

§ 155.172

21 CFR Ch. I (4-1-03 Edition)

(c) *Fill of container.* (1) Except in the case of vacuum pack peas, the fill of pea ingredient and packing medium, as determined by the general method for fill of container prescribed in §130.12(b) of this chapter, is not less than 90 percent of the total capacity of the container.

(2) When the peas and liquid are removed from the container and returned thereto, the leveled peas (irrespective of the quantity of the liquid), 15 seconds after they are so returned, completely fill the container. A container with lid attached by double seam shall be considered to be completely filled when it is filled to 5 millimeters (0.2 inch) vertical distance below the top of the double seam; and a glass container shall be considered to be completely filled when it is filled to 13 millimeters (0.5 inch) vertical distance below the top of the container.

(3) Determine compliance for fill of container as specified in §155.3(b).

(4) If canned peas fall below the standard of fill of container prescribed in paragraph (c)(1) and/or (2) 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.

[45 FR 43398, June 27, 1980, as amended at 47 FR 11832, Mar. 19, 1982; 48 FR 15241, Apr. 8, 1983; 54 FR 24895, June 12, 1989; 58 FR 2882, Jan. 6, 1993; 63 FR 14035, Mar. 24, 1998]

EFFECTIVE DATE NOTE: In §155.170, those portions of paragraph (a)(2) pertaining to the deletion of magnesium, hydroxide, magnesium oxide, and magnesium carbonate were stayed until further notice at 46 FR 35086, July 1, 1981, effective June 30, 1981.

§ 155.172 Canned dry peas.

(a) *Identity.* Canned dry peas conforms to the definition and standard of identity, and is subject to the requirements for label declaration of ingredients, prescribed for canned peas by §155.170(a), except that:

(1) The optional pea ingredient is the dry seeds of the pea plant of the species *Pisum sativum* L. but excluding the subspecies *macrocarpum*.

(2) The optional ingredients specified in §155.170(a)(2)(xii) shall not be used.

(3) The name of the food is "cooked dry peas" or "soaked dry peas". The optional terms specified by

§155.170(a)(3), "early", "June", "sweet", "green", "wrinkled", or any combination thereof, shall not be used on the labels.

(b) *Quality.* (1) The standard of quality for canned dry peas is that specified for canned peas by §155.170(b) except that:

(i) The alcohol-insoluble solids maximums specified in §155.170(b)(1)(vi) do not apply.

(ii) The skins of not more than 25 percent by count of the peas in the container are ruptured to a width of 1.6 millimeters (0.06 inch) or more.

(2) If the quality of canned dry peas falls below the standard of quality prescribed by paragraph (b)(1) of this section, the label shall bear the statement of substandard quality in the manner and form specified in §155.170(b)(3) for canned peas, except that the words "Excessively mealy" shall not be used.

(c) *Fill of container.* (1) The standard of fill of container for canned dry peas is that prescribed for canned peas by §155.170(c).

(2) If canned dry peas fall below the standard of fill of container prescribed by 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.

[45 FR 43399, June 27, 1980, as amended at 48 FR 15241, Apr. 8, 1983; 58 FR 2883, Jan. 6, 1993]

§ 155.190 Canned tomatoes.

(a) *Identity*—(1) *Description.* (i) Canned tomatoes is the food prepared from mature tomatoes conforming to the characteristics of the fruit *Lycopersicon esculentum* P. Mill, of red or reddish varieties. The tomatoes may or may not be peeled, but shall have had the stems and calices removed and shall have been cored, except where the internal core is insignificant to texture and appearance.

(ii) Canned tomatoes may contain one or more of the safe and suitable optional ingredients specified in paragraph (a)(2) of this section, be packed without any added liquid or in one of the optional packing media specified in paragraph (a)(3) of this section and be prepared in one of the styles specified in paragraph (a)(4) of this section. Such food is sealed in a container and before

or after sealing is so processed by heat as to prevent spoilage.

(2) *Optional ingredients.* One or more of the following safe and suitable ingredients may be used:

(i) Calcium salts in a quantity reasonably necessary to firm the tomatoes, but the amount of calcium in the finished canned tomatoes is not more than 0.045 percent of the weight, except that when the tomatoes are prepared in one of the styles specified in paragraphs (a)(4) (ii) to (iv) of this section the amount of calcium is not more than 0.08 percent of the weight of the food.

(ii) Organic acids for the purpose of acidification.

(iii) Dry nutritive carbohydrate sweeteners whenever any organic acid provided for in paragraph (a)(2)(ii) of this section is used, in a quantity reasonably necessary to compensate for the tartness resulting from such added acid.

(iv) Salt.

(v) Spices, spice oils.

(vi) Flavoring and seasoning.

(vii) Vegetable ingredients such as onion, peppers, and celery, that may be fresh or preserved by physical means, in a quantity not more than 10 percent by weight of the finished food.

