

CPG Sec. 525.900 Whole Plant (Unprocessed) Marjoram, Unground (Processed) Marjoram & Ground Marjoram - Adulteration by Insect & Rodent Filth; Mold; Mammalian Excreta

REGULATORY ACTION GUIDANCE:

1. 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 in the Human and Animal Food Program*:

Whole Plant (Unprocessed) Marjoram

- a. Insect Filth and Mold

The spice contains an average of 5% or more insect infested and/or moldy pieces by weight.

or

- b. Mammalian Excreta

The spice contains an average of 1 milligram or more of mammalian excreta per pound (mammalian excreta should be identified as to source when possible).

- c.

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

- a. Ground Marjoram

The ground marjoram contains an average of 1175 or more insect fragments and/or an average of 8 or more rodent hairs per 10-gram subsample.

- b. Unground (Processed) Marjoram

The unground processed marjoram contains an average of 250 or more insect fragments and/or an average of 2 or more rodent hairs per 10-gram subsample.

NOTE: Determination for all defects are made on a minimum of six (6) ten (10) gram subsamples for ground and unground processed marjoram.

See Macroanalytical Procedures Manual for number of grams of subsamples used in analyses of whole spices.

REMARKS:

Since the majority of spices are imported, determine that the lot in question has not been previously examined and released by FDA as an import. If the lot has been examined and released previously, submit all available facts to CFSAN/Office of *Compliance*/Division of Enforcement (HFS-605) for seizure consideration in the usual manner.

SPECIMEN CHARGES (for all including leafy spices):

Article (whole plant unprocessed/unground processed/ground marjoram) adulterated (when introduced into and while in interstate commerce) (while held for sale after shipment 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), (insect webbing), (insect fragments), (mammalian excreta), and (insect damage, marjoram), (rodent hairs); and that it consists in part of a decomposed substance by reason of the presence therein of (moldy, decomposed marjoram) (mold).

NOTE: 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 procedures issuances.

Material between asterisks is new or revised.

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