juices any of which are made from concentrate(s), the words ''from concentrate(s)'' shall follow the word ''juice(s)'' in the name of the packing medium and in the name(s) of such juice(s) when declared as specified in paragraph (a)(5)(iii) of this section.

(iii) Whenever the names of the fruit juices used do not appear in the name of the packing medium as provided in paragraph (a)(5)(ii)(*b*) of this section, such names and the words ''from concentrate'', as specified in paragraph (a)(5)(ii)(*c*) of this section, shall appear in an ingredient statement pursuant to the requirements of § 101.3(d) of this chapter.

(iv) Label declaration. Each of the ingredients used in the food shall be declared on the label as required by the applicable sections of parts 101 and 130 of this chapter.

(b) [Reserved]

[46 FR 2339, Jan. 9, 1981; 47 FR 6426, Feb. 12, 1982, as amended at 48 FR 2748, Jan. 21, 1983; 58 FR 2879, Jan. 6, 1993]

§ 145.125 Canned cherries.

(a) *Identity*—(1) *Ingredients*. Canned cherries is the food prepared from one of the optional fresh or previously canned cherry ingredients specified in paragraph (a)(2) of this section, which may be packed in one of the optional packing media specified in paragraph (a)(3) of this section. Such food may also contain one, or any combination of two or more, of the following safe and suitable optional ingredients:

(i) Natural and artificial flavors.

(ii) Spice.

(iii) Vinegar, lemon juice, or organic acids. Such food is sealed in a container and before or after sealing is so processed by heat as to prevent spoilage.

(2) *Varietal types and styles*. The optional cherry ingredients referred to in paragraph (a)(1) of this section are prepared from mature pitted or unpitted cherries of the red tart or alternatively, red sour, light sweet or dark sweet varietal group.

(3) *Packing media*. (i) The optional packing media referred to in paragraph (a)(1) of this section, as defined in § 145.3 are:

(*a*) Water.

(*b*) Fruit juice(s) and water.

(*c*) Fruit juice(s).

Such packing media may be used as such or any one or any combination of two or more safe and suitable nutritive carbohydrate sweetener(s) may be added. Sweeteners defined in § 145.3 shall be as defined therein, except that a nutritive carbohydrate sweetener for which a standard of identity has been established in part 168 of this chapter shall comply with such standard in lieu of any definition that may appear in § 145.3.

(ii) When a sweetener is added as a part of any such liquid packing medium, the density range of the resulting packing medium expressed as percent by weight of sucrose (degrees Brix) as determined by the procedure prescribed in § 145.3(m) shall be designated by the appropriate name for the respective density ranges, namely:

(*a*) In the case of sweet cherries:

(*i*) When the density of the solution is less than 16 percent, the medium shall be designated as ''slightly sweetened water''; or ''extra light sirup''; ''slightly sweetened fruit juice(s) and water''; or ''slightly sweetened fruit juice(s)'', as the case may be.

(*ii*) When the density of the solution is 16 percent or more but less than 20 percent, the medium shall be designated as ''light sirup''; ''lightly sweetened fruit juice(s) and water''; or ''lightly sweetened fruit juice(s)'', as the case may be.

(*iii*) When the density of the solution is 20 percent or more but less than 25 percent, the medium shall be designated as ''heavy sirup''; ''heavily sweetened fruit juice(s) and water''; or ''heavily sweetened fruit juice(s)'', as the case may be.

(*iv*) When the density of the solution is 25 percent or more but not more than 35 percent, the medium shall be designated as ''extra heavy sirup''; ''extra heavily sweetened fruit juice(s) and water''; or ''extra heavily sweetened fruit juice(s)'', as the case may be.

(*b*) In the case of red tart cherries:

(*i*) When the density of the solution is less than 18 percent, the medium shall be designated as ''slightly sweetened water''; ''slightly sweetened fruit juice(s) and water''; or ''slightly sweetened fruit juice(s)'', as the case may be.

(*ii*) When the density of the solution is 18 percent or more but less than 22 percent, the medium shall be designated as ''light sirup''; ''lightly sweetened fruit juice(s) and water''; or ''lightly sweetened fruit juice(s)'', as the case may be.

(*iii*) When the density of the solution is 22 percent or more but less than 28 percent, the medium shall be designated as ''heavy sirup''; ''heavily sweetened fruit juice(s) and water''; or ''heavily sweetened fruit juice(s)'', as the case may be.

(*iv*) When the density of the solution is 28 percent or more but not more than 45 percent, the medium shall be designated as ''extra heavy sirup''; ''extra heavily sweetened fruit juice(s) and water''; or ''extra heavily sweetened fruit juice(s)'', as the case may be.

