

**RULES  
OF  
GEORGIA DEPARTMENT OF AGRICULTURE  
  
CHAPTER 40-7-7  
ADDITIONAL REGULATIONS APPLICABLE TO  
PECANS**

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**40-7-7-.01 Definition of Terms.**

(1) As used in these regulations, the words set forth below shall have the following meanings:

(a) **"Processor"** — Any person, firm, partnership, or corporation engaged in the business of cracking, shelling, and grading pecan meats for sale or cleaning, grading, storing, bagging, or selling of in-shell pecans, but this term shall not include persons engaged solely in retail sales to the consumer.

(b) **"Grower"** — Any producer of pecans who does not engage in the business of a processor as defined above and who does not sell any pecans at wholesale other than those grown by him.

(c) **"Wholesaler"** — Any person, firm, partnership, or corporation other than a grower, as defined herein, who sells pecans to others for the purpose of resale. This term shall not apply to anyone selling pecans only direct to the consumer unless also engaged in the business of processing as herein defined.

(d) **"Retailer"** — Any person, firm, partnership, or corporation other than a grower, as defined herein, who sells pecans direct to the consumer unless also engaged in the business of processing or wholesaling as herein defined.

(e) **"Pecans fit for human consumption"** — Pecans fit for human consumption sold at retail shall be those shelled or in-shell pecans that meet US and Ga. standard and grades for Number 1 and Commercial; and in the case of unclassified pecans, the pecans shall not exceed the damage and seriously damage tolerances for US and Ga. standard and grades for Commercial.

Authority Ga. L. 1956 as amended; Ga. L. 1937-38, Extra Sess. p. 332; O.C.G.A. Sec. 26-2-1 et seq. **History.** Original Rule entitled "Floors" was F. June 30, 1965. **Repealed:** Now Rule entitled "Definition of Terms" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

**40-7-7-.02 License.** No person, firm, partnership or corporation shall engage in the processing of pecans or selling pecans at wholesale and/or retail, other than those grown by him, within the State of Georgia without first obtaining from the Department of Agriculture of the State of Georgia a license to do so. Application for license shall be a form prescribed by the Commissioner of Agriculture and shall remain in force unless revoked, but shall not be transferable.

Authority Ga. L. 1956 as amended; Ga. L. 1937-38, Extra Sess. p. 332; O.C.G.A. Sec. 26-2-1 et seq. **History.** Original Rule entitled "Cleaning Utensils and Equipment" was F. June 30, 1965. **Repealed:** New Rule entitled "License" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

**40-7-7-.03 Standards and Grades.** Unless graded or classified and properly identified as to the specific grade or classification in accordance with the United States Standards for Grades of Shelled and Pecans In the Shell, all pecans sold or offered for sale in Georgia shall be graded or classified and properly identified in accordance with Georgia Standards for Grades of Shelled Pecans and Pecans In the Shell.

Authority Ga. L. 1956 as amended; Ga. L. 1937-38, Extra Sess. p. 332; O.C.G.A. Sec. 26-2-1 et seq. **History.** Original Rule entitled "Refrigeration" was F. June 30, 1965. **Repealed:** New Rule entitled "Standards and Grade Classifications" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

**40-7-7-.04 Georgia Standards for Grades of Shelled Pecans.**

(1) Georgia No. 1 Halves consist of pecan half kernels which meet the following requirements:

(a) For quality: Well dried; fairly well developed, fairly uniform in color; not darker than "amber" skin color; free from damage or serious damage by any cause; free from pieces of shell, center wall and foreign material; and comply with tolerances for defects (see Rule 40-7-7-.08).

(b) For size: Halves are fairly uniform in size; halves conform to size classification or count specified; and comply with tolerances for pieces, particles, and dust (see Rule 40-7-7-.06).

(2) Georgia No. 1 Halves and Pieces. The requirements for this grade are the same as those for Georgia No. 1 Halves except:

(a) For size: At least 50 percent, by weight, are half kernels; both halves and pieces will not pass through a 5/16 inch round opening; and comply with tolerances for undersize. (See Table III.)

(3) Georgia No. 1 Pieces. The requirements for this grade are the same as those for Georgia No. 1 Halves except:

(a) For quality: No requirement for uniformity of color.

(b) For size: No requirement for percentage of half kernels; conform to any size classification or other size description specified; and comply with applicable tolerances for off size. (See Table III).

