



**United States
Department of
Agriculture**

Marketing and
Regulatory
Program

Agricultural
Marketing
Service

Fruit and
Vegetable
Program

Processed
Products
Division

AIM
Instructional
System

Inspection
Series

July 2012

8e Marketing Order Manual

8e Marketing Order Manual

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INTRODUCTION

This manual is provided to Processed Products Division (PPD) inspection personnel to promote uniformity in the inspection of commodities covered by 8e Marketing Orders. These procedures are an integral part of Division services. If needed, contact your immediate supervisor for any situation not addressed in this manual.

This manual contains links to various internal and external sources of information. For inspection personnel without internet or intranet access, please contact your immediate supervisor to obtain hard copies of documents as needed.

GUIDE FOR ELECTRONIC USAGE

The Administrative, Inspection, and Management (AIM) System of instructional manuals is available electronically in Adobe Acrobat Portable Document Format (PDF) at the following intranet address: <http://agnis/sites/FV/PPD/default.aspx>.

When accessed electronically, AIM materials have hyperlinks and hypertext (visible as underlined [blue text](#)) available to the PDF user. Clicking on a hyperlink takes the reader to a web site with information relating to the subject. Hypertext will link the reader to a different page within the current manual - or even a different manual - with information relating to the subject. For example, the hypertext in the Table of Contents allows a reader to go directly to the section of interest in the manual by clicking on the section title within the Table of Contents.

PDF offers a variety of tools depending on the Adobe version the reader has. The newer the version, the more tools available. To learn about the variety of PDF search options available:

- Click on the “Help” tab on the top of this page,
- Then click on the “Adobe Acrobat Help” bar,
- Type the word “Search” in the “Search” box, and click on the “Search” button,
- A series of options will become available,
- Click on the “Access Search Features” link and follow the instructions for the type of search you are interested in.

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GENERAL

In carrying out the provisions of the regulation, the United States Department of Agriculture (USDA) must work closely with the Food and Drug Administration (FDA) and the U.S. Customs Service. The FDA is responsible for determining the wholesomeness of food products imported into the United States (US) and must release each shipment before it can be legally imported. Each agency has particular responsibilities, and the procedures contained in this manual have been mutually agreed upon by representatives of the respective services.

IMPORTED 8e PRODUCT NOTIFICATION PROCEDURES

Imported raisins, dates, prunes ^{1/}, and canned ripe olives are required to be inspected by the Agricultural Marketing Service (AMS), subject to exemptions listed in the applicable Marketing Orders, Import Regulations and described in this manual. This rule is under Title 7 U.S.C. Section 608e-1 of the Agricultural Marketing Agreement Act of 1937, as amended. Inspection of these agricultural products is required to ensure that the standards of quality of imported products are equal to the standards imposed on domestically produced products regulated under Federal Marketing Orders.

These standards protect U.S. consumers from substandard or inferior products. The process of importing products into the United States is complex and requires the coordinated efforts of many government agencies. The main objective of this instruction is to ensure that all agencies are properly notified and that the information generated by AMS is disseminated to the appropriate federal agencies. A notification procedure, called **Stamp and Fax**, has been established and is in place to ensure that notification to U.S. Customs Service by the importer will be uniform.

This procedure permits the U.S. Customs Service to conditionally release an entry so that lots can be made available for sampling by AMS inspectors. U.S. Customs Directive No. 3250-007B detailing Customs procedures and a list of the current harmonized tariff codes can be viewed at the U.S. Customs web site at the following internet address:

<http://cbp.gov/xp/cgov/trade/legal/directives/>.

^{1/} Effective on August 1, 2005, the Agricultural Marketing Service published an interim final rule that **indefinitely extends the suspension** of the dried prune mandatory outgoing inspection. See [Imported Prunes](#), page 37.

IMPORTER OF RECORD/BROKER/APPLICANT RESPONSIBILITIES

Import regulations state that it is the responsibility of the applicant to arrange for an AMS inspection of products covered in this instruction. Inspection may be performed anywhere in the United States as long as it is done prior to final release of the product into the U.S. market. Prior to or on arrival of the shipment, the applicant must make arrangements for inspection with the AMS field office that will perform the inspection. For imported dates, application for inspection must be prepared at least 10 days in advance. Additionally, the applicant is required to complete [Customs Form CBP-3461 ENTRY/IMMEDIATE DELIVERY](#) (example on the following page), or an invoice which includes [Customs Form CBP-3461 ALT](#) (example on page 5), or [Customs Form CBP 7501- ENTRY SUMMARY](#) (example on page 6) contained in this instruction. This includes faxing the entry number to the AMS, Fruit & Vegetable Program, PPD office. The applicant must provide information to complete a form FV-356 Application for Inspection (example on page 8). The importer must provide PPD with confirmation that FDA has indicated the entry shipment is free for PPD to proceed with inspection. This is known as FDA “May Proceed” status. The importer must provide written confirmation that FDA has granted “May Proceed” status to the shipment prior to PPD proceeding with inspection. This may be in the form of a statement on the CBP 3461, or the Cargo Release form, or any other written format mutually agreed upon between PPD and the Importer. Finally, the applicant must fax a copy of the stamped Customs Form to the appropriate U.S. Customs office.

EXAMPLE
CUSTOMS FORM CBP-3461
Entry/Immediate Delivery

DEPARTMENT OF HOMELAND SECURITY
U.S. Customs and Border Protection

ENTRY/IMMEDIATE DELIVERY
19 CFR 142.3, 142.16, 142.22, 142.24

Form Approved
OMB No. 1651-0024
Exp. 01-31-2012

1. ARRIVAL DATE		2. ELECTED ENTRY DATE		3. ENTRY TYPE CODE/NAME		4. ENTRY NUMBER	
5. PORT		6. SINGLE TRANS. BOND		7. BROKER/IMPORTER FILE NUMBER			
		8. CONSIGNEE NUMBER		9. IMPORTER NUMBER			
10. ULTIMATE CONSIGNEE NAME				11. IMPORTER OF RECORD NAME			
12. CARRIER CODE		13. VOYAGE/FLIGHT/TRIP		14. LOCATION OF GOODS-CODE(S)/NAME(S)			
15. VESSEL CODE/NAME							
16. U.S. PORT OF UNLADING		17. MANIFEST NUMBER		18. G.O. NUMBER		19. TOTAL VALUE	
20. DESCRIPTION OF MERCHANDISE							
21. IT/BL/AWB CODE		22. IT/BL/AWB NO.		23. MANIFEST QUANTITY		24. H.S. NUMBER	
						25. COUNTRY OF ORIGIN	
						26. MANUFACTURER NO.	
27. CERTIFICATION				28. CBP USE ONLY			
I hereby make application for entry/immediate delivery. I certify that the above information is accurate, the bond is sufficient, valid, and current, and that all requirements of 19 CFR Part 142 have been met.				<input type="checkbox"/> OTHER AGENCY ACTION REQUIRED, NAMELY: <input type="checkbox"/> CBP EXAMINATION REQUIRED. <input type="checkbox"/> ENTRY REJECTED, BECAUSE:			
SIGNATURE OF APPLICANT X							
PHONE NO.		DATE		DELIVERY AUTHORIZED: SIGNATURE DATE			
29. BROKER OR OTHER GOVT. AGENCY USE							

Paperwork Reduction Act Statement: An agency may not conduct or sponsor an information collection and a person is not required to respond to this information unless it displays a current valid OMB control number and an expiration date. The control number for this collection is 1651-0024. The estimated average time to complete this application is 15 minutes. If you have any comments regarding the burden estimate you can write to U.S. Customs and Border Protection, Office of Regulations and Rulings, 799 9th Street, NW., Washington DC 20229.

Approved by:
Randle A. Macon

Effective Date: July 2012

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EXAMPLE
CUSTOMS FORM CBP-3461 ALT

ABC Co., Inc.

CONTAINER NUMBER: 

IMPORTER HAS CONTACTED AgMS USDA
TO PERFORM PRODUCT EXAMINATION PURSUANT
TO SECTION 8E OF THE AGR. MKT.
AGREEMENT ACT OF 1937 AS AMENDED
Anna G. Inspector 10/20/01
SIGNATURE
USDA INSPECTOR

ENTRY/IMMEDIATE DELIVERY
19 CFR 142.3, 142.18, 142.20, 142.24

DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICE Form Approved
OMB No. 1519-0049



144-9929466-1

144-9929466-1

1. ULTIMATE CONSIGNEE NO.	2. IMPORTER NO.
3. TSUSANS	
4. CTRY.	5. MANUFACTURER ID
6. NO. INV. PGS.	7. TOTAL INVOICE VALUE

1. ULTIMATE CONSIGNEE NO.	2. IMPORTER NO.
8. STATION	9. NO. OF PKGS.

Assessment Reduction Act Notice: This information is needed to determine the admissibility of imports into the United States and to provide the necessary information for the assessment of the cargo and to establish the liability for payment of duties and taxes. Your response is necessary.

I hereby make application for entry/immediate delivery. I certify that the information provided is accurate, the bond is sufficient, valid, and current, and that all requirements of 19 CFR Part 142 have been met.
SIGNATURE OF APPLICANT: DATE: _____

Customs Form 3461/ALT (06 1086)

