

FV212-CS1

October 1999

Commodity Specification

Shelled Nuts



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I. General**A. U.S. Standards**

Shelled Nuts (product/commodity) produced under this Commodity Specification must meet the requirements specified in the applicable United States Standards for Grades of Shelled Nuts (U.S. Standards) effective on the date of the Invitation for Offers to Sell (Invitation). The U.S. Standards are published separately (7 C.F. R. part 51) and are incorporated herein and made a part of this Commodity Specification.

B. Exceptions to U.S. Standards

Exceptions to the U.S. Standards for the Department of Agriculture (USDA) Shelled Nuts purchases are found in Section II, Individual Product Specifications, of this document. Additional exceptions may be specified in the applicable Invitation. Any exceptions contained in the applicable Invitation shall have precedence over the requirements contained herein, for that Invitation only.

C. Product Origin

1. Commodities delivered pursuant to this Commodity Specification shall have originated from crops that have been 100% grown, processed, and packed in the United States, its territories or possessions, the Commonwealth of Puerto Rico, or the Trust Territories of the Pacific Islands, (hereinafter referred to as the United States). See Section I.F. of Announcement FV-212.
2. If the contractor handles any commodity originating from sources other than the United States, the contractor must have a written plan to segregate the commodity. This segregation plan will include an identification and record system for all commodities to ensure they are completely segregated and cannot be used to fulfill contracts awarded by USDA. Such segregation plan must be made available to representatives of the Agricultural Marketing Service (AMS).
3. The contractor must maintain positive written documentation records evidencing 100 percent domestic origin, to the grower level. Contractors must also ensure that the documentation provided by any sub-contractors demonstrates the same level of traceability. The burden of proof of compliance is on the contractor.

Documentation may include load or warehouse storage receipts for raw product (i.e., bin tags), product blend (formulation) records, product coding explanations, finished product warehousing records, shipping or payment records, or other documentation or evidence that clearly establishes the product's domestic origin.

4. Contractors must provide the domestic origin certification and supporting documentation records to representatives of the AMS Fruit and Vegetable Programs, Fresh Products Branch (USDA Grader) when requesting inspection

service. USDA graders will select and review at least one code for each contract to determine compliance with the Agency's domestic origin requirements.

5. Such records must be available for review by the Government in accordance with Article 76 of USDA-1. In the event of an audit, AMS auditors will examine as many codes as is necessary to verify compliance.
6. Self-certifications by contractors and sub-contractors will not be accepted.
7. Failure to observe this requirement may lead to suspension or debarment, contract termination, and penalties at Title 18, Section 1001 of the U.S. Code concerning falsification of information.

D. Manufacturing Practices

- 1) Good Manufacturing Practices

All Shelled Nuts must be produced in accordance with the Food and Drug Administration's Good Manufacturing Practices (21 C.F.R., Part 110).

E. Packing Season

All Shelled Nuts must be from the current packing season/crop year, unless otherwise specified in the applicable Invitation.

F. Grade of Shelled Nuts

All Shelled Nuts must be U.S. Commercial Grade as defined in the U. S. Standard unless otherwise specified in Section II, Individual Product Specifications, herein or the applicable Invitation.

G. Packing, Labels and Packaging

1. Primary Containers

The nuts must be packed to an average net weight 25 pounds for almonds (shelled whole/slivered) and 30 pounds for walnuts in bags made of polyethylene or similar material approved by the Food and Drug Administration for contact with nuts. Roasted almonds shall be vacuum sealed inside corrugated, fiberboard cartons. The bags must be commercially acceptable and of such size to allow a complete over-lapping closure. The bags must be packed in new, good quality, shipping cases of corrugated, fiberboard construction, rated at a minimum of 200 pounds per square inch bursting strength.

The bags must be suitably code marked so that the product can be identified with related inspection certificates.

