

# CPG Sec. 585.890 Tomato Products - Adulteration with Drosophila Fly Eggs and Maggots

## REGULATORY ACTION GUIDANCE

The following represents the criteria for direct reference seizure \*request 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 average (minimum 12 subsamples) of any code, or of the lot if no code is present, is at least the following:

1. *Canned Tomatoes*

10 or more fly eggs per 500 grams or 5 or more fly eggs and 1 or more maggot per 500 grams, or 2 or more maggots per 500 grams.

2. *Tomato Juice*

10 or more fly eggs per 100 grams or 5 or more fly eggs and 1 or more maggot per 100 grams, or 2 or more maggots per 100 grams.

3. *Tomato Puree*

20 or more fly eggs per 100 grams or 10 or more fly eggs and 1 or more maggot per 100 grams, or 2 or more maggots per 100 grams.

4. *Paste, Pizza and Other Sauces*

30 or more fly eggs per 100 grams, or 15 or more fly eggs and 1 or more maggot per 100 grams, or 2 or more maggots per 100 grams.

NOTE: Drosophila maggots 2 mm, or less in length shall be considered equivalent to fly eggs, for the purpose of this guide.

## REMARKS:

Seizures involving these products must be discussed with the U.S. Department of Agriculture. Submit the following information \*by e-mail\* or FAX to CFSAN/Office of \*Compliance\*/Division of Enforcement (HFS-605) and await reply before proceeding:

Sample Number

Article Involved

Amount of Lot

Codes

Date of Shipment

Dealer

Shipper

Analytical Conclusions

**SPECIMEN CHARGE:**

The article was adulterated when introduced into and while in interstate commerce, and is adulterated while held for sale after shipment in interstate commerce within the meaning of said Act 21 U.S.C. 342(a)(3), in that it consists in part of a filthy substance by reason of the presence therein of fly eggs and maggots.

NOTE: Use direct reference citation authority only 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.\*

Issued: 1/1/73

Reissued: 11/21/79

Revised: 10/1/80

Reissued: 12/1/82

Revised: 12/8/88, 3/95, 5/2005

Updated: 11/29/05