(4) Georgia Commercial Halves. The requirements for this grade are the same as those for Georgia No. 1 Halves except:

(a) For quality: No requirement for uniformity of color; and increased tolerances for defects. (See Rule 40-7-7-.08).

(b) For size: No requirement for uniformity of size.

(5) Georgia Commercial Halves and Pieces. The requirements for this grade are the same as those for Georgia No. 1 Halves and Pieces except:

(a) For quality: No requirement for uniformity of color; and increased tolerances for defects. (See Rule 40-7-748.)

(6) Georgia Commercial Pieces. The requirements this grade are the same as those for Georgia. No. 1 Pieces except for:

(a) Increased tolerances for defects. (See Rule 40-7-7-.08.)

Authority Ga. L. 1956 as amended; Ga. L. 1937-38, Extra Sess. p. 332; O.C.G.A. Sec. 26-2-1 et seq. **History.** Original Rule entitled "Sale of Oysters" was F. June 30, 1965. **Repealed:** New Rule entitled "Georgia Standards for Grades of Shelled Pecans" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

**40-7-7-.05 Color Classifications for Shelled Pecans.**

(1) The skin color of pecan kernels may be described in terms of the color classifications provided in this section. When the color of kernels in a lot generally conforms to the "light" or "light amber" classification, that color classification may be used to describe the lot in connection with the grade.

(a) "Light" means that the kernel is mostly golden color or lighter, with not more than 25 percent of the surface darker than golden, and none of the surface darker than light brown.

(b) "Light Amber" means that the kernel has more than 25 percent of its surface light brown, but not more than 25 percent of the surface darker than light brown, and none of the surface darker than medium brown.

(c) "Amber" means that the kernel has more than 25 percent of the surface medium brown, but not more than 25 percent of the surface darker than medium brown, and none of the surface darker than dark brown (very dark brown or blackish-brown discoloration).

(d) "Dark Amber" means that the kernel has more than 25 percent of the surface dark brown, but not more than 25 percent of the surface darker than dark brown (very dark brown or blackish-brown discoloration).

Authority Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1 et seq. **History.** Original Rule entitled "Color Classifications for Shelled Pecans" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

**40-7-7-.06 Size Classifications for Shelled Halves.**

(1) The size of pecan halves in a lot may be specified in accordance with one of the size classifications shown in Table I.

**TABLE I**  
**SIZE CLASSIFICATIONS FOR PECAN HALVES**

<u>Size Classifications for Halves</u>	<u>Number of Halves Per Pound</u>
Mammoth.....	250 or Less
Junior Mammoth.....	251-300
Jumbo.....	301-360
Extra Large.....	351-460
Large.....	451-550
Medium.....	551-650
Small (topper).....	651-750
Midget.....	751 or More

(a) The number of halves per pound shall be based upon the weight of half kernels after all pieces, particles and dust, shell, center wall, and foreign material have been removed.

(b) In lieu of the size classifications in Table I, the size of pecan halves in a lot may be specified in terms of the number of halves or a range of numbers of halves per pound. For example, "400" or "400 - 700".

(c) Tolerance for count per pound: In order to allow for variations incident to proper sizing, a tolerance shall be permitted as follows:

1. When an exact number of halves per pound is specified, the actual count per pound may vary not more than 5 percent from the specified number.

2. When any size classification shown in Table I or a range in count per pound is specified, no tolerance shall be allowed for counts outside of the specified range.

(d) Tolerances for pieces, particles, and dust. In order to allow for variations incident to proper sizing and handling, not more than 15 percent, by weight, of any lot may consist of pieces, particles, and dust: Provided, that no more than one-third of this amount, or 5 percent, shall be allowed for portions less than one-half of a complete half kernel, including not more than 1 percent for particles and dust.

Authority Ga. L. 1956 as amended; O.C.G.A. See 26-2-1 et seq. **History.** Original Rule entitled "Size Classifications for Shelled Halves" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

**40-7-7-.07 Size Classifications for Shelled Pieces.**

(1) The size of pecan pieces in a lot may be specified in accordance with one of the size classifications shown in Table II. Pecan pieces smaller than granules as defined below shall be considered Pecan Meal.