2. Secondary Container (case) Markings

The bags shall be further enclosed within new, corrugated fiberboard cartons (cases) acceptable by common or other carriers for safe transportation to destinations. Flaps, gaps and other openings may not exceed 1 inch and must be fully glued or sealed with tape. If tape is used in lieu of glue, it must be clear and of commercially acceptable width and strength. The tape must extend at least two inches down the sides or ends.

Cases must be marked in such a manner that they contain all of the symbols, statements and information contained in Exhibit 1, "Required Markings for Shipping Containers". Cases may be marked by printing or stenciling or by preprinted, self-adhesive stickers. Exact arrangement and adherence to font size is not required. The case markings must be clearly marked, easily read, and substantially the same as specified in Exhibit 1.

Exhibit 2 shows an alternative placard that may be applied to a new, corrugated fiberboard case acceptable by common or other carriers for safe transportation to destinations.

Roasted almonds shall be vacuum-sealed inside corrugated, fiberboard cartons.

The cases must be new, of good quality, and of domestic fiber 200 pound test cases, using a 33 pound kraft medium (42-33-42) or equivalent, with a 275 pound test collar /8 inch greater in height than the inside container depth (69-33-69) or 275 pound bursting strength (44 edge crust test) so as to ensure acceptance by common carrier for safe transportation. Closures should be adequate to ensure sanitary storage; or

Use a 300 pound burst strength cases with no collar or divider in lieu of above, providing the cases are constructed using 76/36/76 kraft paper.

The first three layers of cases on the pallets will be stacked in columns to avoid excessive bulging of the cases. All remaining layers will be alternate-interlock stacked.

Cases must have the recycling statement shown in Exhibit 5, "Please Recycle" Symbol and Statement or Exhibit 6 "Corrugated Recycles" Symbol and Statement.

H. Tape Sealing or Shipping Containers

Shipping cases for shelled nuts may be sealed by plastic tape in lieu of glue. The tape must be of sufficient width and strength that is used commercially to be acceptable by common carriers for safe transportation to destinations. The tape must extend down the sides or ends at least two inches. A tape of the see-through type must be used.

I. Labels and Case Markings

The containers, labels, cases, and case marking shall meet the United States Standards for Condition of Food Containers (7 CFR Part 42). Sanitation – All carriers used for shipment must be clean, free of infestation, and suitable for loading.

J. Condition of Containers, Labels, and Case Markings

The containers, labels, cases, and case marking shall meet the United States Standards for Condition of Food Containers (7 CFR Part 42) except that the Flap (b) section of the Table VI Rigid and Semirigid Containers – Defects – Flap (b) is waived provided that the flap gap does not exceed 1 inch and the flaps are fully glued.

K. Additional Markings

Cases must be marked in such a manner that they contain all of the symbols, statements and information contained in Exhibit 1, “Required Markings for Shipping Containers”.

Cases may be marked by printing or stenciling or by preprinted, self-adhesive stickers.

Exact arrangement and adherence to font size is not required. The case markings must be clearly marked, easily read, and substantially the same as specified in Exhibit 1.

Exhibit 2 shows an alternative placard that may be applied to a new, corrugated fiberboard case acceptable by common or other carriers for safe transportation to destinations.

Cases must have the recycling statement shown in Exhibit 5, “Please Recycle” Symbol and Statement or Exhibit 6, “Corrugated Recycles” Symbol and Statement

Corrugated fiberboard (cardboard) boxes

Steel (Tin) cans

L. Universal Product Codes (UPC)

Primary label and shipping container Universal Product Codes for USDA products are listed in Exhibit 4. The Contractor’s UPC is not acceptable. The primary container UPC must be positioned on the label. The shipping container UPC must be marked on the case as shown in Exhibit 3.

M. Palletization Requirements

1. Pallets

Products must be on 48 X 40 inch, non-reversible, flush stringer, and partial four-way entry. New pallets must be good quality wood. Used pallets must be No.1 hardwood or its equivalent in new softwood. If pallet exchange is desired, the contractor shall arrange for pallet exchange with consignees. USDA is in no way responsible for arrangement of pallet exchange.

