

# **CPG Sec. 550.225 Cherries Brined, Fresh, Canned and Frozen - Adulteration Involving Rot and Insect**

## **REGULATORY ACTION GUIDANCE:**

The following represents criteria for direct reference seizure \*requests to the Office of Human and Animal Food Operations (OHAFO) in consultation with the Office of Enforcement and Import Operations (OEIO) and CFSAN, and for direct citation by the appropriate Field Office within the Human and Animal Food Program\*:

Brined and maraschino - Maggots

The cherries contain an average of 5% or more rejects due to maggots.

Fresh, canned or frozen

1. Rot: The cherries contain an average of 7% or more rejects due to rot.

or

2. Insects other than maggots: The cherries contain an average of 4% or more rejects due to insects other than maggots.

## **SPECIMEN CHARGE:**

Article adulterated (when introduced into and while in interstate commerce) (while held for sale after introduction into interstate commerce), within the meaning of \*21 U.S.C. 342(a)(3),\* in that it consists in part of a (filthy) (decomposed) substance by reason of the presence therein of (maggots) (insects) (rotten/decomposed cherries).

NOTE: Only use direct reference citation authority when prosecution is anticipated and evidence to support a prosecution is included with the adulteration charge. Evidence necessary to support a prosecution is specified in existing regulatory procedures issuances.

\*Material between asterisks is new or revised\*

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