**TABLE II**  
**SIZE CLASSIFICATION**  
**(Inches)**

	<u>Minimum Diameter</u> <i>(will pass through round opening of this size)</i>	<u>Minimum Diameter</u> <i>(will not pass through round opening of this size)</i>
Mammoth Pieces	No Limitation	8/16
Extra Large Pieces	9/16	7/16
Halves and Pieces	No Limitation	5/16
Large Pieces	8/16	5/16
Medium Pieces	6/16	3/16
Small Pieces	4/16	2/16
Midget Pieces	3/16	1/16
Granules	1/16	1/16

(a) In lieu of the size classifications in Table II, the size of pieces in a lot may be specified in terms of minimum diameter, or as a range described in terms of minimum and maximum diameters expressed in sixteenths or sixty-fourths of an inch.

(b) Tolerances for size of pieces: In order to allow for variations incident to proper sizing, tolerances are provided for pieces in a lot which fail to meet the requirements of any size specified. The tolerances, by weight, are shown in Table III.

**Table III**  
TOLERANCE FOR SIZE OF PIECES

<u>Size Classification</u>	<u>Total Tolerance for Offsize Pieces</u>	<u>Tolerance (Included in Total Tolerance) for Pieces Smaller Than</u>	
		2/16 Inch	1/16 Inch
Mammoth Pieces	15%	1%	
Extra Large Pieces	15%	1%	
Halves and Pieces	15%	1%	
Large Pieces	15%	1%	
Medium Pieces	15%	2%	
Small Pieces	15%	2%	
Midget Pieces	15%		2%
Granules	15%		5%
Other Specified Size	15%	1%	

Authority Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1 et seq. **History.** Original Rule entitled "Size Classifications for Shelled Pieces" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

**40-7-7-.08 Tolerances for Defects for Shelled Pecans.**

(1) In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by weight, are provided as specified:

(a) Georgia No. 1 Halves, Georgia No. 1 Halves and Pieces, and Georgia No. 1 Pieces grades: 0.05 percent for shell, center wall, and foreign material; 3 percent for portions of kernels which are "dark amber" or darker color, or darker than any specified lighter color classification but which are not otherwise defective; and 3 percent for portions of kernels which fail to meet the remaining requirements of the grade, including therein not more than 0.50 percent for defects causing serious damage—provided, that any unused portion of this tolerance may be applied to increase the tolerance for kernels which are "dark amber" or darker color, or darker than any specified light color classification.

(b) Georgia Commercial Halves, Georgia Commercial Halves and Pieces, and Georgia Commercial Pieces grades: 0.15 percent for shell, center wall and foreign material; 25 percent for portions of kernels which are "dark amber" or darker color, or darker than any specified lighter color classification, but which are not otherwise defective; and 8 percent for portions of kernels which fail to meet the remaining requirements of the grade, including therein not more than 1 percent for defects causing serious damage.

Authority Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1 et seq. **History.** Original Rule entitled "Tolerance for Defects for Shelled Pecans Wholesaler" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

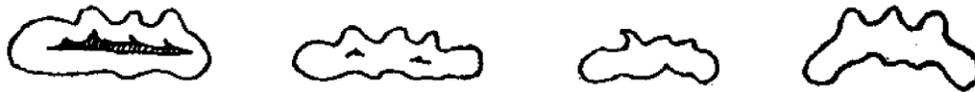
**40-7-7-.09 Application of Standards for Shelled Pecans.** The grade of a lot of Shelled pecans shall be determined on the basis of a composite sample drawn at random from containers in various locations in the lot. However, any identifiable container or number of containers in which the pecans are obviously of a quality or size materially different from that in the majority of containers, shall be considered as a separate lot, and shall be sampled and graded separate lot, and shall be sampled and graded separately.

Authority Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1 et seq. **History.** Original Rule entitled "Application of Standards for Shelled Pecans" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

**40-7-7-.10 Terms Used in Interpreting the Standards for Grades of Shelled Pecans.**

- (1) "**Half Kernel**" means one of the separated halves of an entire pecan kernel with not more than one-eighth of its original volume missing, exclusive of the portion which formerly connected the two halves of the kernel.
- (2) "**Piece**" means a portion of a kernel which is less than seven-eighths of a half kernel, but which will not pass through a round opening two-sixteenths inch in diameter.
- (3) "**Particles and dust**" means, for all size designations except "midget pieces" and "granules," fragments of kernels which will pass through a round opening two-sixteenths inch in diameter.
- (4) "**Well dried**" means that the portion of kernel is firm and crisp, not pliable or leathery.
- (5) "**Fairly well developed**" means that the kernel has at least a moderate amount of meat in proportion to its width and length. (See Figure 1.)