2. Unitization

Each delivery unit of Shelled Nuts must be unitized (palletized and stretchwrapped). Shipping cases must be stacked and secured from top to bottom, so that each container and layer of containers becomes an integral part of the pallet. Either stretch wrapping with plastic film or "lock 'n pop" is acceptable.

II. Individual Commodity Specifications**A. Whole, Shelled Almonds**

1. Grade: U.S. No. 1 Grade, if whole natural
2. Variety: Nonpareil, California, or Neplus
3. Size: 30 per ounce or larger
4. Chemical:
 - (i) Moisture: 4.3 percent maximum
 - (i) Aflatoxin: 10 ppb or less

Samples for chemical and biological specifications will be drawn by the Federal or Federal – State Inspection Service and certified by the inspection service and/or DFA*.

B. Shelled, Slivered Almonds

1. Variety: Nonpareil, California, or Neplus
2. Prior to being slivered, must be of U.S. Standard Sheller Run
3. Size: not less than 1/8" in thickness and will pass over an 8/64 inch round hole screen with not more than 5 percent fall through by weight.
4. The slivered almonds must be inspected and certified prior to being sliver for grade and after being slivered for size by the Federal or Federal – State Inspection Service. Samples for chemical and biological specifications will be drawn by the Federal or Federal – State Inspection Service and certified by DFA*.

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Shelled Nuts

5. May be antioxidant coated
6. Chemical – before slicing
 - (j) Moisture: 4.3 percent maximum
 - (i) Aflatoxin: 10 ppb or less
7. Microbiological: after slicing
 - (i) Total Plate Count: 10,000/gram or less
 - (ii) E. coli: Negative
8. The shelled nuts must be packed to an average net weight 25-pounds for **almonds** (shelled slivered)

•A certificate issued by the Dried Fruit Association for conformance with the above chemical and microbiological specifications is required. (See invoices and payment)

C. Shelled Walnuts

1. Grade: U.S. Commercial Grade or better
2. Variety: English or Persian (*Juglans regia*)
- 2 ~~3~~ Size: small pieces
 - (i) 24/1-pounds
 - (ii) 30-pound
4. Color: light amber or better
5. Naturally derived and may be antioxidant coated
6. Chemical:
7. Moisture: 4.3 percent maximum
 - (iii) Aflatoxin: Current Food and Drug Administration Guidelines
8. Microbiological:
 - (i) Total Plate Count: 50,000/gram maximum
 - (ii) E. coli: Negative
9. Must be packed to an average net weight 30-pounds for walnuts in bags made of polyethylene or similar material approved by the Food and Drug Administration for contact with nuts.

III. Inspection and Checkloading

A. Requirements

Representatives of the AMS, Fruit and Vegetable Programs, Fresh Products Branch (USDA Grader) must perform the inspection and checkloading required by Articles 54 and 55 of USDA-1.

The shelled nuts and shelled, slivered almonds shall be inspected, certified, and **Positive Lot Identification** made by the Federal or Federal-State Inspection Service in accordance with Articles 54 and 55 of USDA-1. Inspection for grade will have been performed within **30 days** prior to shipment.

Whether each lot offered meets the product and container requirements of the contract must be determined on the basis of representative sample units. Representative sample units will be graded according to the Regulations Governing Inspection and Certification of Shelled Nuts and Vegetables and Related Products (7 C.F.R. part 51), and United States Standards for Condition of Food Containers (7 C.F.R. part 42.140), effective on the date of the Invitation.

Slivered Almonds must be inspected and certified prior to being slivered for grade and after being slivered for size, by the Federal or Federal State Inspection Service and samples drawn for chemical and biological specification certifications by DFA.

B. Certification

Subject to Articles 54 and 55 of USDA-1, the acceptability of the quality, weight, packaging, and checkloading of the product must be evidenced by certificates issued by the USDA Grader.