CUSTOMHOUSE BROKERS · FREIGHT FORWARDERS · MARINE INSURERS · AIR FREIGHT · CONTAINERIZATION

EXAMPLE
CUSTOMS FORM CBP-7501
Entry Summary

Form Approved OMB No. 1651-0022

DEPARTMENT OF HOMELAND SECURITY U.S. Customs and Border Protection ENTRY SUMMARY				1. Filer Code/Entry No.		2. Entry Type		3. Summary Date					
				4. Surety No.		5. Bond Type		6. Port Code					
								7. Entry Date					
8. Importing Carrier			9. Mode of Transport		10. Country of Origin			11. Import Date					
12. B/L or AWB No.			13. Manufacturer ID		14. Exporting Country			15. Export Date					
16. I.T. No.		17. I.T. Date		18. Missing Docs	19. Foreign Port of Lading			20. U.S. Port of Unlading					
21. Location of Goods/G.O. No.			22. Consignee No.		23. Importer No.			24. Reference No.					
25. Ultimate Consignee Name and Address					26. Importer of Record Name and Address								
City			State		Zip		City						
State			Zip		32. A. Entered Value		33. A. HTSUS Rate		34. Duty and I.R. Tax				
27. Line No.		28. Description of Merchandise		30. A. Grossweight		31. Net Quantity in HTSUS Units		B. CHGS		C. IRC Rate			
				B. Manifest Qty.				D. Visa No.		Dollars Cents			
Other Fee Summary for Block 39				35. Total Entered Value		CBP USE ONLY			TOTALS				
				\$		A. LIQ CODE		B. Ascertained Duty		37. Duty			
				Total Other Fees		REASON CODE		C. Ascertained Tax		38. Tax			
				\$				D. Ascertained Other		39. Other			
36. DECLARATION OF IMPORTER OF RECORD (OWNER OR PURCHASER) OR AUTHORIZED AGENT								E. Ascertained Total		40. Total			
I declare that I am the <input type="checkbox"/> Importer of record and that the actual owner, purchaser, or consignee for CBP purposes is as shown above, OR <input type="checkbox"/> owner or purchaser or agent thereof. I further declare that the merchandise <input type="checkbox"/> was obtained pursuant to a purchase or agreement to purchase and that the prices set forth in the invoices are true, OR <input type="checkbox"/> was not obtained pursuant to a purchase or agreement to purchase and the statements in the invoices as to value or price are true to the best of my knowledge and belief. I also declare that the statements in the documents herein filed fully disclose to the best of my knowledge and belief the true prices, values, quantities, rebates, drawbacks, fees, commissions, and royalties and are true and correct, and that all goods or services provided to the seller of the merchandise either free or at reduced cost are fully disclosed. I will immediately furnish to the appropriate CBP officer any information showing a different statement of facts.													
41. DECLARANT NAME				TITLE				SIGNATURE				DATE	
42. Broker/Filer Information (Name, address, phone number)						43. Broker/Importer File No.							
						PaperWork Reduction Act Notice						CBP Form 7501 (04/05)	

Approved by:
Randle A. Macon

Effective Date: July 2012

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EXAMPLE
CUSTOMS FORM CBP-7501
Entry Summary Continuation Sheet

DEPARTMENT OF HOMELAND SECURITY
U.S. Customs and Border Protection

ENTRY SUMMARY CONTINUATION SHEET

OMB No. 1651-0022

1. Filer Code/Entry No.

27. Line No.	28. Description of Merchandise			32. A. Entered Value B. CHGS C. Relationship	33. A. HTSUS Rate B. ADA/CVD Rate C. IRC Rate D. Visa No.	34. Duty and I.R. Tax	
	29. A. HTSUS No. B. ADA/CVD No.	30. A. Grossweight B. Manifest Qty.	31. Net Quantity in HTSUS Units			Dollars	Cents

EXAMPLE

FV 356 Application for Inspection and Certificate of Sampling – Front

REPRODUCE LOCALLY. Include form number and edition date on all reproductions. OMB APPROVED NO. 0681-0234
FV-356 (Example)

U.S. DEPARTMENT OF AGRICULTURE AGRICULTURAL MARKETING SERVICE APPLICATION FOR INSPECTION AND CERTIFICATE OF SAMPLING		APPLICATION TAKEN BY (Initials)	DATE	HOUR							
NAME AND MAILING ADDRESS OF APPLICANT (Include City, State, ZIP)		NAME AND MAILING ADDRESS OF RECEIVER OR BUYER (Include City, State, ZIP)									
Enter your E-Mail Address here:											
IF REQUESTED BY OTHER THAN APPLICANT, SPECIFY NAME OF PARTY		CONTRACTOR ORDER NUMBER	DATE AVAILABLE FOR SAMPLING/INSP.								
NOTE: Mark an "X" in appropriate blocks											
MAIL CERTIFICATE AND FEE BILL TO <input type="checkbox"/> APPLICANT <input type="checkbox"/> OTHER (Specify)		DISTRIBUTION INSTRUCTIONS <input type="checkbox"/> FAX <input type="checkbox"/> USPS <input type="checkbox"/> OVERNIGHT <input type="checkbox"/> EXPRESS GROUND MAIL <input type="checkbox"/> OTHER									
TYPE OF PRODUCT <input type="checkbox"/> CANNED <input type="checkbox"/> FROZEN <input type="checkbox"/> DRIED <input type="checkbox"/> DEHYDRATED <input type="checkbox"/> OTHER NAME OF PRODUCT		LOCATION OF PRODUCT (Name, Address, and Phone)									
TYPE OF CASE <input type="checkbox"/> NONE <input type="checkbox"/> DOMESTIC <input type="checkbox"/> OTHER (Specify)		CASE MARKS (Specify in "Remarks" on reverse) <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> SPECIAL									
PRODUCT PREVIOUSLY GRADED <input type="checkbox"/> NO <input type="checkbox"/> YES (If "Yes", give Certificate Number)		FIELD OFFICE WHERE GRADED									
REPORT RESULTS IMMEDIATELY AFTER GRADING TO <input type="checkbox"/> APPLICANT <input type="checkbox"/> OTHER (Specify)		QUALITY REQUIREMENTS OF RECEIVER									
ADDITIONAL REQUIREMENTS (Check all that apply)											
<input type="checkbox"/> Certificate of Date of Pack (Federal or State Agencies)		<input type="checkbox"/> "Officially Sampled" stamp on cases. Stamp this form when accomplished									
<input type="checkbox"/> Condition of Container Examination (Federal or State Agencies) Attach Form AD-748 or 741		<input type="checkbox"/> Checkloading Required Date: _____									
<input type="checkbox"/> USDA Contracts—Country of Origin Certification and Traceability Documents. (Plant Survey and Food Defense System Survey required) or Plant Systems Audit		<input type="checkbox"/> Unofficial Sample Submitted by Applicant. See terms and signature request on reverse side of this form									
<input type="checkbox"/> SECTION 8e IMPORT PRODUCT INSPECTION:											
Importer of Record	Date of Entry	Port of Entry	Name of Vessel/Voyage No.	Customs Entry No.	Bill of Lading No.						
Broker's Reference No.	FCE No.	Port of Export	Harmonized Tariff Code	Container No.	Country of Origin						
<input type="checkbox"/> EXPORT CERTIFICATE:											
Port of Export	Port of Entry	Name of Vessel	Voyage No.	Date of Freezing	Freezing Temp. °C.	Storage Temp. °C.					
<input type="checkbox"/> OTHER: PLEASE SPECIFY IN REMARKS											
LOT NO.	LOT SIZE AND DESCRIPTION	NO. AND TYPE OF CONTAINERS IN CASE	CODE MARKS IN LOT <input type="checkbox"/> EMBOSSED <input type="checkbox"/> INK STAMPED <input type="checkbox"/> INK JET <input type="checkbox"/> OTHER		NO. SAMPLES						
ADDITIONAL SAMPLE UNITS FOR: <input type="checkbox"/> ANALYTICAL <input type="checkbox"/> USDA REVIEW <input type="checkbox"/> MONTHLY REVIEW <input type="checkbox"/> OTHER _____											
REMARKS:											
THIS IS TO CERTIFY that in compliance with the regulations of the Secretary of Agriculture governing the inspection of processed fruits and vegetables pursuant to the Agricultural Marketing Act of 1946, as amended, I have this day drawn samples believed by me to be representative of the lots described above.											
DATE		ADDRESS OF SAMPLER OR FIELD OFFICE		OFFICIAL SAMPLER PRINT AND SIGN NAME							
DATE	DRIVING (HRS)	SAMPLING (HRS)	STAMPING (HRS)	CONDITION (HRS)	CHECKLOADING (HRS)	PRODUCT EXAM (HRS)	OTHER (HRS)	TOTAL HOURS	OVERTIME (HRS)	NIGHT DIFF (HRS)	INSP INT.

(OVER)

PPD RESPONSIBILITIES

Using a stamp as shown below (or similar), PPD will stamp, sign, and date a copy of one of the following forms: CBP-3461, CBP-3461 ALT, CBP-7501, or a commercial invoice and return the form to the broker/importer within the same business day, or as soon as possible by fax. Replacement stamps may be obtained by contacting the National office.

AgMS, USDA NOTIFIED Examination to be performed By AgMS after release From the custody of U.S. Customs Border Protection	
AgMS Inspector	Date

The form submitted should contain a written statement from the importer attesting that Food and Drug Administration (FDA) “May Proceed” status has been granted prior to USDA inspection. Upon receipt of a completed [application for inspection](#), PPD will contact the importer within 2 working days to schedule inspection. PPD will arrange a date for inspection as soon as practical with all parties involved (importer, warehouse, and PPD field office). There may be some variation on these procedures between field offices; be guided by your supervisor.

Do not sample the 8e product until FDA has granted “May Proceed” status.

Use this inspection manual for inspection of imported dates, prunes ^{1/}, olives, and raisins, respectively, as well as applicable U.S. standards for grades and grading manuals. Reference the [AIM Inspection Series, Certification Manual](#) for certification. Follow the regulations on sampling and fees. PPD will complete the grading of sampled lots in a manner to promote good customer service standards. PPD will notify the applicant of pass/fail inspection results and provide a copy of the score sheet when requested. PPD will enter the inspection results into the PPD Import Database, and complete and mail a USDA certificate (FV-146 or FV-494) to the applicant, and provide additional copies to parties indicated in the “DISTRIBUTION OF CERTIFICATES FOR IMPORTED 8e PRODUCTS” section on the following page.

U. S. CUSTOMS RESPONSIBILITIES

It is the responsibility of U.S. Customs to provide conditional release of 8e Imports when **Stamp and Fax** notification is made by the importer of record. If the product is not inspected and certified, or if it fails to meet import requirements, U.S. Customs may ask for this product to be redelivered based upon notification by PPD, and in accordance with the Regulations, as found in the Code of Federal Regulations (CFR), 19 CFR 141.113, which may be found at the following internet address: <http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>.

^{1/} Effective on August 1, 2005, the Agricultural Marketing Service published an interim final rule that **indefinitely extends the suspension** of the dried prune mandatory outgoing inspection. See [Imported Prunes](#).

FOOD AND DRUG ADMINISTRATION (FDA) RESPONSIBILITIES**FDA “May Proceed” status must be granted by FDA prior to sampling by PPD.**

Unless they wish to run other tests, FDA will either clear or detain 8e Imports on the basis of inspection reports. Memorandums of Understanding (MOU) between PPD and FDA are outlined in this instructional manual. In these MOUs, FDA agrees to accept the results of PPD’s sampling and microanalysis on any lots of Raisins or Dates. Imports of canned ripe olives are regulated under Olive Regulation 1, issued under Section 8e of the Agricultural Marketing Agreement Act of 1937, as amended. FDA will detain all lots that fail FDA requirements when notified by PPD. FDA will notify PPD of any lots that are to be offered for reentry under 8e Import requirements. Lots that have failed may only be reconditioned with FDA consent.

