

CPG Sec. 585.775 Spinach, Canned or Frozen - Adulteration Involving Insects, Decomposition

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*:

1. *Aphids, Thrips, or Mites*

Aphids, thrips, or mites singly or in combination, average 50 or more per 100 grams.

or

2. *Spinach Worms (Caterpillars)*

Two or more 3 mm or longer larvae and/or larval fragments of spinach worms (caterpillars), whose aggregate length exceeds 12 mm, are present in 24 pounds.

or

3. *Leaf Miners (Larvae and Pupae)*

a. Leaf miners of any size average eight or more per 100 grams;

or

b. Leaf miners, 3 mm or longer, average four or more per 100 grams.

or

4. *Decomposition*

An average of 10% or more of leaves by count or weight show one or more areas of at least ½" diameter affected by mildew or other type of decomposition.

REMARKS:

Seizure 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 insects; and of a decomposed substance by reason of presence therein of decomposed spinach.

NOTE: Use direct reference citation authority only when prosecution is anticipated and evidence to support a prosecution is included with the adulteration charge. Evidence to support a prosecution is specified in existing regulatory procedures issuances.

Material between asterisks is new or revised.

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