**FIGURE 1**  
CROSS SECTION ILLUSTRATION  
(Illustrations from *United States Standards for Grades of Pecans in the Shell*, USDA 1976)



1. WELL DEVELOPED

Lower limit. Kernels having less meat content than these are not considered well developed.



2. FAIRLY WELL DEVELOPED

Lower limit for U. S. No. 1 grade. Kernels having less meat content than these are not considered fairly well developed and are classed as damaged.



3. POORLY DEVELOPED

Lower limit, damaged but not seriously damaged. Kernels having less meat content than these are considered undeveloped and are classed as seriously damaged.

- (6) "**Poorly developed**" means that the kernel has a small amount of meat in proportion to its width and length. (See Figure 1).

(7) "**Fairly uniform in color**" means that 90 percent or more of the kernels in the lot have skin color within the range of one or two color classifications.

(8) "**Fairly uniform in size**" means that, in a representative sample of 100 halves, the 10 smallest halves weigh not less than one-half as much as the 10 largest halves.

(9) "**Damage**" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, or any other defect, or any combination of defects, which materially detracts from the appearance or the edible or marketing quality of the individual portion of the kernel or of the lot as a whole. The following defects should be considered as damage:

(a) Adhering material from inside the shell when attached to more than one-fourth of the surface on one side of the half-kernel or piece.

(b) Dust or dirt adhering to the kernel when conspicuous.

(c) Kernel which is not well dried.

(d) Kernel which is "dark amber" or darker color.

(e) Kernel having more than one dark kernel spot, or one dark kernel spot more than one-eighth inch in greatest dimension.

(f) Shriveling when the surface of the kernel is very conspicuously wrinkled.

(g) Internal flesh discoloration of a medium shade of gray or brown extending more than one-fourth the length of the half-kernel or piece, or lesser areas of dark discoloration affecting the appearance to an equal or greater extent.

(h) "Poorly developed kernel." (See Figure 1.)

(10) "**Serious damage**" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, or any other defect, or any combination of defects, which seriously detracts from the appearance or the edible or marketing quality of the individual portion of kernel or of the lot as a whole. The following defects shall be considered as serious damage:

(a) Any plainly visible mold.

(b) Rancidity when the kernel is distinctly rancid to the taste. Staleness of flavor shall not be classed as rancidity.

(c) Decay affecting any portion of the kernel.

(d) Insects, web, or frass or any distinct evidence of insect feeding on the kernel.

(e) Internal discoloration which is dark gray, dark brown, or black and extends more than one-third the length of the half-kernel or piece.

(f) Adhering material from inside the shell when attached to more than one-half of the surface on one side of the half-kernel or piece.

(g) Dark Kernel spots when more than three are on the kernel, or when any dark kernel spot or the aggregate of two or more spots affect an area of more than 10 percent of the surface of the half kernel or piece.

(h) Dark skin discoloration, darker than "dark brown," when covering more than one-fourth of the surface of the half kernel or piece.

(i) Undeveloped kernel. (See Figure 1.)

Authority Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1 et seq. **History.** Original Rule entitled "Terms Used in Interpreting the Grades of Shelled Pecans" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

**40-7-7-.11 Metric Conversion Table.**

**METRIC CONVERSION TABLE**  
§51.1451 Metric Conversion Table

<u>Inches (in)</u>	<u>Millimeters (mm)</u>
8/16	12.7
7/16	11.1
6/16	9.5
5/16	7.9
4/16	6.4
3/16	4.8
2/16	3.2
6/64	2.4
5/64	2.0
1/16	1.6

Authority Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1 et seq. **History.** Original Rule entitled "Metric Conversion Table" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

**40-7-7-.12 Georgia Standards for Grades of Pecans In the Shell.**

(1) Georgia No. 1 consists of pecans in the shell which meet the following requirements:

- (a) Free from loose extraneous or foreign material.
- (b) Shells are fairly uniform in color and free from damage by any cause.
- (c) Kernels are free from damage by any cause.
- (d) Comply with tolerances in Paragraph 40-7-7-.15(1).

(2) Georgia Commercial. The requirements for this grade are the same as for Georgia No. 1 except for:

- (a) No requirement for uniformity of color of shells.
- (b) Increased tolerances for defects. (See Paragraph 40-7-7-.16(2)).