DISTRIBUTION OF CERTIFICATES FOR IMPORTED 8e PRODUCTS

The distribution of all certificates and memorandum reports issued for imported dates, prunes, raisins, and canned ripe olives covered under Section 8e of the Agricultural Marketing Agreement Act of 1937, as amended shall be as follows:

Meeting Lots, Certificates and Memorandum Reports:

Original to the importer or applicant

1 copy to U.S. Customs and Border Protection 1/

1 copy to the local Food and Drug Administration district office 1/

1 or more copies to be retained with the field office inspection records

1 faxed copy to the Marketing Order Administration Division

Failing Lots, Certificates and Memorandum Reports:

Original to the importer or applicant

1 copy to the local Food and Drug Administration district office 1/

1 or more copies to be retained with the field office inspection records

1 faxed copy to the Marketing Order Administration Division (MOAD)

1 faxed copy to the National office, Inspection and Standardization Section

1/ Local U.S. Customs and Border Protection and Food and Drug Administration offices may not want copies of the certificates and memorandum reports, and/or may prefer information by phone. Contact your local offices for specific instructions.

Contact information for the MOAD:

U.S. Postal Service:

USDA, AMS, Fruit and Vegetable Program
Marketing Order Administration Division
1400 Independence Avenue SW
STOP 0237
Washington, D.C. 20250-0237

FedEx or UPS:

USDA, AMS, Fruit and Vegetable Program
Marketing Order Administration Division
1400 Independence Avenue SW
Room 1406 South Building
Washington, D.C. 20250

Phone: (202) 720-2491
Fax: (202) 720-8938

IMPORTER'S EXEMPT COMMODITY FORM (FV-6) FOR IMPORTED, RAISINS, DATES, PRUNES AND CANNED RIPE OLIVES

The revised instructions for issuance of the "Importer's Exempt Commodity Form" FV-6 for imported canned ripe olives, imported dates, raisins, and prunes covered under Section 8e of the Agricultural Marketing Agreement Act of 1937, as amended are as follows:

The generic FV-6 shall **only** be issued by the USDA, AMS, Fruit and Vegetable Program (FV), **MOAD, Compliance Team**.

AMS, FV, PPD shall notify the importer of failing 8e products and provide a copy of MOAD's "Notice" letter to the importer. A copy of this notice letter is shown on the following page. PPD shall refer all questions regarding exemptions and disposition of failing 8e products to the MOAD Compliance Team at (202)-720-2491. Additional information can be found at: <http://www.ams.usda.gov/fv/8ewelcome.html> and select the "Import Requirements and International Services" link under the "See Also" block on the right side of the screen.

Example: MOAD’s “**Notice**” letter to the importer



Notice



This shipment does not meet the requirements of Section 8e of the Agricultural Marketing Agreement Act (AMAA) of 1937

In order to comply with the law you must do the following:

REQUIRED ACTION	PROPER DOCUMENTATION
1) Recondition the shipment that currently fails 8e import requirements and have it re-inspected, including the destruction of any culls.	1) USDA, AMS inspection certificate(s) for all units meeting 8e Import Requirements and a certificate for all destroyed units. These items must equal the original quantity of imported shipment.
Or	
2) Re-Export shipment	2) Customs Form 7512 <u>with Customs date hole punch stamp</u> , or a Pedimento (Mexico Import document) with a paid freight bill showing destination and proper quantity of product.
Or	
3) Send shipment to exempt use .	3) Properly complete form FV-6 (or FV-197 for raisins) and return to USDA, MOAB, Compliance Team. Visit our website for a listing of acceptable exempt uses for each commodity.
Or	
4) Destroy	4) USDA, AMS certificate documenting all units being disposed. This item must equal the original quantity of imported shipment

A copy of this failed inspection will be forwarded to the **USDA, AMS, Marketing Order Administration Branch (MOAB), Compliance Team**, which will follow-up to determine the failed product’s disposition. If the violation is not handled as listed above, you may be subject to one or more of the following:

- A. U.S. Customs demand for redeliver or liquidated damages for three times the value of imports
- B. U.S. Customs denial of entry for this shipment as well as future shipments.
- C. \$1,100 penalty per violation, each day the violation occurs.
- D. Civil forfeiture of the present market value.

Please fax or mail a copy of the failed inspection certificate stapled to the appropriate documentation of its disposition to:

USDA, AMS, FV, MOAB, Compliance Program
1400 Independence Ave., S.W.
Stop Code 0237, Room 1406-S
Washington, D.C. 20250

Fax#: 202-720-5698

Please contact us with any question concerning how to document or comply properly at:
202-690-0464 or <http://www.ams.usda.gov/fv/8eWelcome.html>

8e MARKETING ORDER INSPECTION - PROCEDURAL REVIEW

There are many unique inspection procedures required for commodities inspected under 8e import marketing orders. The following summary applies to imported raisins, dates, prunes, and canned ripe olives.

Review the [FV-356 \(Application for Inspection\)](#) submitted by filer for completeness

- A. Has the inspection location been provided?
- B. Has the primary container type, size and quantity been provided?
- C. Has the broker filed entry?
- D. Has the broker/applicant advised PPD that the entry is “Ready for Inspection”?

Review the submitted entry form

- A. Has the broker included the FDA “May Proceed” status granted statement on the entry form or mutually agreed upon document allowing PPD to inspect?
- B. Follow “Stamp and Fax” procedures as described in these instructions.

Arrange for inspection within 5 business days of “Ready to Inspect” status

Product must be removed from the entry container, and be accessible for sampling.

Sample the entry

- A. Review documentation submitted by the applicant and warehouse documentation for packing list of codes and approximate containers per code, if available.
- B. Draw samples representatively. For small primary containers, draw enough parallel samples as needed be sure there is adequate product for grading and inspection purposes. Mark samples to identify.
- C. Record primary and container codes for each sample.

Observe any unusual conditions of packaging. Condition of Container is not routinely performed. However if swollen cans, leaking cans, damaged primary containers exposing product, or unsanitary warehouse conditions are found, contact your immediate supervisors for additional guidance. These results **may** need to be reported to FDA and **may** result in detention.

- D. Be observant of any “Hold” documentation on product containers. If any are observed, contact your immediate supervisor for additional guidance. **Do not** sample or inspect any product detained by FDA.

Inspect product

- A. Determine if the product is covered by the marketing order. Is it subject to AMS Quality inspection? Is it subject to FDA Wholesomeness inspection?

Products that are not covered by the marketing order include those that are “Not Subject to Inspection,” meaning the product is packed with a different process (such as acidified olives), or from different plant life (jujubes imported as “dates.”) than products identified by the Marketing Order. An “exempt” entry is one that **is** covered by the Marketing Order, but the quantity is less than the minimum net weight restrictions of the Marketing Order.

If inspection of the product is not needed, you must document how you determined that inspection was **not** required, based on

1. Evaluation of sample(s) “Not Subject to Inspection,” submitted by the applicant, along with documentation tracking the sample to the entry documentation.
 2. A review of the documentation supplied.
 3. A review of the ingredient panel.
- B. If inspection is required, two inspections must be performed for all 8e products.
1. AMS Quality inspection, as appropriate to the 8e importing requirements and
 2. FDA inspection, performed under MOU for Wholesomeness.
- C. Perform AMS Quality inspection in accordance with instructions in this manual for the appropriate commodity.
- D. Perform FDA Wholesomeness inspection in accordance with instructions in this manual for the appropriate commodity. Also reference any additional instructions as found in the [AIM Inspection Series, Foreign Material Manual](#) if applicable.
- E. Problem signs include:
1. Swollen cans,
 2. Excessive pits (in pitted olives or dates),
 3. Failing microanalysis or sand in raisins,
 4. Failing dates for insects, filth or mold,

The Marketing Order does have provisions for reconditioning. If a lot fails the Marketing Order account a USDA grade factor; e.g. cap stems, then the applicant must submit a written request to the PPD field office. The PPD field office will forward the request to the National office through the normal chain of command.

However we (PPD) cannot give applicants permission to recondition when a lot fails account an FDA factor. Such a lot reverts back to FDA control; i.e. FDA rescinds their “May Proceed” status. FDA must grant permission for the applicant to recondition, and we must get obtain a copy of FDAs approval to re-inspect (FDA -766 Application for Authorization to Relabel or to Perform Other Action of the Federal Food, Drug, and Cosmetic Act and Other Related Acts). FDA may decide that they want to perform the re-inspection themselves. This is their option to do so. They also have the right to witness the destruction of failing lots. An example of a PPD declaration of witnessing destruction of a failing entry is shown on the following page.

When PPD does re-inspect the re-conditioned or segregated lot and issues a new certificate, MOAD has requested that PPD reference the **original failing certificate number** on the re-inspection certificate. Under REMARKS on the re-inspection certificate, please add this statement: **“Previously Certified on Certificate Number (add certificate number).”**

Prepare Certificate

- A. All 8e import lot information must be entered in the PPD Import Database Program. Follow instructions for the PPD “Import Database Program” as found on the PPD Portal (which may be found on the PPD AGNIS site at the following intranet address: <http://agnis/sites/FV/PPD/default.aspx>). The PPD Portal is found on the right side of the page under “Helpful Links”.
- B. For entries that meet both AMS and FDA, certify as shown in the [AIM Inspection Series, Certification Manual](#). Certificate examples for Dates certified on FV-494 see the Date section of these instructions.
- C. For entries failing FDA:
 - 1. Excessive pits (in pitted olives or dates),
 - 2. Failing micro or sand in raisins,
 - 3. Failing dates for insects, filth or mold,

Certify as shown in the [AIM Inspection Series, Certification Manual](#). Certificate examples for Dates certified on FV-494 see the Date section of these instructions.

Lots that fail FDA wholesomeness requirements CANNOT be certified as meeting USDA requirements; they automatically fail the Marketing Order.

- D. For entries that fail label declarations for drained weight, net weight, size designation, or style, but do not fail Good Commercial Practices, certify as meeting the Marketing Order, but flag the certificate as shown in the [AIM Inspection Series, Certification Manual](#).

EXAMPLE: PPD Declaration of Witnessing Destruction of a Failing 8e Entry

(Insert Current Letterhead)

January 20, 2011

Report of Disposal of Product

Reference: Container number AABC 1234567
Entry Number 111-1234567-0

On January 20, 2011 at the request of ABC Foods, inspector Jane M. Doe of USDA, AMS, FV, Processed Products Division observed the destruction of 3,000 cases of failed Dates (account Foreign Material – insects and frass) at Burns Containers, Inc. located at 4300 Rising Sun Avenue, Philadelphia, PA. The contents of the 3,000 cases included 2,584 cases of 12/500 gram packages, and 416 cases of 24/250 gram packages.

