

CPG Sec. 555.850 Water Damaged Food Products in Screw-Top, Crimped-Cap and Similar Containers

BACKGROUND:

After flooding, whether caused by natural disasters or other problems, FDA Field Offices within the Human and Animal Food Program and headquarters components often receive inquiries concerning products in screw-top, crimped-cap and similar containers. These concern the status of the products which may have been contacted by or submerged in the flood waters.;

Of prime importance is the question of whether the product should be destroyed, relabeled, reprocessed or reconditioned by some other means.

Information concerning salvage of water distressed bottled liquor has been sent to state and local governments in the form of an informational memorandum. This information would also apply to other food products in a similar type container.

POLICY:

FDA considers any screw capped, crimped-cap or similarly enclosed bottled food that has been submerged in flood water, or in any other contaminated water, to be adulterated, because of being held under conditions where the bottle may have been contaminated with filth (section 402(a)(4) of the Federal Food, Drug, and Cosmetic Act).

Reconditioning may be allowed by reprocessing (e.g., redistillation of liquors) or other means. However, this will be decided on a case-by-case basis depending on the product, proposed method of reconditioning, extent of damage, etc.

In those cases where cartons containing bottled foods have not been completely submerged in flood or any other contaminated water, the bottles contained therein may be reconditioned only if it can be positively demonstrated that none of the contaminated water had reached the closure of the bottle. Cleaning, disinfecting and recartoning of these bottles would be a satisfactory reconditioning.

Careful judgement must be exercised in these situations based on the facts of each individual situation. If it cannot be clearly demonstrated that the bottle closures have not been in contact with flood or contaminated water, FDA would consider such products adulterated.

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