(3) *Packing media.* (i) The liquid draining from the tomatoes during or after peeling or coring.

(ii) The liquid strained from the residue from preparing tomatoes for canning consisting of peels and cores with or without tomatoes or pieces thereof.

(iii) The liquid strained from mature tomatoes (tomato juice).

(iv) Tomato paste, or tomato puree, or tomato pulp complying with the compositional requirements of § 155.191.

(4) *Styles.* (i) Whole.

(ii) Diced.

(iii) Sliced.

(iv) Wedges.

(5) *Name of the food.* (i) The name of the food is "tomatoes", except that when the tomatoes are not peeled the name is "unpeeled tomatoes".

(ii) The following shall be included as part of the name or in close proximity to the name of the food:

(a) A declaration of any flavoring that characterizes the product as specified in § 101.22 of this chapter.

(b) A declaration of any added spice, seasoning, or vegetable ingredient that characterizes the product, (e.g., "with added \_\_\_\_\_" or "with \_\_\_\_\_" the blank to be filled in with the word(s) "spice(s)", "seasoning(s)", or the name(s) of the vegetable(s) used or in lieu of the word(s) "spice(s)" or "seasoning (s)" the common or usual name(s) of the spice(s) or seasoning(s) used) except that no declaration of the presence of onion, peppers, and celery is required for stewed tomatoes.

(c) The word "stewed" if the tomatoes contain characterizing amounts of at least the three optional vegetables listed in paragraph (a)(2)(vii) of this section.

(d) The styles: "Diced", "sliced", or "wedges" as appropriate.

(e) The name of the packing medium: "tomato paste", "tomato puree", or "tomato pulp" as provided in paragraph (a)(3)(iv) of this section, or "strained residual tomato material from preparation for canning" as provided for in paragraph (a)(3)(ii) of this section, as appropriate. The name of the packing medium shall be preceded by the word "with".

(iii) The following may be included as part of the name or in close proximity to the name:

(a) The word "whole" if the tomato ingredient is whole or almost whole, and the weight of such ingredient is not less than 80 percent of the drained weight of the finished food as determined in accordance with the method prescribed in paragraph (b)(2) of this section.

(b) The words "solid pack" when none of the optional packing media specified in paragraph (a)(3) of this section are used.

(c) The words "in tomato juice" if the packing medium specified in paragraph (a)(3)(iii) of this section is used.

(6) *Label declaration.* The name of each ingredient used 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 tomatoes is as follows:

(i) The drained weight, as determined by the method prescribed in paragraph (b)(2)(i) of this section, is not less than

50 percent of the weight of water required to fill the container, as determined by the general method for water capacity of containers prescribed in § 130.12(a) of this chapter;

(ii) The strength and redness of color as determined by the method prescribed in paragraph (b)(2) of this section, are not less than that of the blended color of any combination of the color discs described in such method in which one-third the area of disc 1, and not more than one-third the area of disc 2, is exposed;

(iii) Peel per kilogram (2.2 pounds) of the finished food covers an area of not more than 15 cm<sup>2</sup> (2.3 square inches) which is equivalent to 6.8 cm<sup>2</sup> (1.06 square inches) per pound based on an average of all containers examined provided, however, that the area of peel is not a factor of quality for canned unpeeled tomatoes labeled in accordance with paragraph (a)(5)(i) of this section; and

(iv) Blemishes per kilogram (2.2 pounds) of the finished food cover an area of not more than 3.5 cm<sup>2</sup> (0.54 square inch) which is equivalent to 1.6 cm<sup>2</sup> (0.25 square inch) per pound based on an average of all containers examined.

(2) Canned tomatoes shall be tested by the following method to determine whether or not they meet the requirements of paragraphs (b)(1) (i) and (ii) of this section:

(i) Remove lid from container, but in the case of a container with lid attached by double seam, do not remove or alter the height of the double seam. 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 used is 20.3 centimeters (8 inches) if the quantity of the contents of the container is less than 1.4 kilograms (3 pounds) or 30.5 centimeters (12 inches) if such quantity is 1.4 kilograms (3 pounds) or more. The meshes of such sieve are made by so weaving wire of 1.4 mm (0.054 inch) diameter as to form square openings 11.3 mm by 11.3 mm (0.446 inch by 0.446 inch). Without shifting the tomatoes, so incline the sieve as to facilitate drainage of the liquid. Two minutes from the time drainage begins, weigh the sieve and drained to-

matoes. The weight so found, less the weight of the sieve, shall be considered to be the drained weight.

