

(2) Compliance with the requirement for the weight of the washed and drained cherry content of the pie, as prescribed by paragraph (b)(1)(i) of this section, is determined by the following procedure:

(i) Select a random sample from a lot:

(a) At least 24 containers if they bear a weight declaration of 16 ounces or less.

(b) Enough containers to provide a total quantity of declared weight of at least 24 pounds if they bear a weight declaration of more than 16 ounces.

(ii) Determine net weight of each frozen pie.

(iii) Temper the pie until the top crust can be removed.

(iv) Remove the filling and cherries from the pie and transfer to the surface of a previously weighed 12-inch diameter U.S. No. 8 sieve (0.094-inch openings) stacked on a U.S. No. 20 sieve (0.033-inch openings).

(v) Distribute evenly over the surface and wash with a gentle spray of water at 70°–75 °F to free the cherries and cherry fragments from the adhering material.

(vi) Remove the U.S. No. 8 sieve and examine the U.S. No. 20 sieve and transfer all cherry fragments to the U.S. No. 8 sieve.

(vii) Drain the cherry contents on the No. 8 sieve for 2 minutes in an inclined position (15°–30° slope). Weigh the U.S. No. 8 sieve and the washed and drained cherries to the nearest 0.01 ounce.

(viii) The weight of the washed and drained cherries is the weight of the sieve and the cherry material less the weight of the sieve. Calculate the percent of the cherry content of each pie with the following formula, and then calculate the average percent of the entire random sample:

Percent of the cherry content of the pie = $\frac{\text{Weight of washed and drained cherries}}{\text{Net weight of pie}} \times 100$.

(3) If the quality of the frozen cherry pie falls below the standard of quality prescribed by 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 therein; but in lieu of the words prescribed for the second line inside the rectangle, the

label may bear the alternative statement “Below standard in quality _____”, the blank being filled in with the following words, as applicable: “too few cherries”, or “blemished cherries”. Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name of the food as prescribed by paragraph (a) of this section.

[42 FR 14449, Mar. 15, 1977, as amended at 58 FR 2882, Jan. 6, 1993]

PART 155—CANNED VEGETABLES

Subpart A—General Provisions

Sec.

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AUTHORITY: 21 U.S.C. 321, 341, 343, 348, 371, 379e.

SOURCE: 42 FR 14449, Mar. 15, 1977, unless otherwise noted.

Subpart A—General Provisions

§ 155.3 Definitions.

For the purposes of this part:

(a) The procedure for determining drained weight is set forth in the “Official Methods of Analysis of the Association of Official Analytical Chemists,” 13th Ed. (1980), sections 32.001–32.003, which is incorporated by reference. Copies are available from the Association of Official Analytical Chemists International, 481 North Frederick Ave, suite 500, Gaithersburg, MD 20877–2504, or available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(b) *Compliance* means the following: Unless otherwise provided in a standard, a lot of canned vegetables shall be deemed in compliance for the following factors, to be determined by the sampling and acceptance procedure as provided in paragraph (c) of this section, namely:

(1) *Quality*. The quality of a lot shall be considered acceptable when the number of defectives does not exceed the acceptance number (c) in the sampling plans.

(2) *Fill of container*. A lot shall be deemed to be in compliance for fill of container (packing medium and vegetable ingredient) when the number of defectives does not exceed the acceptance number (c) in the sampling plans.

(3) *Drained weight*. A lot shall be deemed to be in compliance for drained weight based on the average value of all samples analyzed according to the sampling plans.

(c) The *sampling and acceptance procedure* means the following:

(1) *Definitions*—(i) *Lot*. A collection of primary containers or units of the same size, type, and style manufactured or packed under similar conditions and handled as a single unit of trade.

(ii) *Lot size*. The number of primary containers or units in the lot.

(iii) *Sample size*. The total number of sample units drawn for examination from a lot.

(iv) *Sample unit*. A container, a portion of the contents of a container, or a composite mixture of product from small containers that is sufficient for the examination or testing as a single unit. For fill of container, the sample unit shall be the entire contents of the container.

(v) *Defective*. Any sample unit shall be regarded as defective when the sample unit does not meet the criteria set forth in the standards.

(vi) *Acceptance number (c)*. The maximum number of defective sample units permitted in the sample in order to consider the lot as meeting the specified requirements.

(vii) *Acceptable quality level (AQL)*. The maximum percent of defective sample units permitted in a lot that will be accepted approximately 95 percent of the time.

(2) *Sampling plans*.

