

# CPG Sec. 550.155 Apricot, Peach and Pear Nectars and Purees - Adulteration with Mold

## REGULATORY ACTION GUIDANCE:

### 1. Apricot, Peach and Pear Nectars

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\*:

If the average Howard mold count for six or more subsamples is 12% or above.

### 2. Apricot, Peach and Pear Purees

The following represents criteria for recommending legal action to CFSAN/Office of \*Compliance\*/Division of Enforcement (HFS-605):

If the average Howard mold count for six or more subsamples of purees is 12% or above.

## REMARKS:

After mixing nectar or puree well, make mold count according to the procedure specified in 44.096 AOAC, 13th edition, that begins "Clean Howard cell ..."

After September 16, 1983, prepared nectar and puree samples according to the AOAC Official First Action method for Howard mold count of Fruit Nectars, Purees, and Pastes.

Seizures involving these products must be discussed with the U.S. Department of Agriculture because some lots may have been graded by them. Submit the following information to CFSAN/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 (apricot/peach/pear nectar) (apricot/peach/pear puree) adulterated (when introduced into and while in interstate commerce) (while held for sale after introduction into interstate commerce), within the meaning of 21 U.S.C. 342(a)(3), in that it consists in part of a decomposed substance by reason of presence therein of (moldy/decomposed apricot/peach/pear material) (mold).

**NOTES:**

1. Samples of nectars and infant food purees (apricot, peach, pear) collected during the FY 1977 Retail Market Survey contained such low levels of insect and rodent filth that an action level is not established for such filth. However, since this indicates that significant amounts of insect and rodent filth are avoidable, the absence of an action level does not preclude recommending legal action to CFSAN/Office of \*Compliance\*/Division of Enforcement (HFS-605) based on findings of relatively low levels of insect and/or rodent filth in either infant or adult foods.
2. Only use direct citation authority 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 issuances.

\*Material between asterisks is new or revised\*

Issued: 4/1/83

Revised: 3/95, 5/2005

Updated: 11/29/05