

CPG Sec. 550.600 Olives - Adulteration

Involving Pits; Rot; Insect Infestation

REGULATORY ACTION GUIDANCE:

The following represents the 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 CFSAAN, and for direct citation by the appropriate Field Office within the Human and Animal Food Program*:

1. PITS

- a. Pitted Whole - (Examine a minimum of 500 olives from each code or from the lot if no codes are present).

The average is 1.3 percent or more by count of olives with whole pits and/or pit fragments 2 mm or longer measured in the longest dimension.

- b. Pitted Salad Olives, Including Broken Pitted, Halved, Quartered, Sliced and Chipped or Minced - (Examine a minimum of 1,500 grams from each code or from the lot if no codes are present).

The average is 1.3 or more fragments per 300 grams, including whole pits and fragments 2 mm or longer measured in the longest dimension.

2. INSECT INFESTATION

- a. Salt Cured Olives - (Examine a minimum of 6 subs from each code or from the lot if no codes are present). The average is 10 percent or more by count of olives with 10 or more scale insects each.
- b. Imported Black - Actionable if 10 percent or more by count show damage by *Dacusa* (olive fruit fly).
- c. Imported Green - Actionable if 7 percent or more by count show damage by *Dacusa* (olive fruit fly).
- d. Salad Type, Including Broken, Pitted, Halved, Quartered, Sliced, and Chopped or Minced - (Actionable if 9 percent or more by weight of olives show damage by *Dacusa* (Olive fruit fly)

NOTE: "Damage by *Dacus*" means presence of any form or part thereof of the olive fruit fly and/or maggot tunneling affecting an area of 1/4 inch or greater average diameter.

3. ROT

Salt Cured Olives - (Examine a minimum of 6 subs from each code or from the lot if no codes are present).

The average is 25 percent or more by count of moldy olives.

Seizures of olives from domestic production 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 CHARGES:

1. PITS

Article adulterated when introduced into and while in interstate commerce, within meaning of 21 U.S.C. 342(b)(2) in that olives containing pit fragments have been substituted wholly or in part for pitted olives.

Article misbranded when introduced into and while in interstate commerce, within meaning of 21 U.S.C. 343(a)(1) in that label statement "Pitted Olives" is false and misleading as applied to a product containing olives with pit fragments.

2. INSECT INFESTATION

Article adulterated when introduced into and while in interstate commerce, within 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 or insect damaged olives.

3. MOLD

Article adulterated when introduced into and while in interstate commerce, within meaning of 21 U.S.C. 342(a)(3) in that it consists wholly or in part of a decomposed substance by reason of presence therein of moldy, decomposed olives.

Material between asterisks is new or revised

Issued: 10/1/80

Revised: 3/95, 5/2005

Updated: 11/29/05