(4) *Labeling requirements.* (i) The name of the food is ''cherries''. The optional varietal type as set forth in paragraph (a)(2) of this section, preceded or followed by the word ''pitted'' when this is the fact, shall be a part of the name. The name of the food shall also include a declaration of any flavoring that characterizes the product as specified in § 101.22 of this chapter and a declaration of any spice or seasoning that characterizes the product; for example, ''Spice added'', or in lieu of the word ''Spice'', the common name of the spice, or ''Seasoned with lemon juice''. When two or more of the optional ingredients specified in paragraph (a)(1)(ii) and (iii) of this section are used, such words may be combined as for example, ''Seasoned with cider vinegar, cloves, and cinnamon oil''.

(ii) The color type and style of the cherry ingredient as provided in paragraph (a)(2) of this section and the name of the packing medium specified in paragraphs (a)(3) (i) and (ii) of this section, preceded by ''In'' or ''Packed in'' or the words ''solid pack'', where applicable, shall be included as part of the name or in close proximity to the name of the food. When the packing medium is prepared with a sweetener(s) which imparts a taste, flavor or other characteristic to the finished food in addition to sweetness, the name of the packing medium shall be accompanied by the name of such sweetener(s), as for example in the case of a mixture of brown sugar and honey, an appropriate statement would be ''_____ sirup of brown sugar and honey'' the blank to be filled in with the word ''light'', ''heavy'', or ''extra heavy'' as the case may be. When the liquid portion of the packing media provided for in paragraphs (a)(3) (i) and (ii) of this section consists of fruit juice(s), such juice(s) shall be designated in the name of the packing medium as:

(*a*) In the case of a single fruit juice, the name of the juice shall be used in lieu of the word ''fruit'';

(*b*) In the case of a combination of two or more fruit juices, the names of the juices in the order of predominance by weight shall either be used in lieu of the word ''fruit'' in the name of the packing medium, or be declared on the label as specified in paragraph (a)(4)(iii) of this section; and

(*c*) In the case of a single fruit juice or a combination of two or more fruit juices any of which are made from concentrate(s), the words ''from concentrate(s)'' shall follow the word ''juice(s)'' in the name of the packing medium and in the name(s) of such juice(s) when declared as specified in paragraph (a)(4)(iii) of this section.

(iii) Whenever the names of the fruit juices used do not appear in the name of the packing medium as provided in paragraph (a)(4)(ii)(*b*) of this section, such names and the words ''from concentrate'', as specified in paragraph (a)(4)(ii)(*c*) of this section, shall appear in an ingredient statement pursuant to the requirements of § 101.3(d) of this chapter.

(iv) Label declaration. Each of the ingredients used in the food shall be declared on the label as required by the applicable sections of parts 101 and 130 of this chapter.

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

(i) In the case of pitted cherries, not more than 1 pit is present in each 20 ounces of canned cherries, as determined by the method prescribed in paragraph (b)(2)(i) of this section.

(ii) In the case of unpitted cherries, the weight of each cherry in the container is not less than 1/10 ounce.

(iii) In the case of unpitted cherries, the weight of the largest cherry in the

container is not more than twice the weight of the smallest cherry therein.

(iv) In the case of unpitted cherries, the total weight of pits is not more than 12 percent of the weight of drained cherries, as determined by the method prescribed in paragraph (b)(2)(ii) of this section.

(v) Not more than 15 percent by count of the cherries in the container are blemished with scab, hail injury, discoloration, scar tissue or other abnormality. A cherry showing skin discoloration (other than scald) having an aggregate area exceeding that of a circle 9/32 inch in diameter is considered to be blemished. A cherry showing discoloration of any area but extending into the fruit tissue is also considered to be blemished.

(2)(i) Pitted canned cherries shall be tested by the following method to determine whether or not they comply with the requirements of paragraph (b)(1)(i) of this section: Take at random such number of containers as to have a total quantity of contents of at least 24 pounds. Open the containers and weigh the contents. Count the pits and pieces of pit shell in such total quantity. Count a piece of pit shell equal to or smaller than one-half pit shell as one-half pit, and a piece of pit shell larger than one-half pit shell as one pit; but when two or more pieces of pit shell are within or attached to a single cherry, count such pieces as one-half pit if their combined size is equivalent to that of one-half pit shell or less, and as one pit if their combined size is equivalent to that of more than one-half pit shell. From the total number of pits so counted and the combined weight of the contents of all the containers, calculate the number of pits present in each 20 ounces of canned cherries.