Jane M. Doe

Jane M. Doe
USDA Inspector
Processed Products Division
Fruit and Vegetable Program
9 Seaside Drive
Easton, Maryland 12345

Distribution of Inspection Results

The distribution of all certificates and memorandum reports issued for imported dates, prunes, raisins, and canned ripe olives covered under Section 8e of the Agricultural Marketing Agreement Act of 1937, as amended shall be as follows:

A. Meeting Lots, Certificates and Memorandum Reports:

1. Original to the importer or applicant
2. 1 copy to U.S. Customs and Border Protection ^{1/}
3. 1 copy to the local Food and Drug Administration district office ^{1/}
4. 1 or more copies to be retained with the field office inspection records
5. 1 faxed copy to the Marketing Order Administration Division

B. Failing Lots, Certificates and Memorandum Reports:

1. Original to the importer or applicant
2. 1 copy to the local Food and Drug Administration district office ^{1/}
3. 1 or more copies to be retained with the field office inspection records
4. 1 faxed copy to the Marketing Order Administration Division
5. 1 faxed copy to the National office, Inspection and Standardization Section

The instructions for issuance of the “Importer’s Exempt Commodity Form” FV-6 for imported canned ripe olives, imported dates, raisins, and prunes covered under Section 8e of the Agricultural Marketing Agreement Act of 1937, as amended are as follows:

The FV-6 shall **only** be issued by the USDA, AMS, FV, **MOAD, Compliance Team.**

AMS, FV, PPD shall notify the importer of failing 8e products and provide a copy of [MOAD’s “Notice” letter to the importer](#). A copy of this notice letter is shown on page 13. PPD shall refer all questions regarding exemptions and disposition of failing 8e products to the MOAD Compliance Team at (202) 720-2491. Additional information can be found at: <http://www.ams.usda.gov/fv/8ewelcome.html> and select the “Import Requirements and International Services” link under the “See Also” block on the right side of the screen.

^{1/} Local U.S. Customs and Border Protection and Food and Drug Administration offices **may not want copies** of the certificates and memorandum reports, and/or may prefer information by phone. Contact these local offices for specific instructions.

IMPORTED DATES

The Date Grading manual may be found on the USDA, PPD home page at the following internet address:

<http://www.ams.usda.gov/AMSV1.0/ams.fetchTemplateData.do?template=TemplateA&navID=ReturntoPPDHomePage&rightNav1=ReturntoPPDHomePage&topNav=&leftNav=&page=ProcessedFVGrading&resultType=&acct=procsdgrdcert>. Under "PPD Services" click on the "Grading and Inspection Resources" link, then under the "Available Resources" link click on "U.S. Grade Standards, Grading Manuals, and Additional Grading Resources", then click on the "Dried and Dehydrated Products" link and choose the "Dates" row of information.

An amendment to the Agricultural Marketing Agreement Act of 1937, Section 608e, requires that imported "dates for packaging" and "dates in retail packages" must meet the same minimum grade and condition requirements as applicable to domestically produced dates. Imported dates currently must meet U. S. Grade B or better. The Regulation which specifically details the requirements is found in the 7 CFR 999.1. It is recommended that the Import Regulation for dates be reviewed each year for any changes. These Regulations may be found at the following internet address: <http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>.

The Memorandum of Understanding (MOU) between FDA and the AMS assigns the responsibilities relating to the inspection, sampling, and examination of imported dates and date material. On lots tendered as "dates for packaging" or "dates in retail packages," the agreement delegates a portion of FDA's responsibility, that is, FDA will recognize the findings of USDA. Customs will accept USDA certification of acceptable lots as evidence of compliance with import regulations, and will release the shipment to the custody of the importer. Any lot that fails provisions of the Regulation, Section 608e, cannot be imported as "dates for packaging" but may be re-entered as "dates for processing," provided the dates meet the acceptance criteria for wholesomeness.

The MOU between the AMS, USDA and the FDA, Department of Health and Human Services Regarding Imported Dates and Date Material (FDA 225-72-2001, revised 11/19/85) can be viewed on the FDA, Domestic MOUs page by clicking on the appropriate MOU number at the following internet address:

<http://www.fda.gov/AboutFDA/PartnershipsCollaborations/MemorandaofUnderstandingMOUs/DomesticMOUs>

Statutes Relating to the Agreement

- A. FDA is charged with the enforcement of the Federal Food, Drug, and Cosmetic Act. FDA inspects, samples, and examines imported dates and date products intended for processing to determine whether they are in compliance with this statute. One provision of the act deems a food to be adulterated if it consists in whole or in part of any filthy, putrid, or decomposed substance.
- B. AMS is responsible for certifying that imported retail packages of dates or bulk dates intended for packaging meet the minimum grade and condition standards as set forth in section 608e of the Agricultural Marketing Agreement Act of 1937, as

amended. These requirements recognize insect infestation, filth, and decomposition in dates as defects which may prohibit importation. Nothing in this agreement shall lessen the responsibilities of AMS under the Agricultural Marketing Agreement Act of 1937; nor of FDA under the Federal Food, Drug, and Cosmetic Act, as amended.

Products Covered

- A. Dates in bulk that are tendered as "dates for packaging", and are to be repacked in the United States and sold as retail packages.
- B. Dates in retail packages that are imported as such and are intended for retail sales.
- C. Only whole dates - pitted or unpitted.
- D. Dates initially tendered "for processing" that meet FDA acceptance criteria may subsequently be re-offered as "dates for packaging", provided approval is granted by the MOAD, Fruit and Vegetable Division, AMS. Such approval will be granted only in exceptional cases, such as there is evidence to indicate that the importer made an unintentional error in his original tender as "dates for processing".

Exemptions

- A. Dates for processing - intended for baking, confectionery, etc.
- B. Dates coated with a substance that materially alters their color.
- C. Dates prepared or preserved.
- D. Dates that are chopped, sliced, macerated into paste, or otherwise altered so as not to resemble a whole date.
- E. Any lot that is less than 70 pounds net weight.
- F. Dates destined to charitable organizations, correctional institutions, or Native Americans on reservations.

Responsibilities

A. Importer's or Applicant's Responsibilities

The importer or applicant will:

1. Declare the intended use of each entry of dates in order to establish the status of the tender. Either the dates are covered by the regulation and are subject to USDA inspection, or they are exempt from the regulation and

- subject only to FDA inspection.
2. Re-enter lots that have failed the regulation because of grade factors only (color, character, etc.) as "dates for processing," provided the lot is wholesome.
 3. Divert to processing outlets dates declared for packaging that meet the Regulations. However, dates declared for processing that meet FDA requirements may not be subsequently re-declared for packaging, except with the approval of MOAD.
 4. Execute the FV-6 for dates for processing issued by the USDA, AMS, FV, MOAD, Compliance Team.
 5. Provide a copy of the [Customs Immediate Entry Form 3461](#) or 3461/ALT to be stamped by the PPD inspector.
 6. Verify that FDA has granted and the entry form submitted contains a written statement attesting that FDA "May Proceed" status has been granted prior to USDA inspection.

B. USDA or Processed Products Division's Responsibilities

PPD inspectors shall follow the guidelines described in the "[8e Marketing Order Inspection – Procedural Review](#)" section of these instructions on page 14.

Processed Products Division will:

1. At the time and place of entry, sample and examine all lots of imported packaged dates or bulk dates that are declared for packaging (except those of 70 pounds or less, or lots that are so denatured as to render them unfit for human consumption). Samples will be collected in accordance with the sampling guidelines in the "[Sampling](#)" section of the Imported Date instructions. For the purpose of this agreement, a "lot" shall be considered that portion of an entry for import bearing a single identifying number or mark.
2. Examine the dates for insect infestation, filth, decomposition, and (if pitted) for pits and/or pit fragments in accordance with the current method of analysis of dried fruit in FDA Technical Bulletin Number 5, Microanalytical Procedures Manual, pages V-53 through V-58. The FDA Technical Bulletin Number 5, Microanalytical Procedures Manual may be found on the FDA internet site on the Microanalytical Procedures Manual page at the following internet address:
<http://www.fda.gov/Food/ScienceResearch/LaboratoryMethods/MacroanalyticalProceduresManualMPM/default.htm>.

3. Accept or reject lots of dates in accordance with FDA guidelines covering filth, decomposition, or insect infestation using the sequential analysis plan. The sequential analysis plan for dates appears as attachment B of FDA MOU 225-72-2001, which may be found on the FDA internet site on the Domestic MOU page at the following internet address:
<http://www.fda.gov/AboutFDA/PartnershipsCollaborations/MemorandaofUnderstandingMOUs/DomesticMOUs/default.htm>.

FDA DAL for pits and pit fragments may be found on the FDA web site in the Defect Action Level Handbook, available at the following internet address:
<http://www.fda.gov/Food/GuidanceComplianceRegulatoryInformation/GuidanceDocuments/Sanitation/ucm056174.htm>.
4. Upon completion of the examination, promptly notify the appropriate FDA district office of any lots failing to meet minimum acceptance criteria of this agreement, account pits or pit fragments, insect infestation, filth, or decomposition, or situations with which there is any question regarding laboratory examination results.
5. Upon request, provide FDA with a copy of each examination report listing the findings. Use the chart on page V-58 of [FDA Technical Bulletin Number 5, Microanalytical Procedures Manual](#) for reporting results. See Worksheet for Classification of Reject Material contained in this section.
6. Inform the Division of Microbiology, Center for Food, Safety and Applied Nutrition, FDA, of any requests for the reclassification of dates and date material, and any action taken on those requests.
7. Notify FDA of dates declared exempt on the "Importer's Exempt Commodity Form" FV-6 issued by the MOAD compliance team. Dates that are exempt are destined to charitable organizations, correctional institutions, or Native Americans on reservations.

C. FDA's Responsibilities

The Food and Drug Administration will:

1. Sample and examine dates or date material declared for use in processing, and lots of 70 pounds or less that are packaged or declared for packaging. Samples will be collected in accordance with the sample collection criteria in Attachment A, of FDA MOU 225-72-2001, which may be found on the FDA Domestic MOU page at the following internet address:
<http://www.fda.gov/AboutFDA/PartnershipsCollaborations/MemorandaofUnderstandingMOUs/DomesticMOUs/default.htm>.

2. Unless AMS is notified to the contrary, FDA will:
 - a. Accept the findings of AMS on any lot of dates sampled and inspected by AMS.
 - b. Cause detention of any dates rejected by AMS because they contain excess pits or pit fragments, insect infestation, filth, and/or decomposed dates if the same lot is offered for re-entry by the importer as "dates for processing."
 - c. Permit entry of "dates for processing" without re-inspection when whole dates have been certified as failing only the minimum grade and condition requirements as outlined in Section 608e, of the Agricultural Marketing Agreement Act of 1937, as amended. Dates rejected according to guidelines covering filth, insect infestation, or decomposition using the sequential analysis plan shall not be permitted to enter as "dates for processing".
3. Inform AMS of any detention of dates that might be offered for re-entry for other than processing purposes.