(ii) Remove from the sieve the drained tomatoes, cut out and segregate successively those portions of least redness until 50 percent of the drained weight has been so segregated. Comminute the segregated portions to a uniform mixture without removing or breaking the seeds. Fill the mixture into a black container to a depth of at least 25.4 mm (1 inch). Free the mixture from air bubbles, and skim off or press below the surface all visible seeds. Compare the color of the mixture, in full diffused daylight or its equivalent, with the blended color of combinations of the following concentric Munsell color discs of equal diameter, or the color equivalent of such discs:

(a) Red—Munsell 5 R 2.6/13 (glossy finish).

(b) Yellow—Munsell 2.5 YR 5/12 (glossy finish).

(c) Black—Munsell N 1/ (glossy finish).

(d) Grey—Munsell N 4 (mat finish).

(3) Determine compliance as specified in § 155.3(b).

(4) If the quality of canned tomatoes 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; if, however, the quality of canned tomatoes falls below standard with respect to only one of the factors of quality specified by paragraphs (b)(1) (i) to (iii) of this section, there may be substituted for the second line of such general statement of substandard quality ("Good Food—Not High Grade") a new line, appropriate for the corresponding subparagraph designation of paragraph (b)(1) of this section which the canned tomatoes fail to meet, to read as follows:

(i) "Poor color" or

(ii) "Excessive peel" or

(iii) "Excessive blemishes".

(c) *Fill of container.* (1) The standard of fill of container for canned tomatoes is a fill of not less than 90 percent of the total capacity of the container, as determined by the general method for

fill of containers prescribed in § 130.12(b) of this chapter.

(2) Determine compliance as specified in § 155.3(b).

(3) If canned tomatoes 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 14449, Mar. 15, 1977, as amended at 43 FR 12858, Mar. 28, 1978; 43 FR 30274, July 14, 1978; 45 FR 43400, June 27, 1980; 58 FR 17103, Apr. 1, 1993; 59 FR 15051, Mar. 31, 1994]

#### § 155.191 Tomato concentrates.

(a) *Identity*—(1) *Definition*. Tomato concentrates are the class of foods each of which is prepared by concentrating one or any combination of two or more of the following optional tomato ingredients:

(i) The liquid obtained from mature tomatoes of the red or reddish varieties (*Lycopersicon esculentum* P. Mill).

(ii) The liquid obtained from the residue from preparing such tomatoes for canning, consisting of peelings and cores with or without such tomatoes or pieces thereof.

(iii) The liquid obtained from the residue from partial extraction of juice from such tomatoes.

Such liquid is obtained by so straining the tomatoes, with or without heating, as to exclude skins (peel), seeds, and other coarse or hard substances in accordance with good manufacturing practice. Prior to straining, food-grade hydrochloric acid may be added to the tomato material in an amount to obtain a pH no lower than 2.0. Such acid is then neutralized with food-grade sodium hydroxide so that the treated tomato material is restored to a pH of  $4.2 \pm 0.2$ . Water may be added to adjust the final composition. The food contains not less than 8.0 percent tomato soluble solids as defined in § 155.3(e). The food is preserved by heat sterilization (canning), refrigeration, or freezing. When sealed in a container to be held at ambient temperatures, it is so processed by heat, before or after sealing, as to prevent spoilage.

(2) *Optional ingredients*. One or any combination of two or more of the fol-

lowing safe and suitable ingredients may be used in the foods:

(i) Salt (sodium chloride formed during acid neutralization shall be considered added salt).

(ii) Lemon juice, concentrated lemon juice, or organic acids.

(iii) Sodium bicarbonate.

(iv) Water, as provided for in paragraph (a)(1) of this section.

(v) Spices.

(vi) Flavoring.

(3) *Labeling*. (i) The name of the food is:

(a) "Tomato puree" or "tomato pulp" if the food contains not less than 8.0 percent but less than 24.0 percent tomato soluble solids.

(b) "Tomato paste" if the food contains not less than 24.0 percent tomato soluble solids.

(c) The name "tomato concentrate" may be used in lieu of the name "tomato puree," "tomato pulp," or "tomato paste" whenever the concentrate complies with the requirements of such foods; except that the label shall bear the statement "for remanufacturing purposes only" when the concentrate is packaged in No. 10 containers (3.1 kilograms or 109 avoirdupois ounces total water capacity) or containers that are smaller in size.

(d) "Concentrated tomato juice" if the food is prepared from the optional tomato ingredient described in paragraph (a)(1)(i) of this section and is of such concentration that upon diluting the food according to label directions as set forth in paragraph (a)(3)(iii) of this section, the diluted article will contain not less than 5.0 percent by weight tomato soluble solids.

(ii) The following shall be included as part of the name or in close proximity to the name of the food:

(a) The statement "Made from" or "Made in part from," as the case may be, "residual tomato material from canning" if the optional tomato ingredient specified in paragraph (a)(1)(ii) of this section is present.

(b) The statement "Made from" or "Made in part from," as the case may be, "residual tomato material from partial extraction of juice" if the optional tomato ingredient specified in paragraph (a)(1)(iii) of this section is present.