

# CPG Sec. 585.875 Tomatoes - Canned - Misbranding Involving Food Standards (Peel)

## 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\*:

1. Examination of a minimum of 24 cans from the lot, or 24 cans from any one code in the lot, shows an average of 1.75 or more square inches of peel per pound and over one-third of the cans examined exceed one square inch of peel per pound;

or

2. Examination of a minimum of 48 cans from the lot, or 48 cans from any one code in the lot, shows an average of 1.25 or more square inches of peel per pound and over one-third of the cans examined exceed one square inch of peel per pound.

## REMARKS:

Seizures involving this product must be discussed with the U.S. Department of Agriculture. Submit the following information \*by e-mail\* or FAX 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:

The article was misbranded when introduced into and while in interstate commerce, and is misbranded while held for sale after shipment in interstate commerce within the meaning of said Act 21 U.S.C. 343(h)(1), in that it purports to be and is represented as canned tomatoes, a food for which a standard of quality has been prescribed by regulation (21 CFR, 155.190) promulgated pursuant to 21 U.S.C. 341, and its quality falls below such standard since section 155.190(b)(1) (iii) of such standard provides that tomato peel per pound of canned tomatoes in the container of standard quality canned tomatoes cover an area of not more than 1.06 square inches, whereas, the article contains tomato peel per pound of canned tomatoes in the container which covers an area of more than 1.06 square inches, 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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