(3) Unclassified consists of pecans in the shell which have not been classified in accordance with either of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

Authority Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1 et seq. **History.** Original Rule entitled "Georgia Standards for Grades of Pecans In the Shell" adopted. F. Apr. 30 1996; eff. May 20, 1996.

**40-7-7-.13 Size Classifications for Pecans in the Shell.** Size of pecans may be specified in connection with the grade in accordance with one of the following classifications. To meet the requirements for any one of these classifications, the lot must conform to both the specified number of nuts per pound and the weight of the 10 smallest nuts per 100-nut sample:

<u>Size Classification</u>	<u>Number of Nuts Per Pound</u>	<u>Minimum Weight of the 10 Smallest Nuts in a 100-Nut Sample</u>
Oversize	55 or Less	
Extra large	56 to 63	In each classification, the 10 smallest nuts per 100 must weigh at least 7 percent of the total weight of the 100-nut sample.
Large	64 to 77	
Medium	78 to 95	
Small	96 to 120	

Authority Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1 et seq. **History.** Original Rule entitled "Size Classifications for Pecans in the Shell" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

**40-7-7-.14 Kernel Color Classification for Pecans in the Shell.**

(1) The skin color of pecan kernels may be described in terms of the color classifications provided in this section. When the color of kernels in a lot generally conforms to the "light" or "light amber" classification, that color classification may be used to describe the lot in connection with the grade.

(a) "**Light**" means that the outer surface of the kernel is mostly golden color or lighter, with not more than 25 percent of the outer surface darker than golden, none of which is darker than light brown.

(b) "**Light amber**" means that more than 25 percent of the outer surface of the kernel is light brown, with not more than 25 percent of the outer surface darker than light brown, none of which is darker than medium brown.

(c) "**Amber**" means that more than 25 percent of the outer surface of the kernel is medium brown, with not more than 26 percent of the outer surface darker than medium brown, none of which is darker than dark brown (very dark brown or blackish-brown discoloration).

(d) "**Dark amber**" means that more than 25 percent of the outer surface of the kernel is dark brown, with not more than 25 percent of the outer surface darker than dark brown (very dark brown or blackish-brown discoloration).

Authority Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1 et seq. **History.** Original Rule entitled "Kernel Color for Pecans In the Shell" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

**40-7-7-.15 Tolerances for Defects for Pecans in the Shell.**

(1) In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances are provided as specified:

(a) Georgia No. 1:

1. For shell defects, by count, allow 5 percent for pecans with damaged shells, including therein not more than 2 percent for shells which are seriously damaged.

2. For kernel defects, by count, allow 12 percent for pecans with kernels which fail to meet the requirements for the grade or for any specified color classification, including therein not more than 5 percent for kernels which are seriously damaged by any cause. In addition, 8 percent for kernels which fail to meet the color requirements for the grade or for any specified color classification, but which are not seriously damaged by dark discoloration of the skin—provided, that these kernels meet the requirements for the grade other than skin color.

3. For loose extraneous or foreign material, by weight, allow 0.6 percent (one-half of 1 percent).

(b) Georgia Commercial:

1. For shell defects, by count, allow 10 percent for pecans with damaged shells, including therein not more than 3 percent for shells which are seriously damaged.

2. For kernel defects, by count, allow 30 percent for pecans with kernels which fail to meet the requirement of the Georgia No. 1 grade, including therein not more than 10 percent for pecans with kernels which are seriously damaged—provided, that not more than six-tenths of this amount, or 6 percent, shall be allowed for kernels which are rancid, moldy, decayed or injured by insects.

3. For loose extraneous or foreign material, by weight, allow 0.5 percent (one-half of 1 percent).

Authority Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1 et seq. **History.** Original Rule entitled "Tolerance for Defects for Pecans in the Shell" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

**40-7-7-.16 Application of Standards for Pecans in the Shell.** The grade of a lot of pecans shall be determined on the basis of a composite sample drawn at random from containers in various locations in the lot. However, any identifiable containers in which the pecans are obviously of a quality or size materially different from that in the majority of containers, shall be considered as a separate lot, and shall be sampled and graded separately.

Authority Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1 et seq. **History.** Original Rule entitled "Application of Standards for Pecans in the Shell" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

**40-7-7-.17 Terms Used in Interpreting the Standards for Grades of Pecans in the Shell.**

(1) "**Fairly uniform in color**" means that the shells do not show sufficient variation in color to materially detract from the general appearance of the lot.

