

CPG Sec. 550.200 Drupelet Berries (Blackberries, Raspberries, Etc.) - Common or Usual Names of Varieties; Canned and Frozen - Adulteration with Rot and Insects

BACKGROUND:

There has been much confusion about the labeling of foods containing various varieties of blackberries. Certain varieties of blackberries are known by specific names. The standard of identity for canned berries designates blackberries, boysenberries, dewberries, loganberries, and youngberries as the names for varieties of berries. The standards of identity for fruit jelly, preserves, and jams were based in part on a finding of fact that stated:

Botanically, blackberries are divided into two general classes of varieties, the first class being those which grow with erect canes and are commonly known as blackberries, and the second being those which grow with trailing canes and as a class are sometimes referred to as dewberries. Three varieties of the second class are commonly known as boysenberries, loganberries, and youngberries, and the other varieties of that class are commonly known as dewberries.

In the past, we have expressed the opinion that the olallie variety of blackberry should be designated on labels as "olallieberries" or "olallie blackberries." However, we have now learned that this is a variety of dewberry, growing on trailing canes as do the boysenberry, loganberry, and youngberry. Hence it may be designated either by the name "dewberries" or by its own specific common or usual name. The standards do not mention the olallieberry, therefore, it should be designated on labels for preserves, jam and the canned article by the term "dewberries."

POLICY:

For purposes of label declarations in accordance with Section 403(i) of the Act, the terms "boysenberry," "loganberry" and "youngberry" are each considered the common or usual name, respectively, for specific varieties of blackberries. These names are also recognized by the standards of identity for jelly, preserves, jams, and canned berries *(21 CFR 150.140, 21 CFR 150.160, and 21 CFR 145.120, respectively).*

The term "dewberries" is considered the specific common or usual name for varieties of blackberries that are obtained from trailing canes. Olallieberries should be designated as "dewberries," when used in standard jelly, preserves, jams, and canned berries. Olallieberries may also be designated as "dewberries" when used in nonstandardized foods such as pies.

However, we have not objected to use of the specific name "olallieberries." The term "olallie blackberries" should not be used since it may be misleading for berries which are now specifically designated as dewberries. The term "blackberries" is considered an acceptable common or usual name for the labeling of any variety of blackberries obtained from erect canes.

REGULATORY ACTION GUIDANCE:

The following represents the criteria for direct reference seizure *review 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. Rot

The berries have an average mold count of 60% or more.

or

2. Insects

a. The berries contain an average of 4 or more larvae per 500 grams.

or

b. The berries contain an average of 10 or more whole insects or equivalent (excluding thrips, aphids, and mites) per 500 grams.

REMARKS:

Seizures of these products must be discussed with the U.S. Department of Agriculture. *E-mail* or FAX the following information 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:

1. Mold - Article adulterated when introduced into and while in interstate commerce, within the meaning of 21 U.S.C. 342(a)(3) in that it consists wholly or in part of a decomposed substance by reason or presence therein of decomposed raspberries.
2. Insects - Article adulterated when introduced into and while in interstate commerce, within the meaning of 21 U.S.C. 342(a)(3) in that it consists wholly or in part of a filthy substance by reason of presence therein of insects.

Material between asterisks is new or revised.

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