Application for Inspection

The Regulations covering imported dates require that an application for inspection at port of entry be made at least 10 days prior to expected date of arrival. PPD should handle the requests as expeditiously as possible. The inspection can be time-consuming and any delay can be costly to the importer, particularly at the port of entry. The inspection request should include the following information:

- A. Applicant's Name;
- B. Importer of Record;
- C. Date Available for Inspection;
- D. Port of Entry;
- E. HTSUS Harmonized Tariff Schedule Number;
- F. Customs Entry Number;
- G. Bill of Lading Number;
- H. Name of Vessel;
- I. Country of Origin;

- J. Container Number;
- K. Quantity and Description of Product;
- L. Location of Lot;
- M. Broker's Reference Number; and
- N. Contact Person and Phone Number.

The inspection request will be on the form [FV-356, Application for Inspection](#).

Sampling

Lots should not be sampled by PPD until "May Proceed" status is granted by the FDA.

After notification by the FDA, samples shall be drawn in accordance with Table II, Sample Collection Criteria in the FDA Compliance Policy Guide 7110.09., section 550.300, which may be found on the FDA internet site at the Compliance Policy Guide, Section 550.300 page at the following internet address:

<http://www.fda.gov/ICECI/ComplianceManuals/CompliancePolicyGuidanceManual/ucm074529.htm>

- A. All lots shall be randomly sampled.
- B. Table II is based upon unit containers weighing between 20 and 100 pounds. See below for other size containers:
 - 1. Containers exceeding 100 pounds - consider as 2 or more containers.

Example: A 150 pound container would be considered as 2 containers and a 300 pound container as 3 containers.
 - 2. Containers less than 20 pounds - calculate the total pounds contained in the complete lot and divide by 20. Consider the lot as consisting of "20 pound equivalent" containers for the purpose of sampling.

Example: How many subsamples are required from a lot consisting of 2,000 cases, 12 - 1 lb packages?

 $2,000 \text{ cases} \times 12 \text{ lbs per case} = 24,000 \text{ lbs}$

 $24,000 \text{ lbs} \div 20 = 1,200\text{-}20 \text{ lb. equivalent cases}$

For this size lot, the number of samples is 14; see Table II below. Collect 14 subsamples from the lot. A subsample will consist of 3 packages, each drawn from the same case. One and one half pounds selected from 13 of the 14

subsamples will be used for grading quality factors. Fifty-eight dates (or approximately 0.9 lbs.) selected from each of the 14 subsamples will be used to form the composite sample for the FDA Sequential Analysis Plan.

- C. Determine the number of subsamples (sample units) to collect on the basis of the lot size from the following Sampling Plan for Imported Dates table.

SAMPLING PLAN FOR IMPORTED DATES

# Containers in the Lot	100 or less	101-600	601-1200	1201-2000	2001-2800	2801-6000	6001-9000	9001-15000	15001-or over
Sample Size	3	8	14	26	36	44	56	68	82
Acceptance Number	0	1	2	4	5	6	7	8	9

- D. The sub-sample should consist of 300 - 400 dates, or an approximately three pound chunk. To the extent possible, inspectors should avoid damaging the dates when removing the sample from the shipping case. Row-packed dates may be sampled by breaking off three approximately 6-inch lengths to obtain the three pounds necessary.
- E. Bag the sub-samples separately and identify by marking.
- F. Examine all cases opened as well as the exterior of unopened cases carefully for live insects, webbing, and other evidence of infestation. Record any such evidence found.
- G. Pack each sub-sample in a suitable container. Mark containers to identify the subsamples with related code marks, and close tightly to prevent contamination.

Grade Determination

Under the Import Regulation, the dates must meet minimum Grade B (Dry) requirements of the current U. S. Standards for Grades of Dates, except that the longitudinal slit caused by pitting is not scored, and some discretion is allowed in evaluating the effects of mashing upon the appearance and character of the date. Imported dates are naturally soft and are subject to torn skins and a certain amount of mashing. Even though a reasonable amount of discretion is exercised in scoring flattened, torn or mutilated dates, if the unit is flattened or mangled to the extent that the unit lacks the semblance of a whole date, the unit is scored as a defect. Defects are cumulative; the 15 percent tolerance comprises all defects, including infestation. Infestation refers to dead infestation and frass. Review the Import Regulation each year for any changes.

The Regulations, 7 CFR 999.1 may be found at the following internet address:

<http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>.

Imported dates must meet minimum Grade B requirements, particularly with respect to:

- The character of the date, such as mashed or mangled (scored as a quality defect);
- The presence of pits in pitted dates (scored as a quality and wholesomeness defect);
- Examination for infestation and filth as well as active infestation (scored as wholesomeness defects).

A. Color

There may be no more than 10 percent by count of light dates in samples that are predominately dark (such as Sayir Dates); or more than 10 percent dark dates in samples that are predominately light (such as Hallawi Dates). Color may be determined on the hydrated product. This may be accomplished by steaming the dates. A pressure cooker or double boiler may also be used.

B. Pits

The U.S. Standards for Grades of Dates allow not more than 1.0 pit (or 2 pit fragments) per 25 ounces.

Food and Drug Defect Determination

The Food and Drug Administration defines Article adulteration as follows: An article that consists in part of a (filthy) (decomposed) substance by reason of the presence therein of (insects/insect fragments/insect excreta) (moldy/sour/decomposed/worthless) dates. In addition to grade factors, the dates must be wholesome, meaning they must meet Food and Drug requirements. "Food and Drug defects" as used in this instruction mean dates affected by insect infestation (live or dead), insect frass, moldy dates, and dates with embedded dirt, or dates otherwise unsound and unfit to eat.

FDA specifies the method of analysis for dates in FDA Technical Bulletin Number 5, Microanalytical Procedures Manual, Chapter 9, Fruits and Fruit Products, Section F Method for Dried Fruits provides the procedure for examination to determine wholesomeness. The FDA Technical Bulletin Number 5, Microanalytical Procedures Manual may be found on the FDA internet site at the following internet address:
<http://www.fda.gov/Food/ScienceResearch/LaboratoryMethods/MacroanalyticalProceduresManualMPPM/default.htm>.

The acceptance or rejection of lots of dates must be determined in accordance with the Sequential Analysis Plan for Dates, Table I, in FDA Compliance Policy Guide 7110.09.

A. Preparation of the 800-Date Composite Sample

1. Divide 800 by the number of sub-samples drawn.
2. Take the calculated fractional portion from each of the sub-samples.
3. Add the portions together and mix well in a large bowl or container.

Example:

You have a lot of dates consisting of 1000 - 20 pound cases. The count for the date variety is 64 dates per pound.

Fourteen subsamples are specified by the Sampling Plan for Imported Dates

800	dates required for composite
$\div 4$	number of dates per ounce
= 200	total ounces required
$\div 14$	number of subsamples
= 14.285	ounces per subsample

B. Examination for Wholesomeness

1. The following Sequential Analysis Plan must be applied for determination of wholesomeness of dates.

TABLE I
Sequential Analysis Plan for Dates

Number of Defective Dates			
Number of Dates Examined	Accept (at or below)t	Continue Analysis	Reject (at or above)
100	1	2 – 7	8
200	5	6 – 12	13
300	10	11 – 17	18
400	14	15 – 21	22
500	18	19 – 25	26
600	23	24 – 30	31
700	27	28 – 34	35
800	34	-	35

Dates are to be selected at random, and should be as nearly equal in number from each subsample as is practical.

2. Each date contained in the composite sample must have an equal chance of being selected during the draw of the first 100 dates. After the examination of the first 100 dates, either accept, reject, or continue analysis based on inspection results.
3. The inspector should select as close to 100 dates as possible during "each draw" of 100 dates while applying the sequential plan. Do not select dates "one at a time" from the 800 date composite sample.
4. Examination can be expedited by using an illuminated magnifier as dates are individually opened up and checked.

C. Examination for Pit and Pit Fragments

Two pit fragments of 2 mm or more equals one pit; the allowance is based on the total number of pits and fragments expressed as whole pits. That is, if there were 3 whole pits and 12 pit fragments larger than 2 mm found, the total number of pits would be recorded as 9.

The FDA defect action level (DAL) for dates is an average of no more than **2.0 pits** (or pit fragments), 2mm or larger **per 100 dates**. The U.S. standards of quality for domestic dates is based on a sample unit size of 25 ounces (1.56 lb). The number of pit and/or pit fragments allowed in the U.S. Grade Standards for Dates is no more than **1.0 pit** (2 pit fragments) **per 25 ounces**.

When a lot fails the allowance for pit or pit fragments required in the U.S. Standards, the lot is given a grade of Substandard. When a lot is graded Substandard account of pits, the inspector must still determine whether the lot meets the FDA - DAL of an average of 2.0 pits (or pit fragments), 2mm or larger per 100 dates.

This is accomplished by counting the pits found while examining the product to determine wholesomeness. FDA criteria is based on the sequential method of 100 date increments. The number of pits found during this process divided by the number of 100 date increments examined will determine the number of pits per 100 dates for FDA requirements.

For example, if four groups of 100 dates were examined to reach a determination on wholesomeness, and 7 pits (as a combination of pits and fragments) were found in the process, the pit count would be calculated as $7 \div 4$, or 1.75 pits per 100 dates. This would meet FDA DALs requirements of 2.0 pits per 100 dates.

This is the method to be used. Do not take the results of the pit count from USDA grading and attempt to convert these results to pits per 100 dates. Record the results on the Worksheet for Classification of Reject Material for Dates and the score sheet for Dried Dates. An example of the worksheet is shown at the end of this section.

D. Classification

Upon completion of the examination, classify each inspection lot according to one of the following:

1. Meets USDA and FDA in all respects.
2. Fails USDA account grade defects but meets FDA wholesomeness.
3. Fails USDA account pits but meets FDA pit allowance.
4. Fails both USDA and FDA account pits.
5. Fails both USDA and FDA account active infestation.
6. Fails both USDA and FDA account wholesomeness (FDA defects).

The disposition of the lot depends upon the proper classification into one of the above six categories.

Note: If the lot FAILS FDA requirements, it automatically FAILS USDA requirements. We cannot certify FDA failing product as acceptable for human consumption.

Certification and Communications

A. Certification

Each lot inspected will be certified on a "Memorandum Report of Inspection for Imported Dates" (FV-494). The current version of form FV 494 can be found on the AMS Forms Catalog at the following internet address: <http://agnis/AMSFormsCatalog/Forms/AllItems.aspx>. Examples of the completed form are shown at the end of this section. Complete the FV-494 as follows:

1. Heading
 - a. The date on the certificate is the date on which examination is completed.
 - b. If the applicant is also the importer, enter the name and address in the appropriate space "Applicant."
 - c. Include code marks or other identifying marks in the appropriate space.

