

CPG Sec. 578.200 Corn Meal - Adulteration by Insect and Rodent Filth

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*:

1. Insects - The corn meal contains an average of 1 or more whole insects or equivalent/50 gms. (0.5 or more whole insects or equivalent/25 gms.);

or

2. Insect fragments - The corn meal contains an average of 25 or more insect fragments/25 gms.;

or

3. Rodent hair - The corn meal contains an average of 1 or more rodent hairs/25 gms.;

or

4. Rodent excreta - The corn meal contains an average of 1 or more rodent excreta fragments/50 gms.

SPECIMEN CHARGE:

*The article was adulterated (when introduced into) (while in) (while held for sale after shipment in) interstate commerce within meaning of 21 U.S.C. 342(a)(3), in that it consists in part of a filthy substance by reason of the presence therein of insects, insect fragments, rodent hairs, and rodent excreta fragments, as applicable.

NOTES:

1. If the evidence establishes that the article became adulterated after receipt in interstate commerce, then charge only that the article "is adulterated while held for sale after shipment in interstate commerce"
2. If the evidence does not establish where the article became adulterated and the violation is such that it could have occurred anywhere, i.e. it is not a manufacturing defect, then charge only that the article "is adulterated while held for sale after shipment in interstate commerce."*

Material between asterisks is new or revised.

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