

CPG Sec. 585.150 Asparagus, Canned or Frozen - Adulteration with Insect 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. 10 Percent or more by count of spears or pieces are infested with six or more attached asparagus beetle eggs and/or sacs;

or

2. The asparagus contains an average of 40 or more thrips per 100 grams;

or

3. The asparagus contains an average of 5 or more insects (whole or equivalent) of any size per 100 grams, or insects (whole or equivalent) 3mm or longer having an average aggregate length of 7 mm or longer per 100 grams of asparagus.

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: asparagus beetle eggs or sacs or thrips or insects or insect fragments.

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: 11/7/79

Reissued: 10/1/80

Revised: 11/1/81, 12/8/88