whether the proposal has been coordinated with the U.S. Metric Board or with Pub. L. 94–168, 89 Stat. 1009, Sec. 6(5), which states that "* * * the Board shall—(5) encourage the retention, in new metric language standards, of those United States engineering designs, practices, and conventions that are internationally accepted or that embody superior technology; * * *."

Although there was no direct coordination of the proposed amendment for canned pineapple with the Metric Board, FDA is of the opinion that, by encouraging the use of the metric system by including metric units in the agency's food standards, it is in accordance with the referenced Public Law.

Certain editorial changes are made in the final regulation set out below for the purpose of clarification.

After considering the comments received and other relevant information, FDA concludes that it will promote honesty and fair dealing in the interest of consumers and facilitate international trade to amend the U.S. standard of quality for canned pineapple as set out below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 145 is amended by revising § 145.180(b) to read as follows:

§ 145.180 Canned pineapple.

* * * * *

(b) *Quality.* (1) The standard of quality for canned pineapple is as follows:

(i) *Core material.* In the case of all styles, not more than 7 percent of the drained weight of the contents of the container consists of core material as determined by the method prescribed in paragraph (b)(3)(ii) of this section.

(ii) *Uniformity of weight and shape.*

(*a*) *Slices.* The drained weight of the largest unit in the container is not more than 1.4 times the drained weight of the smallest unit.

(*b*) *Half slices and quarter slices.* The drained weight of the largest unit in a container is not more than 1.75 times the drained weight of the smallest unit, except for an occasional broken piece due to splitting or an occasional whole slice not completely cut through.

(*c*) *Broken slices.* (*1*) Not more than 10 percent of the drained weight of the contents of the container consists of pieces having an arc of less than 90°.

(*2*) Not more than 5 percent of the drained weight of the contents of the container:

(*i*) Consists of pieces that measure in thickness less than 8 millimeters (0.31 inch) or more than 25 millimeters (1 inch); or

(*ii*) Consists of pieces that measure less than 19 millimeters (0.75 inch) in width as measured from the outer edge to the inner edge.

(*3*) Not more than 5 percent of the drained weight of the contents of the container consists of broken slices having an outside diameter differing by as much as 9.5 millimeters (0.37 inch) from that of those present in greatest proportion by weight.

(*d*) *Spears.* The drained weight of the largest unit in the container is not more than 1.4 times the drained weight of the smallest unit.

(*e*) *Tidbits.* Not more than 15 percent of the drained weight of the contents of the container consists of units each of which weighs less than three-fourths as much as the average drained weight of all the untrimmed units in the container.

(*f*) *Chunks.* Not more than 15 percent of the drained weight of the contents of the container consists of pieces weighing less than 5 grams (0.18 ounce) each.

(*g*) *Cubes.* Not more than 10 percent of the drained weight of the contents of the container consists of units that will pass through a screen with square openings of 8 millimeters (0.31 inch) and not more than 15 percent of the drained weight consists of units weighing more than 3 grams (0.11 ounce) each.

(*h*) *Pieces.* Not more than 20 percent of the drained weight of the contents of the container consists of units that will pass through a screen with square openings of 8 millimeters (0.31 inch).

(iii) *Blemishes.* Blemishes consist of surface areas and spots that contrast strongly in color or texture with the normal pineapple tissue or that may penetrate the flesh. Blemishes are normally removed in preparation of pineapple for culinary use and include any of the following, if in excess of 1.6 millimeters (0.06 inch) in the longest dimension on the exposed surface of the unit: deep fruit eyes, pieces of shell, brown spots, bruised portions, and other abnormalities.

(*a*) *Slices, half slices, quarter slices, broken slices, spears, tidbits, chunks, cubes, and pieces.* Not more than 12.5 percent by count of the units in the container may be blemished; but in containers having not more than 5 units, 1 unit may be blemished; in containers having more than 5 units, but not more than 10 units, 2 units may be blemished and in containers having more than 10 units, but not more than 32 units, 4 units may be blemished.

(*b*) *Crushed.* Not more than 1.5 percent of the drained weight of the contents of the container consists of fragments bearing blemishes.

(iv) *Excessively trimmed.* Slices, half slices, and quarter slices are considered excessively trimmed if the portion trimmed away exceeds 5 percent of the apparent physical bulk of the perfectly formed unit and if the trimming destroys the normal circular shape of the outer or

inner edge of the unit. Broken slices, spears, and tidbits are excessively trimmed if the trimming destroys the normal shape of the unit.

(*a*) *Slices, half slices, and quarter slices.* Not more than 7.5 percent by count of the units in the container may be excessively trimmed, but in containers having not more than 10 units, 1 unit may be excessively trimmed; and in containers having more than 10 units, but not more than 27 units, 2 units may be excessively trimmed.

(*b*) *Broken slices and spears.* Not more than 15 percent by count of the total units in the container may be excessively trimmed.