No product shall be shipped unless the USDA Grader informs the Contractor that a designated lot is acceptable. Notice by the USDA Grader that a designated lot scheduled for shipment does not meet requirements of the contract shall constitute rejection of such lot.

C. Procedures

The Contractor must give the USDA Grader at least 7 days advance notice when scheduling inspection service. Prior to sampling, the Contractor must furnish the USDA Grader with a list of codes and the approximate number of cases per code.

IV. Failure to Meet Specifications

Any lot which fails applicable specifications prescribed herein will be rejected as not acceptable for delivery, except as noted in A or B below. If any lot of shelled nuts fails to meet the product or packaging requirement noted below, the Contractor may request in writing that USDA accept delivery of the lot. USDA may, at its option, accept delivery, provided that the purchase price is the contract price less the minimum discount specified, depending upon the reason(s) for the failure to meet specifications.

A. Product

1. Net Weight Deficiency

(a) Average Weight Deficiency:

If any lot fails low average net weight, the discount will be twice the percentage by which the lot fails to meet the minimum required weight.

Example: Weight required for a given carton is 20 pounds. The average weight for a given lot of product is 19.5 pounds. Such lot is then 8.0 ounces, or 2.5 percent (.25) below the required weight. The purchase price for such lot would be the contract price less a discount of 5 percent (.05) of such price.

(b) Individual Weight Deficiency:

If any lot fails requirements for low individual container net weight the discount must be one percent (.01) of the contract price.

(c) Combination of Average and Individual Weight Deficiency

If any lot fails because of a combination of both (a) and (b) above, the discount must be whichever of the individual discounts is greater.

B. Packaging

1. Secondary Container (Case) Markings

(a) Missing Contract Number: Subject to a two (2) percent discount.

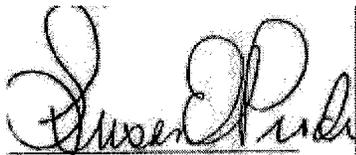
(b) Missing 'Not to be Sold or Exchanged' Statement: Subject to a two (2) percent discount.

(c) Missing 'Distributed by USDA in Cooperation with State and Local or Tribal Governments for Domestic Food Assistance Programs' Statement: Subject to a two (2) percent discount.

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- (d) Missing Pack Date: Subject to a one (1) percent discount.
- (e) Incorrect or missing UPC Code: Subject to a one (1) percent discount.
- (f) Missing 'USDA Shield': Subject to a one (1) percent discount.
- (g) Missing 'Recycle Symbol': Subject to a one (1) percent discount.

A handwritten signature in cursive script, appearing to read "Susan E. Proden", is written over a horizontal line. The signature is positioned to the left of a vertical line that extends downwards.

Susan E. Proden
Contracting Officer
Fruit and Vegetable Programs
Agricultural Marketing Service

V. Exhibits

Exhibit 1
Required Markings for Shipping Containers
ALL PRINTING TO BE IN BLACK INK

<u>BOTH SIDE PANELS</u>	<u>BOTH END PANELS</u>
PRODUCT NAME 1/ 2/	PRODUCT NAME CONTRACT NO. 3/ PACKED IN 4/ BY 5/
USDA SYMBOL 6/	
DISTRIBUTED BY USDA IN COOPERATION WITH STATE AND LOCAL OR TRIBAL GOVERNMENTS FOR DOMESTIC FOOD ASSISTANCE PROGRAMS	
NOT TO BE SOLD OR EXCHANGED STORE IN COOL, DRY PLACE	

Product name must be printed or stenciled on a separate line in letters at least three-fourths inch high, and all other information must be in letters less than three-fourths inch but at least three-eighths inch high. The USDA Food Symbol must be printed, stamped, or labeled and be of sufficient size to stand out prominently. Case markings must be limited to case codes and those contained in this Exhibit.