2. Body

- a. Indicate the Style, as "Whole-Pitted" or Whole."
- b. Indicate the variety, as "Sayir" or "Hallawi" or whatever variety as indicated by the applicant declaration, case markings, or manifest.

3. Grade

Check the appropriate box, "Meets or Fails." If the dates fail, indicate the reason under remarks. See the FV-494 examples included at the end of this section.

4. Remarks

Include in the remarks any information that will serve to further identify the lot. Show total count and total poundage.

B. Distribution of Reports

Original and 1 copy to importer or applicant

1 copy to U.S. Customs

1 copy to FDA district office

1 copy to Marketing Order Administration Division

1 or more copies to be retained with the field office inspection records.

C. Communications

Because of the need to support the exchange of information, it is essential to develop and maintain good working relationships with the local FDA, U.S. Customs officials, and the importer.

U.S. Customs Officials are obligated not to release a shipment of dates until they receive word that the dates meet USDA and FDA requirements. Work closely with your U.S. Customs offices to reach a mutually agreeable form of communication.

FDA has the responsibility over wholesomeness of imports. Unless they wish to run other tests such as pesticide residues, FDA officials will usually either clear or detain lots on the basis of AMS reports. For lots that are inspected by PPD, request a copy of the FDA HEADER FORM 701. Attach the FV-494 to a copy of FDA FORM 701 when distribution is made to FDA. It may be advisable to confer with the FDA official on borderline or questionable lots.

Note: If FDA has detained a lot, do not sample or examine the lot.

F & V Program also needs to be kept informed on the date import program. The Import Date Report should be duplicated and submitted by the certifying office each month. An example of the Import Date Report is shown later in this section. Send a copy of the report to:

1. National office, attention Inspection and Standardization Section;
2. Regional Director's office; and
3. USDA, AMS, Fruit and Vegetable Program
Marketing Order Administration Division, Director
1400 Independence Ave. SW
STOP 0237, Room 1406-S
Washington D.C. 20250

Approved by:
Randle A. Macon

Effective Date: July 2012

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U.S. DEPARTMENT OF AGRICULTURE
Agricultural Marketing Service**MEETS USDA**
MEETS FDA**MEMORANDUM REPORT OF INSPECTION FOR IMPORTED DATES**

DATE January 29, 2011

APPLICANT ABC PRODUCTS	ADDRESS OF APPLICANT Westville, VA 12345
----------------------------------	--

In compliance with this regulations of the Secretary of Agriculture, I inspected samples drawn by me, or by a person authorized by the Administrator, from the lot or lots of the product designated herein and, based on such samples, find the quality and condition of said lot or lots on the above date, to be as stated below:

CODE MARKS	VARIETY	STYLE	CASES		TOTAL NET WEIGHT
			SIZE	COUNT	
5233	ALLIGH	PITTED	26.5 lbs	1247	33,046 LBS

GRADE: MEETS FAILS import requirements for dates for packaging under Section 8e of the Agricultural Marketing Agreement Act of 1937 (as amended), account.

REMARKS:

This memorandum report covers 33,046 pounds (entry declaration), Packed in corrugated fiber cartons in good condition. Lot located at applicants warehouse, Westville, VA and identified by code and warehouse lot No: 5233. Arrived from Egypt; on Vessel: MATTHEW JARED; Container No: CTTU23456789; Customs Entry No: U11-0987654-2; B/L No: FRLN12336A; Port of entry: Norfolk, VA on January 24, 2011.

ADDRESS OF INSPECTOR:

Street address of field office
City, State Zip code

Dillan Scarborough
SIGNATURE OF INSPECTOR

FV 494 EXAMPLE MEETS USDA AND FDA

Approved by:
Randle A. Macon

Effective Date: July 2012

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U.S. DEPARTMENT OF AGRICULTURE
Agricultural Marketing Service

**FAILS USDA
MEETS FDA**

MEMORANDUM REPORT OF INSPECTION FOR IMPORTED DATES

DATE January 29, 2011

APPLICANT ABC PRODUCTS	ADDRESS OF APPLICANT Westville, VA 12345
----------------------------------	--

In compliance with this regulations of the Secretary of Agriculture, I inspected samples drawn by me, or by a person authorized by the Administrator, from the lot or lots of the product designated herein and, based on such samples, find the quality and condition of said lot or lots on the above date, to be as stated below:

CODE MARKS	VARIETY	STYLE	CASES		TOTAL NET WEIGHT
			SIZE	COUNT	
PACK14/09/10 BB14/03/12	MEDJOUL	WHOLE	11 lbs	400	4,400 LBS

GRADE: MEETS FAILS import requirements for dates for packaging under Section 8e of the Agricultural Marketing Agreement Act of 1937 (as amended), **account stems.**

REMARKS:

This memorandum report covers 4,400 pounds (entry declaration), Packed in corrugated fiber cartons in good condition. Lot located at applicants warehouse, Westville, VA and identified by code shown above. Arrived from Egypt; on Vessel: MATTHEW JARED; Container No: CTTU23456788; Customs Entry No: U11-0987654-3; B/L No: FRLN12336B; Port of entry: Norfolk, VA on January 24, 2011.

ADDRESS OF INSPECTOR:

Street address of field office
City, State Zip code

Eliana Garcia

SIGNATURE OF INSPECTOR

FV 494 EXAMPLE FAILS USDA

Approved by:
Randle A. Macon

Effective Date: July 2012

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U.S. DEPARTMENT OF AGRICULTURE
Agricultural Marketing Service**FAILS USDA**
FAILS FDA**MEMORANDUM REPORT OF INSPECTION FOR IMPORTED DATES**

DATE January 29, 2011

APPLICANT ABC PRODUCTS	ADDRESS OF APPLICANT Westville, VA 12345
----------------------------------	--

In compliance with this regulations of the Secretary of Agriculture, I inspected samples drawn by me, or by a person authorized by the Administrator, from the lot or lots of the product designated herein and, based on such samples, find the quality and condition of said lot or lots on the above date, to be as stated below:

CODE MARKS	VARIETY	STYLE	CASES		TOTAL NET WEIGHT
			SIZE	COUNT	
8034	ALLIGH	PITTED	55.11 lbs	750	41,336 LBS

GRADE: MEETS FAILS import requirements for dates for packaging under Section 8e of the Agricultural Marketing Agreement Act of 1937 (as amended), **account Pits, sand, and wholesomeness.**

REMARKS:

This memorandum report covers 41,336 pounds (entry declaration), Packed in corrugated fiber cartons in good condition. Lot located at applicants warehouse, Westville, VA and identified by code and warehouse lot No: 8034. Arrived from Egypt; on Vessel: MATTHEW JARED; Container No: CTTU23457789; Customs Entry No: U11-0987611-2; B/L No: FRLN14436A; Port of entry: Norfolk, VA on January 24, 2011.

ADDRESS OF INSPECTOR:

Street address of field office
City, State Zip code

Darius Johnson

SIGNATURE OF INSPECTOR

FV 494 EXAMPLE FAILS BOTH USDA AND FDA

Approved by:
Randle A. Macon

Effective Date: July 2012

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US DEPARTMENT OF AGRICULTURE
Worksheet for Classification of Reject Material
As per CPG 7110 09 Table II

DATES

LOT NO/CODE MARKS	ENTRY NO.	PLANT NAME/SHIP/TRUCK
SAMPLE SIZE: APPROXIMATELY 3 LBS	NO. OF SUBSAMPLES	NO. AND WT. OF CASES

REJECT MATERIAL

	NUMBER OF DATES EXAMINED							
	100	200	300	400	500	600	700	800
1. Insect Infestation								
A. Field								
B. Storage								
2. Mites								
3. Moldy or decomposed								
4. Dirty								
5. Otherwise Unfit								
6. TOTAL NO. REJECTS								
ACCEPT (A)	A-1	A-5	A-10	A-14	A-18	A-23	A-27	A-34
REJECT (R)	R-8	R-13	R-18	R-22	R-26	R-31	R-35	R-35

REMARKS:

MEETS FOOD AND DRUG WHOLESOMENESS

FAILS FOOD AND DRUG WHOLESOMENESS

OFFICIAL USDA INSPECTOR

DATE:

Print name and sign

IMPORTED PRUNES**Indefinite Suspension of the Dried Prunes Import Regulation**

The Agricultural Marketing Service published an interim final rule in the Federal Register on May 27, 2005. This rule **indefinitely extends the suspension** of the dried prune mandatory outgoing inspection, import regulations and volume control regulations under Marketing Orders No. 993 and 999 that were temporarily suspended on August 1, 2003. This indefinite suspension became effective on August 1, 2005. More detailed information may be found on the AIM Management Intranet Site which is located at the following intranet address:
<http://agnis/sites/FV/PPB/AIM/Manage/default.aspx>.

Should the Marketing Order be reinstated in the future, appropriate instructional material will be included here.

IMPORTED RAISINS**A. Raisins Covered by the Import Regulations**

Imported raisins are raisins that enter the United States from a foreign country and are held at the port of arrival until released by the United States Bureau of Customs. All raisins intended for domestic use including those for use in the production of alcohol, syrup for industrial use, or raisin paste are covered by the import Regulations. References to the Regulations are as follows:

1. 7 CFR 999 - Specialty Crops, Import Regulations, § 999.300, Regulation governing the importation of raisins, effective April 13, 1972, and as amended, which may be found at the following internet address:
<http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>.

B. Exemptions

Notwithstanding any other provision of these Regulations (999.300), any lot of raisins which in the aggregate does not exceed 100 pounds, net weight, may be imported without regard to the restrictions.

The MOU between the AMS, USDA and the FDA, Department of Health and Human Services Regarding Imported Raisins (FDA 225-73-2007), 05/07/73 can be viewed by clicking on the appropriate MOU number at the following internet address:

<http://www.fda.gov/AboutFDA/PartnershipsCollaborations/MemorandaofUnderstandingMOUs/DomesticMOUs>

Responsibilities**A. Importer**

1. Notify Federal officials in those agencies delegated to give clearance for such imports. These agencies include the U.S. Bureau of Customs and the appropriate U.S. Department of Agriculture inspection office.
2. Maintain certain records for a period of not less than two years subsequent to the calendar year of importation. Penalties are provided in the Regulations for any violation.
3. Obtain Food and Drug Administration (FDA) approval to use or sell raisins that fail the import Regulations in the production of alcohol, or syrup for industrial use, or raisin paste. The importer will complete Raisin Form No. 2 to obtain FDA approval.