(ii) Unpitted canned cherries shall be tested by the following method to determine whether or not they comply with the requirements of paragraph (b)(1)(iv) of this section: Tilt the opened container so as to distribute the contents over the meshes of a circular sieve which has previously been weighed. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, or 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is No. 8 woven-wire cloth that complies with the specifications for such cloth set forth in the ''Official Methods of Analysis of the Association of Official Analytical Chemists,'' 13th Ed. (1980), Table 1, ''Nominal Dimensions of Standard Test Sieves (U.S.A. Standard Series),'' under the heading ''Definitions of Terms and Explanatory Notes,'' which is incorporated by reference. Copies may be obtained from the Association of Official Analytical Chemists International, 481 North Frederick Ave., suite 500, Gaithersburg, MD, 20877–2504, or may be examined at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC. Without shifting the cherries, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and drained cherries. The weight so found, less the weight of the sieve, shall be considered to be the weight of drained cherries. Pit the cherries and wash the pits free from adhering flesh. Drain and weigh the pits by the method prescribed above. Divide the weight of pits so found by the weight of drained cherries, and multiply by 100.

(3) If the quality of canned cherries 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 therein specified; but in lieu of such general statement of substandard quality, the label may bear the alternative statement ''Below Standard in Quality _____'', the blank to be filled in with the words specified after the corresponding number of each subparagraph of paragraph (b)(1) of this section which such canned cherries fail to meet, as follows:

(i) ''Partially pitted'';

(ii) ''Small'';

(iii) ''Mixed sizes'';

(iv) ''Thin-fleshed'';

(v) ''Blemished''.

Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name ''Cherries'' and any words and statements required or authorized to appear with such name by § 145.125(a)(2).

(c) *Fill of container.* (1) The standard of fill of container for canned cherries is the maximum quantity of the optional cherry ingredient that can be sealed in the container and processed by heat to prevent spoilage, without crushing such ingredient.

(2) If canned cherries fall below the standard of fill of container prescribed in paragraph (c)(1) of this section, the label shall bear the general statement of substandard fill specified in § 130.14(b) of this chapter, in the manner and form therein specified.

[42 FR 14414, Mar. 15, 1977, as amended at 47 FR 11829, Mar. 19, 1982; 49 FR 10099, Mar. 19, 1984; 54 FR 24895, June 12, 1989; 58 FR 2879, Jan. 6, 1993; 63 FR 14035, Mar. 24, 1998]

§ 145.126 Artificially sweetened canned cherries.

(a) Artificially sweetened canned cherries is the food which conforms to the definition and standard of identity prescribed for canned cherries by § 145.125(a), except that in lieu of a packing medium specified in § 145.125(a)(3), the packing medium used is water artificially sweetened with saccharin, sodium saccharin, or a combination of both. Such packing medium may be thickened with pectin and may contain any mixture of any edible organic salt or salts and any edible organic acid or acids as a flavor-enhancing agent, in a quantity not more than is reasonably required for that purpose.

(b)(1) The specified name of the food is ''artificially sweetened _____'', the blank being filled in with the name prescribed by § 145.125(a) for canned cherries having the same optional cherry ingredient.

(2) The artificially sweetened food is subject to the requirements for label statement of ingredients used, as prescribed for canned cherries by § 145.125(a). If the packing medium is thickened with pectin, the label shall bear the statement ''thickened with pectin''. When any organic salt or acid or any mixture of two or more of these is added, the label shall bear the common or usual name of each such ingredient.

[42 FR 14414, Mar. 15, 1977, as amended at 58 FR 2879, Jan. 6, 1993]

§ 145.130 Canned figs.

(a) *Ingredients.* Canned figs is the food prepared from one of the optional fig ingredients specified in paragraph (b) of this section and one of the optional packing media specified in paragraph (c) of this section, to which lemon juice, concentrated lemon juice or organic acid(s) is added, when necessary to reduce the pH of the finished product to pH 4.9 or below. Such food may also contain one, or any combination of two or more of the following safe and suitable optional ingredients:

(1) Natural and artificial flavoring.

(2) Spice.

(3) Vinegar.

(4) Unpeeled segments of citrus fruits.

(5) Salt.

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

(b) *Varietal types.* The optional fig ingredients referred to in paragraph (a) of this section are prepared from mature figs of the light or dark varieties. Figs (or whole figs), split figs (or broken figs), or any combination thereof are optional fig ingredients. A ''whole fig'' is one which is whole, but may be slightly cracked, provided it retains its natural conformation without exposing the interior. A ''split'' or ''broken'' fig is one that is open to such an extent that the seed cavity is exposed. The shape of the fruit may be distorted, and the fruit may or may not be broken apart into entirely separate pieces.

(c) *Packing media.* (1) The optional packing media referred to in paragraph (a) of this section, as defined in § 145.3 are:

(i) Water.

(ii) Fruit juice(s) and water.

(iii) Fruit juice(s).

Such packing media may be used as such or any one or any combination of two or more safe and suitable nutritive carbohydrate sweetener(s) may be added. Sweeteners defined in § 145.3 shall be as defined therein, except that a nutritive carbohydrate sweetener for which a standard of identity has been established in part 168 of this chapter shall comply with such standard in lieu of any definition that may appear in § 145.3.