- 1/ Insert any additional product style, pack, packing media, or further definition as applicable; (i.e. Freestone, Yellow, Cut, Chopped, etc.).
- 2/ Insert the size and number of packages per case, i.e. 6 /No. 10 cans, 6/5 pound bags, 12/46 ounce cans, 1/25 pound bag.
- 3/ Insert the last five digits of contract number.
- 4/ Insert month and year packed (The first month of packing season is acceptable).
- 5/ Insert name of Packer and Packer's Address - City, State, and Zip Code. This information can be placed on the end panels or the side panels.
- 6/ Insert Universal Product Code (see Exhibit "C").
- 7/ Vendors who have proper certification are encouraged to place the universally recognized Kosher symbol here.

Exhibit 2
Alternative Label for Shipping Containers
(Includes all Required Information)



Product Name

Style

Size/Number per case

Contract Number xxxxxxxxx

Packed in: Month Year

Packed by: ABC Growers

Any Town, CA 99999

**DISTRIBUTED BY USDA IN COOPERATION
WITH STATE AND LOCAL OR TRIBAL
GOVERNMENTS FOR DOMESTIC FOOD
ASSISTANCE PROGRAMS**

NOT TO BE SOLD OR EXCHANGED

STORE IN A COOL DRY PLACE



1234567891012345678910

Exhibit 3
Sample Alternative Label for Shipping Containers



Shelled Walnuts

30-pounds

Contract Number 120292000

Packed in: November 1999

Packed by: ABC Growers

Any Town, CA 99999

**DISTRIBUTED BY USDA IN COOPERATION
WITH STATE AND LOCAL OR TRIBAL
GOVERNMENTS FOR DOMESTIC FOOD
ASSISTANCE PROGRAMS**

**NOT TO BE SOLD OR EXCHANGED
STORE IN A COOL DRY PLACE**



1
111 07 15001 01257 6

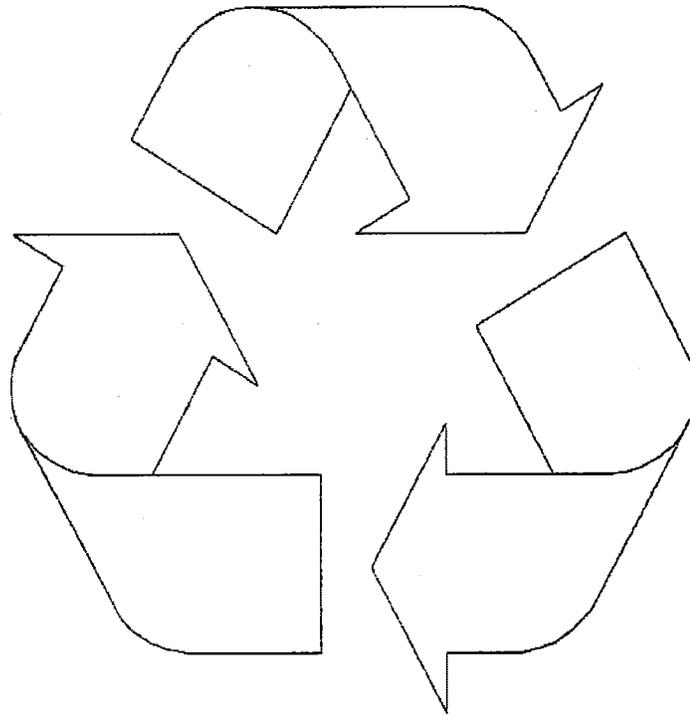
Exhibit 4

Universal Product Codes

<u>Shelled Nuts</u>	<u>Primary Container</u>	<u>Secondary Container</u>
Slivered Almonds (25 lb.)		1 07 15001 01253 8
Natural Shelled Almonds (25 lb.)		1 07 15001 01256 9
English Walnut Pieces		1 07 15001 01257 6
Shelled Walnuts (24/1 lb.)		1 07 15001 01259 0

Exhibit 5

“Please Recycle” Symbol and Statement



**PLEASE
RECYCLE**

Exhibit 6

“Corrugated Recycles” Symbol and Statement



**Corrugated
Recycles**

Exhibit 7

USDA Symbol