(2) "**Loose extraneous or foreign material**" means loose hulls, empty broken shells, or any substance other than pecans in the shell or pecan kernels.

(3) "**Well developed**" means that the kernel has a large amount of meat in proportion to its width and length. (See Figure 1).

(4) "**Fairly well developed**" means that the kernel has at least a moderate amount of meat in proportion to its width and length. Shriveling and hollowness shall be considered only to the extent that they have reduced the meatiness of the kernel. (See Figure 1.)

(5) "**Poorly developed**" means that the kernel has a small amount of meat in proportion to its width and length. (See Figure 1.)

(6) "**Well cured**" means that the kernel separates freely from the shell, breaks cleanly when bent, without splintering, shattering, or loosening the skin; and the kernel appears to be in good shipping or storage condition as to moisture content.

(7) "**Damage**" means any specific defect described in this section; or any equally objectionable variation of any one of these defects, or any other defect, or any combination of defects, which materially detracts from the appearance or the edible or marketing quality of the individual pecan or the general appearance of the pecans in the lot. The following defects shall be considered as damage:

(a) Adhering hull material or dark stains affecting an aggregate of more than 5 percent of the surface of the individual shell.

(b) Split or cracked shells when the shell is spread apart or will spread upon application of slight pressure.

(c) Broken shells when any portion of the shell is missing.

(d) Kernels which are not well cured.

- (e) Poorly developed kernels.
  - (f) Kernels which are dark amber in color.
  - (g) Kernel spots when more than one dark spot is present on either half of the kernel, or when any such spot is more than one eighth inch in greatest dimension.
  - (h) Adhering material from the inside of the shell when firmly attached to more than one-third of the outer surface of the kernel and contrastive in color with the skin of the kernel.
  - (i) Internal flesh discoloration of a medium shade of gray or brown extending more than one-fourth inch lengthwise beneath the center ridge, or an equally objectionable amount in other portions of the kernel; or lesser areas of dark discoloration affecting the appearance to an equal or greater extent.
- (8) "**Serious damage**" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, or any other defect, or any combination of defects, which seriously detracts from the appearance or the edible or marketing quality of the individual pecan. The following defects shall be considered as serious damage:
- (a) Adhering hull material or dark stains affecting an aggregate of more than 20 percent of the surface of the individual shell.
  - (b) Broken shells when the missing portion of shell is greater in area than a circle one-fourth inch in diameter.
  - (c) Worm holes when penetrating the shell.
  - (d) Rancidity when the kernel is distinctly rancid to the taste. Staleness of flavor shall not be classed as rancidity.
  - (e) Mold, on the surface or inside the kernel, which is plainly visible without magnification.
  - (f) Decay affecting any portion of the kernel.
  - (g) Insect injury when the insect, web or frass is present inside the shell, or the kernel shows distinct evidence of insect feeding.
  - (h) Kernel spots when more than three dark spots are on either half of the kernel, or when any spot or the aggregate of two or more spots on one of the halves of the kernel affects more than 10 percent of the surface.
  - (i) Dark discoloration of the skin which is darker than dark amber over more than 25 percent of the outer surface of the kernel.
  - (j) Internal flesh discoloration of a dark shade extending more than one-third the length of the kernel beneath the ridge, or an equally objectionable amount of dark discoloration in other portions of the kernel.
  - (k) Undeveloped kernels having practically no food value, or which are black (complete shell containing no kernel).

Authority Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1 et seq. **History.** Original Rule entitled "Terms Used in Interpreting the Standards for Grades of Pecans in the Shell" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

**40-7-7-.18 Identification and Labeling by Processor and Wholesaler.** All pecans sold or offered for sale in Georgia by a processor or wholesaler shall be properly identified and labeled in accordance with the appropriate United States or Georgia grade or classification. An invoice indicating the proper identification and labeling and where the particular lot of pecans can be identified by the invoice would satisfy this requirement. Additionally, each processor or wholesaler shall maintain an invoice record of each sale and purchase for a period of one year. The

invoice record of each sale and purchase shall indicate the proper United States or Georgia grade or classification, and this record shall be made available to a Georgia Department of Agriculture inspector upon request.

Authority Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1 et seq. **History.** Original Rule entitled "Identification and Labeling by Processor and Wholesaler" adopted. F. Apr. 30, 1966; eff. May 20, 1996.