B. U.S. Department of Agriculture

1. **PPD inspectors shall follow the guidelines described in the “[8e Marketing Order Inspection – Procedural Review](#)” section of these instructions on page 14.**
2. Sample, inspect, examine, and certify all lots of imported raisins. Do not examine a lot that FDA has detained.
3. Report inspection results to local U.S. Customs Bureau agents and, if applicable, to the local FDA representative. Contact your local office for specific instructions as needed.
4. Duplicate and submit the Import Raisin Report each month. (An example is shown on the next page of this instruction.) A copy of each report should be sent to:
 - a. National office, attention Inspection and Standardization Section;
 - b. Regional Director's office; and
 - c. Marketing Order Administration Division.

C. U.S. Customs

Customs Officials are obligated to withhold release of a shipment of raisins until they receive word that the raisins meet USDA and FDA requirements. Work closely with your U.S. Customs offices to reach a mutually agreeable form of communication.

If raisins are removed from their original case and repackaged, notify the applicant that the original country of origin must appear on the new case. If this is not done, notify the local U.S. Customs office.

D. Food and Drug Administration (FDA)

FDA has the responsibility over wholesomeness of imports. Unless they wish to run other tests such as pesticide residue, FDA officials will either clear or detain lots on the basis of AMS reports. Be sure FDA is aware of your results by phone (meeting or failing) before certifying a lot. There may be times in which it is desirable to confer with the FDA official on borderline or questionable lots.

Approved by:
Randle A. Macon

Effective Date: July 2012

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IMPORT RAISIN REPORT

FIELD OFFICE: _____

DATE: _____

ADDRESS: _____

Date	Importer	Country of Origin	Name of Vessel	B/L NO.	Total Weight Inspected	Cases <u>1</u> /	Certificate Number	Meeting Import Requirement	Failing Import Requirement	
								Weight	Weight	Account

1/ Record number and size of shipping case, such as 1400/30 pound or 100 cases 48/15 ounce.

Application for Inspection

The officer-in-charge should handle request for import inspections as expeditiously as possible. Sampling and inspection procedures can be time consuming. Any delay, particularly at the port of entry, can be costly to the importer because of demurrage charges. However, do not be pressured into giving partial grading results because the importer may have to pay demurrage.

The inspection request should include the following information:

1. Name of vessel;
2. Country of origin;
3. Anticipated date of arrival;
4. Codes, container numbers, and ship's bill of lading numbers;
5. Size of cases (weight);
6. Number of cases of each code if known, and I.D. number;
7. Entry number must be obtained prior to or at time of sampling.

The above information will be submitted on form [FV-356 Application for Inspection](#).

Each inspection request, with the tabulated data attached, shall be distributed as follows:

1. Original to area field office;
2. Two copies to local District Director of Customs; and
3. One copy retained by the applicant.

Sampling

A. Accessibility

Lots shall be made accessible as necessary to permit random sampling. The applicant shall furnish labor and pay the costs incurred in moving and opening and closing cases as needed. Opened cases should be taped shut to prevent contamination after sampling. The sampler should not sample unless the load is sufficiently accessible and a representative sample can be obtained safely.

B. Identification and Sampling

Each lot shall be sampled by code if possible. The importer shall provide the area field office with a list of the code marks and the case count for each code mark. When cases in a lot are not coded or the code mark is illegible, all cases of each lot shall be identified by stamping with the "Officially Sampled" stamp, which shall include a number or letter to differentiate lots.

The importer may chose to designate a shipment into larger or smaller (15,000 pounds or fraction of) quantity lots. The designation of lots is permitted as long as each lot is distinctly identified prior to sampling. Each primary container within the designated lot shall be identified as described above, by code marks stenciled or stamped on each container, and/or a facsimile of the officially sampled stamp, including a lot number or letter.

If a shipment arrives in retail size packages, draw enough packages from each shipping case to prepare the composite. When sampling from bulk containers, each subsample unit should be placed in a suitable container, such as a new plastic bag. The bags are marked to identify codes, and completely closed to prevent contamination or any change in moisture content. Inspectors shall protect samples at all times to guard against contamination, substitution, or loss.

C. Sampling Plan

Sample units shall be drawn in accordance with the sampling plan for determining lot compliance as shown in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables and Related Products. For each 15,000 pounds (or fraction of 15,000 pounds) of product that represents a lot, draw 6 sample units (of approximately 16-17 ounces) of raisins from six separate shipping containers. At the time of grading, each sample unit will be visually examined before the composite of at least 100 ounces is prepared.

D. Appeal Inspection

Follow the sampling procedure as indicated in the above paragraph, except 7,500 pounds of product shall be used to obtain one composite.

U.S. Grade Requirements

Except as noted below, grade determination shall be in accordance with the U.S. Standards for Grades of Processed Raisins, and the Instructions for Inspection of Processed Raisins. All composite samples must meet the minimum quality requirements of Federal Marketing Order 989, as amended. The official form for grading processed raisins, Form FV 364-167, Grading Sheet for Processed Raisins, may be found on the AMS Forms Catalog at the following intranet address: <http://agnis/AMSFormsCatalog/Forms/AllItems.aspx>.

A. Seedless Raisins (Type I)

Must meet the requirements of U.S. Grade C, except for the following:

1. The color requirements prescribed in the standards shall not be applicable;
2. There shall be not more than 35 capstems per 454 grams (1 pound) of raisins (all sizes);
3. There shall be not more than two pieces of stem per 2.72 kilograms (6 pounds) of raisins for select and mixed size;
4. Not more than 4 stems for midget size; and
5. Not less than 70 percent of the raisins must be well-matured or reasonably well-matured.

B. Raisins with Seeds (Type III)

1. Layer (Cluster) Raisins)

Must meet the requirements of U.S. Grade B.

2. All Others

Must meet the requirements of U.S. Grade C.

C. Zante Currant Raisins (Type V)

Must meet the requirements of U.S. Grade B. Capstem allowance is by weight.

Non-Quality Determinations

All raisins for domestic consumption shall be analyzed for non-quality determinations and must meet the FDA defect action level requirements for wholesomeness. Each composite, except for layer muscats, shall be thoroughly mixed prior to testing.

A. Foreign Material (Visual)

Determine the amount of rocks and any other visual foreign material in a 6 pound sample (96 ounces) for seedless and all other types of raisins. Follow guidelines in the [AIM Inspection Series, Foreign Material Manual](#) for such Class 3 foreign material. Consult with your supervisor and regional office when this type of defect is encountered.

B. Moisture

See Instructions for Inspection of Processed Raisins for moisture determination procedure.

C. Sand

A sand determination shall be made on one composite sample from each lot. See the [AIM Inspection Series Foreign Material Manual](#) for instructions for this procedure. The presence of sand/grit should be noted on the grading sheet when the sample is evaluated organoleptically.

D. Foreign Material (Microanalytical Examination)

Analytical tests shall be made on each composite to determine the presence of foreign material. See the [AIM Inspection Series Foreign Material Manual](#) for instructions on these procedures and acceptance and rejection criteria for various types of foreign material. Inspection Aid 115 provides additional information on insect identification.

The Import Raisin Microanalysis Worksheet is shown on the following page.

Approved by:
Randle A. Macon

Effective Date: July 2012

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IMPORT RAISIN MICROANALYSIS WORKSHEET

IMPORTER _____ MICRO NO. _____ MEETS _____ FAILS _____

COUNTRY OF ORIGIN _____ VARIETY _____ DATE _____

PORT OF ENTRY _____ ENTRY NO. _____ SAMPLE NO. _____

	LARVAE	PUPAE	ADULT	INSECT HEADS	TOTAL	DROS EGGS	FRAGMENTS	
DROSOPHILA								
DRIED FRUIT BEETLE								
SAW TOOTH GRAIN BEETLE								
YELLOW-BROWN SAP BEETLE								
RAISIN MOTH								
INDIAN MEAL MOTH						OTHER EGGS	FEATHER BARBS	STRIATED HAIR
VINE HOPPER								
THRIP								
OTHER						TOTAL EGGS	FEATHER BARBULES	OTHER HAIR
DATE COMPLETED					TOTAL			

ANALYST
(Print and Sign)

REMARKS:

Quality Factors**A. Seedless Type - Requirements****1. Pieces of Stem**

Weigh 2.72 kilograms (6 pounds) of raisins from a well-mixed composite and examine for pieces of stem. The allowance for select and mixed composites is two stems per six pounds of product. Midget allowance is four stems for six pounds of product.

2. Capstems

Weigh 454 grams (1 pound) from the above composite and examine for capstems. Capstems are limited to 35 per 454 grams. All composites must meet this requirement.

3. Color

The color requirements indicated in the U.S. Standards for Grades of Processed Raisins shall not be applicable except for Type II, Golden Seedless Raisins.

4. Size

Follow the size designations and measurement requirements indicated in the U.S. Standards for Grades of Processed Raisins.

Note: With respect to seedless raisins, not less than 70 percent of the raisins must be well-matured or reasonably well-matured to meet requirements in the Federal Marketing Order.

B. Currants

The requirements indicated in the U.S. Standards for Grades of Processed Raisins are applicable.

C. Raisins with Seeds

The requirements indicated in the U.S. Standards for Grades of Processed Raisins are applicable.

A suggested procedure for inspection is shown on the next page.

SUGGESTED PROCEDURE FOR INSPECTION

1. Weigh 6 pounds of raisins, one composite sample made from equal parts from each subsample.
2. Pour raisins in near equal amounts into three plastic grading trays. Break up clumps and check for stems and foreign material (samburrs, rocks, etc.).
3. Mix composite samples in the plastic grading trays, and then combine all raisins into one tray. Split and combine a total of three times to mix well.
4. Determine Moisture in accordance with the method shown in the Processed Raisin Handbook.
5. Weigh 250 grams from the composite sample for the sand test. Bring to a boil and allow to simmer for 20 minutes. (Follow the method shown in the Processed Raisin Handbook.)
6. Weigh 681 grams from the composite sample. Divide into three 227 gram subsamples to prepare three aliquots, one to test initially, two more if additional testing is needed. Reconstitute samples by heating method or soaking overnight. (Refer to Technical Inspection Procedures for Micro Analysis of Raisins contained later in this section.)
7. Weigh 227 grams from the composite sample. Check for capstems, and for other visual grade factors, keeping each defect in a separate pile.
8. Weigh 100 grams from the composite to determine percentage of B or better maturity.
9. Determine Size in accordance with the method in the U.S. Standards for Grades of Processed raisins. When reporting actual size on grading sheets use **S** for select, **MX** for mixed size and **M** for midget.

