

CPG Sec. 578.400 Treated Grain Seed - Mercury Residue

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*:

The wheat contains an average of 10 or more pink kernels per 500 grams, and the mercury residue on the pink kernels exceeds one part per million.

SPECIMEN CHARGE:

Article adulterated when introduced into and while in interstate commerce, within meaning of 21 U.S.C. 342(a)(2)(B), in that it is a raw agricultural commodity and contains a pesticide chemical, namely, a mercurial compound, which is unsafe within meaning of 21 U.S.C. 346a(a), since no tolerance and no exemption from the requirement of a tolerance for such pesticide chemical on wheat has been prescribed by regulations promulgated pursuant to 21 U.S.C. 346a(b).

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