

**DEPARTMENT OF AGRICULTURE**

**FOOD AND DAIRY DIVISION**

**REGULATION NO. 548. SALE OF CHERRIES SUSPENDED IN LIQUID**

(By authority conferred on the director of agriculture by sections 8 and 23 of Act No. 283 of the Public Acts of 1964, as amended, being SS290.608 and 290.623 of the Michigan Compiled Laws)

**R 285.548.1 Quantity determinations.**

Rule 1. When a person, firm, or corporation purchases cherries by volume suspended in liquid, the quantity determination shall be made as follows:

(a) Cherries shall be held in a tank containing sufficient liquid to at least entirely cover the cherries at the time of measurement. The determination shall be made only after the cherries have been transported

a distance of at least 1/2 mile in the tank, or have reached a constant level.

(b) The determination shall be made at the time custody of the cherries is transferred from the grower to the buyer or an agent of the buyer.

(c) The determination shall be made using a standardized cherry measurement tank and a calibrated gauge rod, both of which shall meet the requirements of these rules.

(d) The determination shall be made only when the cherry measurement tank is in a level condition.

(e) The determination shall be made and recorded in terms of cubic feet and decimal fractions of a cubic foot, with no conversion to weight allowed.

History: 1979 AC.

**R 285.548.2 Cherry measurement tanks.**

Rule 2. (1) A cherry measurement tank shall be designed to be in a normal operating position when it is in level.

(2) A tank shall be of the center reading type; that is, it shall be so designed that a gauge rod, when properly positioned for use, will be approximately in the vertical axis of the tank centrally positioned with respect to the tank walls.

(3) A tank shall be rectangular or square in design but its length shall not exceed its width by more than 1/3.

(4) The cross sectional area of a tank shall be constant at any level and the tank shall be so constructed that under any condition of lading it will not be distorted sufficiently to cause a change in the capacity at any level equal to more than 16 cubic inches. This requirement prescribes a limit on permissible distortion only, and is not to be construed as a secondary, additional tolerance.

(5) A tank shall be of such material, design, and construction that under normal handling it will maintain its rectangular or square design and required accuracy for a reasonable length of time.

(6) A tank shall be conspicuously and permanently marked to indicate the cubic capacity of the tank per inch depth throughout its measurement range.

(7) A tank manufactured and offered for sale after the effective date of these rules shall be marked with the name and address of the manufacturer.

(8) The maintenance and acceptance tolerance on a tank with a capacity of 30 cubic feet or less shall be 150 cubic inches in excess or deficiency; that is, the cubical content at any point in the tank within the measurement range shall not differ more than 150 cubic inches from a calculated volume determined by multiplying the depth of the tank from that point by the indicated cubical capacity of the tank per inch depth, except as provided for in subrule (9).

(9) The maintenance tolerance for a tank now in use for the determination of volume measurement shall be 1% excess or deficiency within the measurement range; however, a tank that does not meet all of the requirements in this rule shall not be used after January 1, 1973.

History: 1979 AC.

### **R 285.548.3 Cherry gauge rods.**

Rule 3. (1) The indicating means shall consist of a calibrated gauge rod and level indicating plate.

(2) The rod shall be of rigid design, made of stainless steel smoothly finished with the probe and tapered to 1/2 inch, and, when properly seated in position, shall touch the bottom of the holding tank being measured. The rod shall be graduated throughout an interval corresponding to the range within which readings of the cherry level are to be made.

(3) On a rod the spacing of the graduation center to center shall be not more than .0625 (1/16) inch and not less than .03125 (1/32) inch. The graduation shall be not less than .005 inch in width and the clear interval between adjacent edges of successive graduations shall be not less than .015625 (1/64) inch. The graduations shall be designated in inches, 0.5 inches, 0.1 inches, and 0.02 inches.

(4) The level indicating plate assembly shall consist of a rigid plate and a slider tube designed to move up and down the calibrated gauge rod. The rigid plate shall be a perforated round disk of stainless steel, 10 inches in diameter, with the perforations not exceeding 3/8 inch in diameter. The plate shall be permanently attached to the slider tube. The slider assembly shall move freely on the gauge rod without slip and shall weigh 4 pounds, plus or minus 1/10 of 1%.

History: 1979 AC.

### **R 285.548.4 Price and delivery tickets.**

Rule 4. (1) The price of cherries in liquid shall be established on a cubic foot basis, with no conversion to weight allowed.

(2) A delivery ticket in duplicate shall be issued by the receiver for each lot of cherries received. The original shall be retained by the receiver and a copy given to the grower. A delivery ticket shall bear the following:

- (a) Name and address of receiver.
- (b) Name and address of grower.
- (c) Date of receipt.
- (d) Cubical content of the tank per 1 inch depth.
- (e) Depth of the cherries contained in the tank to the nearest .02 of an inch.
- (f) Total cubic feet of cherries and decimal fraction thereof contained in the tank.
- (g) Signature of the person making the quantity determination.

History: 1979 AC.

**R 285.548.9 Rescission.**

Rule 9. Regulations Nos. 504, 509, 511, 512, 516, 517, 519, 524 and 526, being R 285.504, R 285.509, R 285.511, R 285.512, R 285.516, R 285.517, R 285.519, R 285.524 and R 285.526 of the Michigan Administrative Code and appearing on pages 1528 to 1531, 1534, 1536, 1547 and 1550 of the 1954 volume of the Code, and Regulation No. 529, being R 285.529.1 to R 285.529.4 of the Michigan Administrative Code and appearing on pages 1188 and 1189 of the 1959 Annual Supplement to the Code, are rescinded.

History: 1979 AC.