Reconditioning

When a lot fails, the importer has three options:

1. Export the lot;
2. Destroy the lot under FDA control; or
3. Rework and resubmit the lot under FDA approval and control.

There is nothing contained in the import Regulations, 7 CFR 999.300, that precludes reconditioning of failing lots of raisins at the port of arrival. All requests for reconditioning of such lots to meet applicable grade requirements must be directed to the National office.

Certification

Each lot of raisins inspected will be certified in accordance with the [AIM Inspection Series Certification Manual](#).

Distribution of Certificates

1. Original and two copies to the importer;
2. One copy to the local District Director of Customs;
3. One copy to the local Food and Drug office;
4. One copy to:

USDA, AMS, Fruit and Vegetable Division
Marketing Order Administration Division, Director
1400 Independence Avenue SW
STOP 0237
Washington D.C. 20250
5. One or more copies to be retained with the field office inspection records.

Local U.S. Customs and FDA offices may not want a copy of the certificate, but only want information by phone.

Charges

The inspection fee for imported raisins is on an hourly basis. Charges for grading and analyzing each composite are in accordance with the [AIM Inspection Series, General Procedures Manual, Fees - Lot Inspection Grading Service, Table III, Fees for Dried Fruits and Processed Raisins \(Excluding Figs and Dates\)](#). In addition, time is charged for driving, sampling, stamping, etc.

IMPORTED CANNED RIPE OLIVES

Imports of canned ripe olives are regulated under the Regulations, 7 CFR 944.401 (which can be found at the following internet address:

<http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>). This provides minimum quality and minimum size requirements for olives processed from bulk and those packed in retail or institutional size containers. This rule is issued under Section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Products Covered

Canned ripe olives are those processed by heat sterilization under pressure, packed in hermetically sealed containers, of the distinct types "ripe" and "green ripe", with a pH of 4.7 or higher, as defined by the U.S. Standards for Grades of Canned Ripe Olives.

Olives with a pH of 4.6 or below are considered acidified and are not classified as canned ripe olives.

Exemptions

The following imported olives are exempt from size, quality, and maturity requirements:

- A. Any lot of canned ripe olives or olives imported in bulk for use in the production of canned ripe olives which, in the aggregate, does not exceed 100 pounds drained weight;
- B. Canned ripe olives imported for processing into olive oil, and Canned ripe olives imported for donation to a charitable institution.

Importers and receivers of such olives must use Form FV-6, "Importer's Exempt Commodity Form" following safeguard provisions contained in 7 CFR 944.350, which may be found at the following internet address:

<http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>.

The FV-6 shall be completed and distributed according to instructions on the form. It is located on the AMS Forms Catalog and may be found at the following intranet address: <http://agnis/AMSFormsCatalog/Forms/AllItems.aspx>.

PPD inspectors are not responsible for completing or distributing form FV-6.

ResponsibilitiesA. U.S. Customs

It is the obligation of U.S. Customs to withhold release of a shipment of canned ripe olives until they receive word that the olives meet USDA and FDA requirements. Work closely with your U.S. Customs offices to reach a mutually agreeable form of communication.

B. Food and Drug Administration (FDA)

FDA will either clear or detain lots on the basis of reports, unless they wish to run other tests. It may be advisable to confer with FDA on borderline or questionable lots.

C. USDA Processed Products Division (PPD)

PPD inspectors shall follow the guidelines described in the “[8e Marketing Order Inspection – Procedural Review](#)” section of these instructions on page 14. Inspection shall be performed by PPD inspectors in accordance with the Regulations Governing the Inspection and Certification of Processed Fruits and Vegetables and Related Products, 7 CFR 52. PPD shall mail a copy of the certificate with an original signature in blue ink, as well as fax the inspection results to the FDA.

Application for Inspection

The inspection request should include the following information:

- A. Applicant;
- B. Name of Vessel;
- C. Country of Origin;
- D. Container Number;
- E. Port of Entry;
- F. Customs Entry Number;
- G. Location of Product;
- H. Number of Cases of Each Style;
- I. Size of Cases (Weight);

- J. B/L Number;
- K. Broker's Reference Number (if applicable); and
- L. FDA Consumption Entry Number (FCE).

The inspection request will be submitted on form FV-356 Application for Inspection.

Inspection Procedure

The procedures for inspection of imported canned ripe olives are:

- A. After receiving documentation of the FCE number and the Customs Entry number, proceed with sampling and inspection. Contact FDA for clearance before proceeding if you do not receive the FCE number. Draw samples according to the regulations governing the inspection and certification of processed fruit and vegetable and related products.
- B. Run pH analyses on the brine to determine if the olives are acidified. This will be done at the rate of one pH determination per code, or the deviant rate plus one, whichever is greater. If the product is acidified (pH 4.6 or lower), do not inspect the lot.
- C. If the pH is 4.7 or higher, inspect the lot(s) according to the Marketing Order.

The Grading manual for Canned Ripe Olives is a detailed interpretation of grading procedures for domestic and imported canned ripe olives.

At an applicant's request, PPD is authorized to grade domestic or imported olives to the U.S. Grade Standard. However, such a request does not eliminate the prerequisite to meet minimum requirements as outlined in the Marketing Order. For such a request, the producer must be evaluated against the requirements of the Marketing Order in addition to the U.S. Standards for Grades of Canned Ripe Olives. See the Summary of Olive Marketing Order Requirements contained in Tables I, II, II and IV of the Regulations, shown on the following pages.

TABLE I
WHOLE AND PITTED STYLE ^{3/}
(Defects by Count per 50 Olives)

FLAVOR	Reasonably good: no “off” flavor
FLAVOR (Green Ripe Type)	Free from objectionable flavors of any kind
SALOMETER	Acceptable range in degrees: 3.0 to 14.0
COLOR	Reasonably uniform with not less than 60% having a color equal or darker than the USDA Composite Color Standard for Ripe Type.
CHARACTER	Not more than 5 soft units or 2 excessively soft units
UNIFORMITY OF SIZE	60% by visual inspection, of the most uniform in size. The diameter of the largest does not exceed the smallest by more than 4 mm.
DEFECTS	
Pitter Damage (Pitted style only)	15
Major Blemishes	5
Major Wrinkles	5
Pits and Pit Fragments (Pitted style only)	Not more than 1.3% average by count
Major Stems	Not more than 3
HEVM	Not more than 1 unit per sample
Mutilated	Not more than 3
Mechanical Damage	Not more than 5
Split Pits or Misshapen	Not more than 5

TABLE II
SLICED, SEGMENTED (WEDGED), AND HALVED STYLES ^{3/}
(Defects by Count per 255 grams)

FLAVOR	Reasonably good: no “off” flavor
SALOMETER	Acceptable range in degrees: 3.0 to 14.0
COLOR	Reasonably uniform with no units lighter than the USDA Composite Color Standard for Ripe Type.
CHARACTER	Not more than 13 grams excessively soft
DEFECTS	
Pits and Pit Fragments	Not more than 1 by count per 300 grams
Major Stems	Not more than 3
HEVM	Not more than 2 units per sample
Broken Pieces and End Caps	Not more than 125 grams by weight

TABLE III
CHOPPED STYLE ^{3/}
(Defects by Count per 255 grams)

FLAVOR	Reasonably good: no “off” flavor
SALOMETER	Acceptable range in degrees: 3.0 to 14.0
COLOR	Reasonably uniform with no units lighter than the USDA Composite Color Standard for Ripe Type.
DEFECTS	
Pits and Pit Fragments	Average of not more than 1 by count per 300 grams
Major Stems	Not more than 3
HEVM	Not more than 2 units per sample

TABLE IV
BROKEN PITTED STYLE ^{3/}
(Defects by Count per 255 grams)

FLAVOR	Reasonably good: no “off” flavor
SALOMETER	Acceptable range in degrees: 3.0 to 14.0
COLOR	Reasonably uniform with no units lighter than the USDA Composite Color Standard for Ripe Type.
CHARACTER	Not more than 13 grams excessively soft
DEFECTS	
Pits and Pit Fragments	Average of not more than 1 by count per 300 grams
Major Stems	Not more than 3
HEVM	Not more than 2 units per sample

^{3/} A lot of canned ripe olives is considered to meet the requirements of this section if all or most of the sample units meet the requirements specified in Tables I through IV of this section: **provided** that the number of sample units which do not meet the requirements specified in Tables I through IV of this section does not exceed the acceptance number prescribed for in the sample size provided in Table I of 7 CFR 52.38, (which may be found at the following internet address: <http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>): **provided further that there is no off flavor in any sample unit.**

Certification

Each lot of olives will be certified in accordance with the [AIM Inspection Series Certification Manual](#).

Distribution of Certificates

Original to importer;

1 copy to local District Director of U.S. Customs;

1 copy to local U.S. Food and Drug Administration field office

1 copy to the Marketing Order Administration Division;

USDA, AMS, Fruit and Vegetable Division
Marketing Order Administration Division, Director
1400 Independence Avenue SW
STOP 0237
Washington D.C. 20250

Local Food and Drug offices may prefer notification by telephone or fax.

Attachments**Version Date**
(Printed for distribution)

- 7 CFR 52.38:** _____
<http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>.
- 7 CFR 999.1, 999.300, 999.350, 999.401:** _____
<http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>.
- 19 CFR 141.113:** _____
<http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>.
- U.S. Customs Directive No. 3250-007B:** _____
<http://cbp.gov/xp/cgov/trade/legal/directives/>
- FDA MOU 225-72-2001:** _____
<http://www.fda.gov/AboutFDA/PartnershipsCollaborations/MemorandaofUnderstandingMOUs/DomesticMOUs/default.htm>.
- FDA Technical Bulletin Number 5, Microanalytical Procedures Manual:** _____
<http://www.fda.gov/Food/ScienceResearch/LaboratoryMethods/MacroanalyticalProceduresManualMPPM/default.htm>
- FDA Defect Action Level Handbook:** _____
<http://www.fda.gov/Food/GuidanceComplianceRegulatoryInformation/GuidanceDocuments/Sanitization/ucm056174.htm>
- FDA Compliance Policy Guide 7110.09., Section 550.300:** _____
<http://www.fda.gov/ICECI/ComplianceManuals/CompliancePolicyGuidanceManual/ucm074529.htm>
- Date Grading Manual:** _____
<http://www.ams.usda.gov/AMSV1.0/driedanddehydrated>.
- Memorandum Report of Inspection for Imported Dates FV-494:** _____
<http://agnis/AMSFormsCatalog/Forms/AllItems.aspx>.
- Form FV 364-167, Grading Sheet for Processed Raisins:** _____
<http://agnis/AMSFormsCatalog/Forms/AllItems.aspx>.

Checked Materials have been printed from the links in this Manual and included for reference.