

CPG Sec. 527.100 Butter - Adulteration Involving Insufficient Fat Content

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. The average of the fat determinations, by both original and check analysis, on the number of subdivisions shown in the following table is below 79.85%;

or

2. The number of individual fat determinations by both original and check analysis meets or exceeds the figures in the right hand column of the following table:

	Lot Sizes	No. Subs Examined	No. Determinations Below 79.85%
Print Butter	35cs or less	5	2
	Over 35cs	8	3
No Churn Mark Present	35 cs or less	12	4
	Over 35cs	20	7
Bulk Butter (Tub or Cube)			
	1 - 2 units	All	1
Each Churn Mark Present	3 units	2	1
	Over 3 units	3	1
No Churn Mark Present	1 - 5 units	All	1

Lot Sizes	No. Subs Examined	No. Determinations Below 79.85%
6 - 14	5	2
15 - 24 units	7	3
25 - 150 units	8	3
Over 150 units	14	4

***REMARKS: (For Seizures Only)**

If there is reason to believe that a lot was packed under the supervision of, or certified by the U.S. Department of Agriculture, submit the following information *by e-mail* to CFSPAN, Office of *Compliance*/Division of Enforcement (HFS-605) and await reply before proceeding:

Sample Number

Date of Shipment

Article Involved

Dealer

Amount of Lot

Shipper

Codes

Analytical Conclusions

SPECIMEN CHARGE:

Article adulterated when introduced into and while in interstate commerce, within the meaning of 21 U.S.C. 342(b)(2) [Sec. 402(b)(2) of the Food, Drug, and Cosmetic Act], in that a product containing less than 80% by weight of milk fat has been substituted for butter, a product which should contain not less than 80% of milk fat as provided by the Act of March 4, 1923 (21 U.S.C. 321a).

Material between asterisks is new or revised.

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