

(c) *Certificate by processors.* Upon request by the committee each approved processor shall submit to the committee on or before the 10th day of each month a report of the oranges and grapefruit used during the preceding calendar month. Each report shall contain a certificate to the United States Department of Agriculture and to the committee as to the truthfulness of the information shown therein.

(d) *Diversion report.* Each handler who ships fruit to processors for processing shall report to the committee on a form approved by it the following information:

- (1) Name and address of the processor's place of business where the fruit was shipped;
- (2) The net weight of oranges or grapefruit;
- (3) Truck license number or rail car initial and number;
- (4) Inspection certificate number; and
- (5) Such other information as the committee may require.

The handler shall prepare 4 copies of the report and sign them. The original copy shall be submitted to the committee within 7 days. One copy shall be retained by the handler. One copy shall be given to the party transporting the fruit who, upon arrival at the processor's place of business, shall turn it over to the party receiving the fruit with the understanding that the processor will record thereon the actual net weight of the fruit received and forward such copy to the committee office. One copy shall be submitted to the processor along with the invoice.

[39 FR 44736, Dec. 27, 1974, as amended at 54 FR 18095, Apr. 27, 1989]

**§ 906.137 Handlers use of identifying marks utilized by the committee in promotional and advertising projects.**

(a) Pursuant to § 906.37, the identifying marks "Texasweet", "Sweeter By Nature", "Texas Fancy", and "Texas Choice" shall be available to handlers only under the following terms and conditions:

- (1) The identifying marks "Texasweet" and "Sweeter by Nature" may severally or jointly be affixed only to containers of grapefruit or to indi-

vidual grapefruit comprising a lot which grades at least U.S. No. 1.

(2) The identifying mark "Texas Fancy" may be affixed only to containers of grapefruit or to individual grapefruit comprising a lot which grades at least U.S. No. 1 with no more than 40 percent of the surface of the grapefruit, in the aggregate, affected by discoloration.

(3) The identifying mark "Texas Choice" may be affixed only to containers of grapefruit or to individual grapefruit comprising a lot which grades at least U.S. No. 2, with no more than 60 percent of the surface of the grapefruit, in the aggregate, affected by discoloration.

(4) The identifying marks "Texasweet" and "Sweeter by Nature" may severally or jointly be affixed only to containers of oranges or to individual oranges comprising a lot which grades at least U.S. Combination, with not less than 60 percent, by count, of the oranges in each container thereof grading at least U.S. No. 1 and the remainder U.S. No. 2.

(5) The identifying mark "Texas Choice" may be affixed only to containers of oranges or to individual oranges comprising a lot which grades at least U.S. No. 2, except that in determining whether the fruit is reasonably well colored the yellow or orange color must predominate over the green color on at least 75 percent of the fruit surface in the aggregate which is not discolored.

(b) When used herein, terms relating to grade shall have the same meaning as is given to the respective term in the U.S. Standards for Grapefruit (Texas and States other than Florida, California, and Arizona) (7 CFR 51.620 through 51.653) and in the U.S. Standards for Oranges (Texas and States other than Florida, California, and Arizona) (7 CFR 51.680 through 51.714).

[33 FR 14069, Sept. 17, 1968, as amended at 53 FR 40398, Oct. 17, 1988; 53 FR 50916, Dec. 19, 1988; 70 FR 51578, Aug. 31, 2005]

**§ 906.151 Reports.**

(a) During each fiscal period, each handler shall upon request by the committee file with the committee within

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the time specified in the request an accurate report showing the total quantity of oranges and the total quantity of grapefruit received by him during such fiscal period or the preceding fiscal period, as requested.

(b) Each handler who sells over 400 pounds of oranges or grapefruit or a combination of both for resale inside the production area shall, for each transaction, report to the committee on a form approved by it the following information:

- (1) Name and address of seller;
- (2) Name and address of buyer;
- (3) Description and quantity of oranges or grapefruit sold;
- (4) Destination of fruit;
- (5) A statement that the buyer certifies that fruit that is subsequently taken outside the production area for resale will be inspected; and
- (6) Such other pertinent information as the committee may require.

(c) The handler shall prepare the report in triplicate. The buyer shall sign the certification statement. The pink copy shall be submitted to the committee within 7 days. The white copy shall be retained by the handler and the canary copy shall be given to the buyer. Such form shall be reviewed by the committee staff and the information compiled for the committee's use.

[34 FR 6651, Apr. 18, 1969, as amended at 61 FR 64255, Dec. 4, 1996; 62 FR 3603, Jan. 24, 1997]

EDITORIAL NOTE: After January 1, 1979, "Budget of Expenses and Rate of Assessment" regulations (e.g. sections .200 through .299) and "Handling" regulations (e.g. sections .366 through .399) which are in effect for a year or less, will not be carried in the Code of Federal Regulations. For FEDERAL REGISTER citations affecting these regulations, see the List of Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

**§ 906.235 Assessment rate.**

On and after August 1, 2004, an assessment rate of \$0.12 per  $\frac{7}{10}$ -bushel carton or equivalent is established for oranges and grapefruit grown in the Lower Rio Grande Valley in Texas.

[69 FR 45233, July 29, 2004]

**7 CFR Ch. IX (1-1-08 Edition)**

**Subpart—Container and Pack Requirements**

**§ 906.340 Container, pack, and container marking regulations.**

(a) No handler shall handle any variety of oranges or grapefruit grown in the production area unless such fruit is in one of the following containers, and the fruit is packed and the containers are marked as specified in this section:

(1) *Containers.* (i) Closed fiberboard carton with inside dimensions of  $13\frac{1}{4} \times 10\frac{1}{2} \times 7\frac{1}{4}$  inches: *Provided*, That the container has a Mullen or Cady test of at least 200 pounds;

(ii) Closed fully telescopic fiberboard carton with inside dimensions of  $16\frac{1}{2} \times 10\frac{3}{4} \times 9\frac{1}{2}$  inches;

(iii) Closed fiberboard carton with inside dimensions of  $20 \times 13\frac{1}{4}$  inches and a depth from  $9\frac{3}{4}$  to 13 inches: *Provided*, That the container has a Mullen or Cady test of at least 250 pounds: *And Provided further*, That the container may be used to pack any poly or mesh bags authorized in this section;

(iv) Poly or mesh bags having a capacity of four, five, eight, ten, or 18 pounds of fruit: *Provided*, That only oranges are to be packed in the four-pound bag.

(v) Rectangular or octagonal bulk fiberboard crib with approximate dimensions of 46 to  $47\frac{1}{2}$  inches in length, 37 to 38 inches in width, and 36 inches in height: *Provided*, That this container has a Mullen or Cady test of at least 1,300 pounds, and that it is used only once for the shipment of citrus fruit: *And Provided further*, That the container may be used to pack any poly or mesh bags authorized in this section, or bulk fruit.

(vi) Rectangular or octagonal  $\frac{2}{3}$  fiberboard crib with approximate dimensions of 46 to  $47\frac{1}{2}$  inches in length, 37 to 38 inches in width, and 24 inches in height: *Provided*, That the crib has a Mullen or Cady test of at least 1,300 pounds, and that it is used only once for the shipment of citrus fruit: *And Provided further*, That the container may be used to pack any poly or mesh bags authorized in this section, or bulk fruit.

(vii) Octagonal fiberboard crib with approximate dimensions of 46 to  $47\frac{1}{2}$  inches in width, 37 to 38 inches in