Lot size (primary containers)	Size of container	
	<i>n</i> ¹	<i>c</i> ²
NET WEIGHT EQUAL TO OR LESS THAN 1 KG (2.2 LB)		
4,800 or less	13	2
4,801 to 24,000	21	3
24,001 to 48,000	29	4
48,001 to 84,000	48	6
84,001 to 144,000	84	9
144,001 to 240,000	126	13
Over 240,000	200	19
NET WEIGHT GREATER THAN 1 KG (2.2 LB) BUT NOT MORE THAN 4.5 KG (10 LB)		
2,400 or less	13	2
2,401 to 15,000	21	3
15,001 to 24,000	29	4
24,001 to 42,000	48	6
42,001 to 72,000	84	9
72,001 to 120,000	126	13
Over 120,000	200	19
NET WEIGHT GREATER THAN 4.5 KG (10 LB)		
600 or less	13	2
601 to 2,000	21	3
2,001 to 7,200	29	4
7,201 to 15,000	48	6
15,001 to 24,000	84	9
24,001 to 42,000	126	13
Over 42,000	200	19

¹ *n* = number of primary containers in sample.
² *c* = acceptance number.

(d) *Strength and redness of color* means at least as much red as is obtained by comparison of the prepared product, with the blended color produced by spinning a combination of the following concentric Munsell color discs of equal diameter, or the color equivalent of such discs:

- Disc 1—Red (5R 2.6/13) (glossy finish)
- Disc 2—Yellow (2.5 YR 5/12) (glossy finish)
- Disc 3—Black (N1) (glossy finish)
- Disc 4—Grey (N4) (mat finish)

Such comparison is to be made in full diffused daylight or under a diffused light source of approximately 2691 lux (250 footcandles) and having a spectral quality approximating that of daylight under a moderately overcast sky, with a correlated color temperature of 7,500 degrees Kelvin ±200 degrees. With the light source directly over the disc and product, observation is made at an angle of 45 degrees from a distance of about 24 inches from the product. Electronic color meters may be used as an alternate means of determining the

color of tomato concentrates. Such meters shall be calibrated to indicate that the color of the product is as red or more red than that produced by spinning the Munsell color discs in the combination as set out above.

(e) *Tomato soluble solids* means the sucrose value as determined by the method prescribed in the "Official Methods of Analysis of the Association of Official Analytical Chemists," 13th Ed., 1980, sections 32.014 to 32.016 and 52.012, under the headings "Soluble Solids in Tomato Products Official Final Action" and "Refractive Indices (n) of Sucrose Solutions at 20°," which is incorporated by reference. Copies are available from the Association of Official Analytical Chemists International, 481 North Frederick Ave., suite 500, Gaithersburg, MD 20877-2504, or are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC. If no salt has been added, the sucrose value obtained from the referenced tables shall be considered the percent of tomato soluble solids. If salt has been added either intentionally or through the application of the acidified break, determine the percent of such added sodium chloride as specified in paragraph (f) of this section. Subtract the percentage so found from the percentage of total soluble solids found (sucrose value from the refractive index tables) and multiply the difference by 1.016. The resultant value is considered the percent of "tomato soluble solids."

(f) *Salt* means sodium chloride, determined as chloride and calculated as percent sodium chloride, by the method prescribed in "Official Methods of Analysis of the Association of Official Analytical Chemists," 13th Ed., 1980, sections 32.025 to 32.030, under the heading "Method III (Potentiometric Method)," which is incorporated by reference.

[45 FR 43398, June 27, 1980, as amended at 47 FR 11831, Mar. 19, 1982; 48 FR 3954, Jan. 28, 1983; 54 FR 24895, June 12, 1989; 63 FR 14035, Mar. 24, 1998]

Subpart B—Requirements for Specific Standardized Canned Vegetables

§155.120 Canned green beans and canned wax beans.

(a) *Identity*—(1) *Definition*. Canned green beans and canned wax beans are the foods prepared from succulent pods of fresh green bean or wax bean plants conforming to the characteristics of *Phaseolus vulgaris* L. and *Phaseolus coccineus* L. The optional color and varietal types and styles of the bean ingredient are set forth in paragraph (a)(2) of this section. The product is packed with water or other suitable aqueous liquid medium to which may be added one or more of the other optional ingredients set forth in paragraph (a)(3) of this section. Such food is so processed by heat, in an appropriate manner before or after being sealed in a container, as to prevent spoilage.

(2) *Optional color and varietal types and styles of pack*. The optional color and varietal types and styles of the bean ingredient referred to in paragraph (a)(1) of this section are:

(i) *Optional color types*. The beans shall be one of the following distinct color types: (a) Green; or (b) Wax.

(ii) *Optional varietal types*—(a) *Round*. Beans having a width not greater than 1½ times the thickness of the bean; or

(b) *Flat*. Beans having a width greater than 1½ times the thickness of the bean.

(iii) *Optional styles of pack*—(a) *Whole*. Whole pods of any length.

(b) *Shoestring or sliced lengthwise or French style*. Pods sliced lengthwise.

(c) *Cuts*. Transversely cut pods not less than 19 mm (0.75 in) long as measured along the longitudinal axis, which may contain the shorter end pieces that result from cutting such pods.

(d) *Short cuts*. Pieces of pods cut transversely of which 75 percent, by count, or more are less than 19 mm (0.75 in) in length and not more than 1 percent by count are more than 32 mm (1¼ in) in length.

(e) *Diagonal cuts*. Pods cut in lengths as specified in paragraph (a)(2)(iii)(c) of