

CPG Sec. 550.655 Peaches, Canned - Misbranding Involving Food Standards

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 CFSAN, and for direct citation by the appropriate Field Office within the Human and Animal Food Program*:

NOTE: These criteria are based on No. 2-1/2 cans. If cans are other sizes, evaluate the results on No. 2-1/2 can size portions.

1. For Excessive Hardness
Clingstone or Freestone Peaches:

If 50% or more of the cans contain one or more units requiring more than 300 gms. to pierce;

or

25% or more of the cans of the cans contain one or more units requiring more than 400 gms. to pierce.

2. For Excessive Weight Variation (Halves & Quarters)

- a. Clingstone Peaches:

If 50% or more of the cans examined contain one or more intact units below the minimum weight of 3/5 ounce for halves and 3/10 ounces for quarters;

or

25% or more of the cans contain one or more intact units which are 70% or less of the indicated minimum weight.

- b. Freestone Peaches:

If 75% or more of the cans contain one or more intact units below the minimum weight of 3/5 ounce for halves; and 3/10 ounce for quarters;

or

50% or more of the cans contain one or more intact units which are 70% or less of the indicated minimum weight.

3. For Excessive Size Variation (Whole Peaches, Halves & Quarters

a. Clingstone Peaches:

If in 50% or more of the cans, the largest unit is more than twice the weight of the smallest intact unit;

or

If in 25% or more of the cans, the largest unit is 2-1/2 or more times the weight of the smallest intact unit.

b. Freestone Peaches:

If in 75% or more of the cans, the largest unit is more than twice the weight of the smallest intact unit;

or

If in 50% or more of the cans, the largest unit is 2-1/2 or more times the weight of the smallest intact unit.

REMARKS:

Seizures involving 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. Excessive Hardness

Article misbranded when introduced into and while in interstate commerce, within meaning of 21 U.S.C. 343(h)(1) in that it purports to be and is represented as canned peaches, a food for

which a standard of quality has been prescribed by regulations (21 CFR 145.170(b)) promulgated pursuant to 21 U.S.C. 341, and its quality falls below such standard, since section 145.170(b)(1) (i) of such standard provides that in canned peaches of standard quality all peach units tested in accordance with the method prescribed in such standard are pierced by a weight of not more than 300 grams; whereas, all peach units of the article tested in accordance with the method prescribed in such standard are not pierced by a weight of not more than 300 grams, and its label fails to bear, in such manner and form as such regulations specify, a statement that it falls below such standard.

2. Excessive Weight Variation

Article misbranded when introduced into and while in interstate commerce within meaning of 21 U.S.C. 343(h)(1) in that it purports to be and is represented as canned peach halves, a food for which a standard of quality has been prescribed by regulations (21 CFR 145.170(b)) promulgated pursuant to 21 U.S.C. 341, and its quality falls below such standard, since section 145.170(b)(1) (ii) of such standard provides that in canned peach halves of standard quality the weight of each unit is not less than 3/5 ounce; whereas, the weight of some units of the article is less than 3/5 ounce; and its label fails to bear, in such manner and form as regulations specify, a statement that it falls below such standard.

3. Excess Size Variation

Article misbranded when introduced into and while in interstate commerce within meaning of 21 U.S.C. 343(h)(1) in that it purports to be and is represented as canned peach halves, a food for which a standard of quality has been prescribed by regulations (21 CFR 145.170(b)) promulgated pursuant to 21 U.S.C. 341, and its quality falls below such standard, since section 145.170(b)(1) (iii) of such standard provides that in canned peach halves of standard quality the weight of the largest unit in the container is not more than twice the weight of the smallest unit therein; whereas the weight of the largest unit in the container of the article is more than twice the weight of the smallest unit therein; and its label fails to bear, in such manner and form as such regulations specify, a statement that it falls below such standard.

Material between asterisks is new or revised

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