(*c*) *Tidbits.* Not more than 15 percent of the drained weight of the contents of the container consists of excessively trimmed units.

(v) *Mashed.* A unit that has lost its normal shape because of ripeness that bears no mark of mechanical injury is not to be considered mashed.

(*a*) *Slices, half slices, and quarter slices.* Not more than one unit in containers of 25 units or less, and not more than 3 units in containers of more than 25 units, are mashed.

(*b*) *Broken slices.* Not more than 5 percent by count of the units in the container are mashed.

(*c*) *Spears.* Not more than 1 unit in the container is mashed.

(*d*) *Tidbits.* Not more than 3 units in containers of less than 150 units, and not more than 2 percent of the units in containers of 150 units or more, are mashed.

(*e*) *Chunks.* Not more than 3 units in containers of less than 70 units, and not more than 5 percent of the units in containers of 70 units or more, are mashed.

(vi) *Acidity.* In the case of all styles, not more than 1.35 grams of acid, calculated as anhydrous citric acid, is contained in 100 milliliters of the liquid drained from the product 15 days or more after the pineapple is canned.

(vii) *Excessive liquid.* The drained weight of crushed pineapple is not less than 63 percent of the net weight of the contents of the container.

(2) Sampling and acceptance: Determine compliance as specified in § 145.3(o).

(3) Methodology: The method to be employed to determine whether canned pineapple meets the requirements of paragraph (b)(1)(i) through (vi) of this section are as follows:

(i) Determine the drained weight of the canned pineapple by the procedure prescribed in § 145.3(n).

(ii) Identify and separate any core material cleanly from each of the units in the container, and weigh the aggregate of the core material. Calculate the percent core material to determine compliance with paragraph (b)(1)(i) of this section.

(iii) In the case of slices, half slices, quarter slices, spears, tidbits, chunks, and pieces, check the weight of the units against the requirements of paragraph (b)(1)(ii) (*a*), (*b*), (*d*), (*e*), (*f*), and (*h*) of this section.

(iv) In the case of broken slices, check the dimensions of each unit against the requirements of paragraph (b)(1)(ii)(*c*) of this section.

(v) In the case of cubes, and pieces, determine compliance with paragraph (b)(1)(ii) (*g*) and (*h*) of this section by placing the units, a few at a time, on the mesh of a U.S. Standard No. 8 sieve (8-millimeter (0.31 inch)) mesh. After shaking gently, remove those units that remain on the sieve before testing the next portion. Continue portion-wise until all units are tested, then determine the aggregate weight of those units that have passed through the sieve.

(vi) Except in the case of crushed pineapple, segregate and count each unit that is blemished as defined in paragraph (b)(1)(iii) of this section. In the case of crushed pineapple, segregate each fragment of crushed pineapple bearing a blemish and determine the aggregate weight of such fragments to determine compliance with paragraph (b)(1)(iii)(*b*) of this section.

(vii) Except in the case of chunks, cubes, pieces, and crushed pineapple, inspect all the units in the container to determine those that have been excessively trimmed, as defined in paragraph (b)(1)(iv) of this section.

(viii) Except in the case of cubes, pieces, and crushed pineapple, count the total units in the container and the number of mashed units to determine compliance with paragraph (b)(1)(v) of this section.

(ix) Determine the total acidity of the drained liquid by titration, using the following method: Measure with a pipette 10 milliliters of the unfiltered drained liquid into a 250-milliliter Erlenmeyer flask. Add 25 milliliters of distilled or deionized water and 0.3 milliliter of 1-percent phenolphthalein solution. Titrate with one-tenth normal sodium hydroxide solution to a faint, permanently pink coloration. Multiply the number of milliliters of one-tenth normal sodium hydroxide required by 0.064 to calculate the number of grams of anhydrous citric acid per 100 milliliters of drained liquid to determine compliance with paragraph (b)(3)(vi) of this section.

(4) If the quality of canned pineapple falls below the standard prescribed in paragraph (b)(1) of this section, the label shall bear the general statement of substandard quality specified in § 130.14(a) of this chapter, in the manner and form specified in that section; however, if the quality of the canned pineapple falls below standard with respect to only one of the factors of quality specified in paragraph (b)(1)(i) through (vii) of this section, there may be substituted for the second line of the general statement of substandard quality ("Good Food—Not High Grade") one of the following new lines, placed after the corresponding designation of paragraph (b)(1) of this section that the canned pineapple fails to meet:

(i) "Poorly cored" or "Excessive core".

(ii) "Mixed sizes" or "Irregular small pieces", as appropriate.

(iii) "Blemished" or "Contains blemished pieces".

(iv) "Excessively trimmed".

(v) "Mashed units" or "Contains mashed units".

(vi) "Excessively tart".

(vii) "Contains excess liquid".

