

SUBCHAPTER 43F - MARKETING AND BRANDING: APPLES AND PEACHES

SECTION .0100 - DEFINITIONS AND STANDARDS

02 NCAC 43F .0101 DEFINITIONS

(a) For the purpose of these Regulations reference is made, unless otherwise specified to Chapter 106, Articles 17 and 18 of the General Statutes:

- (1) "Regulations" is defined to mean rules and regulations of the Board of Agriculture under this Section.
- (2) "Deception" is defined to mean any of the following:
 - (A) any false representation or misleading statement printed, stamped, labeled, branded or attached to any open or closed receptacle designating the name of product, variety, count, size, quality, condition or grade of the product; or
 - (B) when the face, top layer or exposed portion of the contents of any open or closed container is not representative of remaining portion of the receptacle as to variety, count, size, color, quality, condition or grade.
- (3) "Principal Display Panel" is defined to mean that part of a label, bag, bag insert, or other container that is most likely to be displayed, presented, shown or examined under normal and customary conditions of display for retail sale.
- (4) "Fairly Uniform Size" is defined to mean not more than one-fourth of one inch variation between the diameter of the smallest and the largest apple in the package.
- (5) "Closed Container" is defined to mean any container on which the customary top, lid or other covering has been placed or any other container or wrapping in which apples or peaches are enclosed for use in delivery, display or sale of the commodity.
- (6) "Mature" is defined as follows: Apples shall be deemed mature when the soluble solids of Red Delicious or Delicious are not less than 9.5 and Golden Delicious are not less than 10.5 as determined by use of an NCDA approved standard refractometer calibrated to zero with distilled water; and when the firmness of Red Delicious or Delicious does not exceed 20 pounds and of Golden Delicious does not exceed 19 pounds, as determined by an NCDA approved pressure tester. The tests detailed in this Rule when administered by an approved NCDA official will constitute the final decision of the Department of Agriculture. In case of extreme weather conditions, the Commissioner of Agriculture, upon request of the Board of Directors of the N. C. Apple Growers Association, may adjust the percent soluble solids and pounds of firmness criteria.

(b) Words used in this Section in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

*History Note: Authority G.S. 106-185; 106-188; 106-189; 106-195;
Temporary Amendment Eff. August 5, 1985, for a Period of 120 Days to Expire on December 3, 1985;
Eff. August 1, 1982;
Amended Eff. December 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.*