#### **40-7-7-.19 Retail Sale and Labeling of Pecans.**

(1) Pecans in the Shell. Only in the shell pecans defined as fit for human consumption shall be sold or offered for sale at retail in Georgia. When in package form, the pecans shall be labeled giving the name and grade or classification of the product; accurate net contents in terms of weight; and the name and address of manufacturer, distributor or retailer. The grade or classification shall be indicated in conjunction with the product name and shall be at least 1/2 the print size of the product name. When commercial and unclassified pecans in the shell are sold at retail in package form, the following statement shall be indicated in conjunction with the grade or classification: "Product contains at least 70% Number 1 Nuts." This statement shall be the same size print as the grade or classification. When pecans are sold from bulk, there shall be attached to the container from which the sale is being made a sign which shall be clearly visible to the customer giving the grade or classification of the pecans. When commercial and unclassified pecans in the shell are sold at retail from bulk, the following statement shall be indicated in conjunction with the grade or classification: "Product contains at least 70% Number 1 Nuts." This statement shall be same size print as the grade or classification.

(2) Shelled pecans. Only shelled pecans defined as fit for human consumption shall be sold or offered for sale at retail in Georgia. When in package form, the pecans shall be labeled giving the name and grade of classification of the product; accurate net contents in terms of weight; and the name and address of manufacturer, distributor, or retailer. The grade or classification shall be indicated in conjunction with the product name and shall be at least 1/2 the print size of the product name. When commercial and unclassified shelled pecans are sold at retail in package form, the following statement shall be indicated in conjunction with the grade or classification: "Product contains at least 67% Number 1 Nuts." This statement shall be the same size print as the grade or classification. When pecans are sold from bulk, there shall be attached to the container from which the sale is being made a sign which shall be clearly visible to the customer giving the grade or classification of the pecans. When commercial and unclassified shelled pecans are sold at retail from bulk, the following statement shall be indicated in conjunction with the grade or classification: "Product contains at least 67% Number 1 Nuts." This statement shall be same size print as the grade or classification.

Authority Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1 et seq. **History.** Original Rule entitled "Retail Sale and Labeling of Pecans" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

#### **40-7-7-.20 Reconditioning, Regrading, and/or Destruction of Pecans.**

(1) Pecans in the shell and shelled pecans found not to meet the required and prescribed grade or classification may be permitted to be reconditioned or regraded under supervision of a Georgia Department of Agriculture Inspector. Otherwise, the pecans will have to be crushed or denatured and disposed of by a method approved by the Georgia Department of Agriculture.

(2) Pecans in the shell and shelled pecans found unacceptable for human consumption and pecans removed during the grading process (blow outs, etc.) shall be crushed or denatured and disposed of by a method approved by the Georgia Department of Agriculture.

(3) Reconditioning, regrading, and/or destruction of pecans in no way exempts the Department from initiating appropriate action and remedies as provided by Georgia law.

Authority Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1 et seq. **History.** Original Rule entitled "Reconditioning, Regrading, and/or Destruction of Pecans" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

**40-7-7-.21 Frotscher Color Exemption.** When grading or classifying pecans in the shell and shelled pecans as Ga. No. 1, Georgia Commercial, or Georgia Unclassified, color which is directly related to the genetic characteristic of the Frotscher pecan shall not be considered as damage.

Authority Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1 et seq. **History.** Original Rule entitled "Frotscher Color Exemption" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

**40-7-7-.22 Grower Exemption.** Any producer of pecans who does not engage in the business of a processor and who does not sell any pecans at wholesale and retail other than those grown by him is exempt from the licensing, grading, and labeling requirements.

Authority Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1 et seq. **History.** Original Rule entitled "Grower Exemption" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

**40-7-7-.23 Limitation of the Term "New Crop."** No person is allowed to use term "New Crop" in advertising, displaying, selling, offering for sale, or holding for the purpose of selling pecans after the month of June following the harvest.

Authority Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1 et seq. **History.** Original Rule entitled "Limitation of the Term New Crop" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

**40-7-7-.24 Effective Date.** With the exception of the labeling requirements with reference to grade or classification and per cent damaged pecan statement, the rules and regulations shall become effective July 1, 1975. That part of rules and regulations dealing with labeling requirements of grade or classification and per cent damaged pecan statement shall become effective September 1, 1976.

Authority Ga. L. 1956 as amended; O.C.G.A. Sec. 26-2-1 et seq. **History.** Original Rule entitled "Effective Date" adopted. F. Apr. 30, 1996; eff. May 20, 1996.