Any person who will be adversely affected by the foregoing regulation may at any time on or before July 28, 1980, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date. Except as to any provisions that may be stayed by the filing of proper objections, compliance with this final regulation, including any required labeling changes, may begin August 26, 1980, and all affected

products initially introduced or initially delivered for introduction into interstate commerce on or after July 1, 1981 shall fully comply. Notice of the filing of objections or lack thereof will be published in the **Federal Register.**

(Secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e)))

Dated: June 19, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-19080 Filed 6-26-80; 8:45 am]

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21 CFR Part 146

[Docket No. 78P-0039]

Canned Fruit Juices; Lemon Juice; Standards of Identity and Fill of Containers; Confirmation of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Confirmation of effective date.

SUMMARY: This document confirms the effective date for compliance with the standards of identity and fill of container for lemon juice that were published in the **Federal Register** of February 5, 1980 (45 FR 7784).

DATES: Effective July 1, 1981 for all affected products initially introduced into interstate commerce on or after that date. Voluntary compliance may have begun March 7, 1980.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF-214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: A final regulation establishing standards of identity and fill of container for lemon juice (21 CFR 146.114) was published in the **Federal Register** of February 5, 1980 (45 FR 7784). The final regulation provided that any person who would be adversely affected could at any time, on or before March 6, 1980, file written objections to the final regulation and request a hearing on the specific provisions to which there were objections. No objections have been filed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), notice is given that § 146.114 *Lemon juice* (21 CFR 146.114) as promulgated in the **Federal Register** of February 5, 1980 (45 FR 7784) will become effective July 1, 1981. Voluntary compliance may have begun March 7, 1980.

Dated: June 20, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-19324 Filed 6-26-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 155

[Docket No. 75P-0322]

Canned Peas and Canned Dry Peas; Standards of Identity, Quality, and Fill of Container

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the standards of identity, quality, and fill of container for canned peas and, by cross-reference, for canned dry peas by, among other things, (1) providing for specified nutritive carbohydrate sweeteners; (2) providing for garnishes of other vegetables; (3) continuing to permit artificial color to be used, but requiring declaration as part of the name of the food instead of a label statement of substandard quality; (4) establishing a limit for blond and yellow peas; and (5) employing statistical sampling plans as a basis for determining compliance with quality and fill requirements. This action is for the purpose of promoting honesty and fair dealing in the interest of consumers and facilitating international trade.

DATES: Effective July 1, 1981 for all affected products intially introduced or initially delivered for introduction into interstate commerce on or after this date. Voluntary compliance: August 26, 1980. Objections by: July 28, 1980.

ADDRESS: Written objections to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF-214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration (FDA) published a proposal in the **Federal Register** of June 7, 1977 (42 FR 29014) to amend the U.S. standards of identity, quality, and fill of container for canned peas (21 CFR 155.170) and canned dry peas (21 CFR 155.172), to adopt, insofar as practicable, both the Recommended International Standards for Canned Green Peas (Codex standard) and a proposal by the Corn Refiners Association, 1001 Connecticut Ave. NW., Washington, DC 20036. The agency also proposed a definition section (21 CFR 155.3) setting out a sampling and acceptance procedure for canned vegetables. Further, the agency proposed editorial amendments to the standards of quality for canned green beans and canned wax beans (21 CFR 155.120), and standards of quality and fill of container for canned corn (21 CFR 155.130) and canned tomatoes (21 CFR 155.190) to delete the sampling and acceptance procedure appearing in each of those standards and to reference the sampling and acceptance procedure proposed for the definition section for Part 155—Canned Vegetables.

Comments were received from six consumers, an association representing consumers, two canners, two trade associations representing canners of canned peas, and a food chain. No adverse comments were received concerning the proposed editorial amendments regarding canned green beans and canned wax beans, canned corn, and canned tomatoes. The comments and the agency's responses are given below:

Percentage Labeling of Ingredients

1. One comment favored label declaration of the percentage of ingredients, especially salt and sugar, because of a personal problem with hypoglycemia (low blood sugar).

FDA, the U.S. Department of Agriculture (USDA), and the Bureau of Consumer Protection of the Federal Trade Commission (FTC) held a series of five public hearings between August 1978 and October 1978 to discuss various food labeling issues. FDA also sponsored in 1978 a survey of food shoppers to obtain information on their views of certain aspects of food labeling. On the basis of the information obtained and their review of current regulatory laws and policies, the agencies have developed tentative positions on various food labeling issues including percentage ingredient labeling that were set out in a notice published in the **Federal Register** of December 21, 1979 (44 FR 75990). For this reason, it is premature to provide for percentage ingredient labeling in the regulations set out below.

Flavorings and Flavor Enhancers

2. One comment opposed the provisions for the optional addition of salt, monosodium glutamate, disodium inosinate, disodium guanylate, hydrolyzed vegetable protein, autolyzed yeast extract, spice, and natural flavorings to canned peas. It stated that the only purpose of the ingredients is to