

CHAPTER 55a - MOUs and IAGs - FEDERAL

SUBJECT: MOU with Food Safety and Quality Service regarding Imported Dates and Date Material (FDA-225-72-2001)

MEMORANDUM OF UNDERSTANDING

Between The

U. S. DEPARTMENT OF AGRICULTURE  
FOOD SAFETY AND QUALITY SERVICE

And The

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE  
FOOD AND DRUG ADMINISTRATION

The Food Safety and Quality Service and the Food and Drug Administration hereby jointly agree to the following terms and conditions as described herein.

I. PURPOSE:

To set forth the working arrangements being followed or adopted to enable each agency to discharge, as effectively as possible, its responsibilities relative to the inspection, sampling, and examination of imported dates and date material.

II. STATUTES RELATING TO THE AGREEMENT:

A. The Food and Drug Administration of the Department of Health, Education, and Welfare is charged with the enforcement of the Federal Food, Drug, and Cosmetic Act. The Food and Drug Administration inspects, samples, and examines imported dates and date products intended for processing for the purpose of determining their status under the 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.

Date: 10/01/80  
ISSUING OFFICE: EDRO, Division of Field Regulatory Guidance  
AUTHORITY: Associate Commissioner for Regulatory Affairs

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- B. The Food Safety and Quality Service of the U.S. Department of Agriculture is responsible for certifying that imported retail packages of dates or bulk dates intended for packaging meet the minimum grade and condition standards as outlined in Section 608e of the Agricultural Marketing Agreement Act of 1937, as amended. These requirements recognize insect infested, filthy, and decomposed dates as defects which may prohibit importation.

Nothing in this agreement shall lessen the responsibilities of the Food Safety and Quality Service under the Agricultural Marketing Agreement Act of 1937; nor of the Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act.

### III. BACKGROUND:

So that the responsibilities of both agencies could be efficiently carried out, an agreement concerning the inspection, sampling, and examination of whole dates, packaged or intended for packaging was executed May 29, 1953. The agreement was subsequently amended October 7, 1963, and September 27, 1971.

### IV. SUBSTANCE OF AGREEMENT:

A. In addition to evaluating dates for the grade condition requirements, the Food Safety and Quality Service will:

1. Sample and examine at time and place of entry all lots (except those of 70 pounds or less, or lots that are so denatured as to render them unfit for human consumption) of imported packaged dates or bulk dates that are declared for packaging. For the purpose of this agreement, a "lot" shall be considered that portion of an offering for import bearing a single identifying number or mark.
2. Examine the dates for insect infestation, filth, decomposition, and (if pitted) for pit or pit fragments by the method mutually agreed upon.

3. Accept or reject lots of dates according to the guidelines covering filth, decomposition or insect infestation using the statistical sampling plan 1/ and the sequential analysis plan 1/ made a part of this agreement.
  4. Upon completion of the examination, promptly notify the appropriate Food and Drug District Office:
    - a. of any lots found not to meet minimum acceptance criteria of this agreement because of pit or pit fragments, insect infestation, filthy or decomposed dates, and
    - b. any cases about which there is any question regarding the laboratory examination results.
  5. Upon request, provide the Food and Drug Administration with a copy of each examination report which will contain information such as required in FD 1575, a copy of which is made a part of this agreement. 1/
  6. Inform the Division of Microbiology, Bureau of Foods, Food and Drug Administration of any requests for reclassification and action taken with respect to dates imported as dates for processing to dates for packaging.
- B. The Food and Drug Administration will:
1. Sample and examine lots of dates or date material that are declared for use in processing.

1/ Filed as part of the original document

2. Deny entry to any lots of packaged dates or bulk dates intended for other than processing to be reentered for processing when such lots have been sampled and examined by the Food Safety and Quality Service and found to exceed the mutually agreed upon administrative working tolerance.
3. Unless the Food Safety and Quality Service is notified to the contrary:
  - a. accept the findings of the Food Safety and Quality Service on any lot of dates sampled and inspected by them.
  - b. cause detention of any lot of dates rejected by the Food Safety and Quality Service because it contains excess pit, or pit fragments, insect infestation and/or filthy and decomposed dates if offered for reentry by the importer for processing.
  - c. permit entry as dates for processing without resampling any lot of whole dates certified by the Food Safety and Quality Service as failing to meet the minimum grade and condition requirements as outlined in Section 608e of the Agricultural Marketing Agreement Act of 1937, as amended, but which lot does not exceed the administrative working tolerance for insect infestation or filthy and decomposed dates, further provided that such lot is not otherwise in violation of the Federal Food, Drug, and Cosmetic Act.
4. To inform the appropriate Food Safety and Quality Service field office of any detention of dates that might be offered for entry for other than processing purposes.

**V. NAME AND ADDRESS OF PARTICIPATING AGENCIES:**

Food and Drug Administration  
5600 Fishers Lane  
Rockville, Maryland 20857

Food Safety and Quality Service  
U.S. Department of Agriculture  
12th and Independence Avenue, S.W.  
Washington, DC 20250

**VI LIAISON OFFICERS:**

A. Charles W. Luxford, Head  
Grading Section  
Processed Products Branch  
Fruit and Vegetable Quality Division  
Food Safety and Quality Service  
U.S. Department of Agriculture  
12th and Independence Avenue, S.W.  
Washington, DC 20250  
Telephone: 447-5021

B. Paris M. Brickey, Jr., Acting Chief  
Microanalytical Branch (HFF-127)  
Division of Microbiology  
Bureau of Foods  
Food and Drug Administration  
200 "C" Street, S.W.  
Washington, DC 20204  
Telephone: 245-1564

**VII. PERIOD OF AGREEMENT:**

This agreement, when accepted by both parties, covers an indefinite period of time and may be modified by mutual consent of both agencies or terminated by either agency upon thirty (30) days written notice.

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APPROVED AND ACCEPTED  
FOR THE FOOD SAFETY  
AND QUALITY SERVICE

s/Robert Angelotti, Ph.D.  
Administrator

Date: October 28, 1977.

APPROVED AND ACCEPTED  
FOR THE FOOD AND DRUG  
ADMINISTRATION

s/Joseph P. Hile  
Associate Commissioner  
for Compliance

Date: November 21, 1977.

GUIDE

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<b>DATE EXAMINATION REPORT</b>		1. NAME OF SHIP				2. COUNTRY OF ORIGIN				3. SAMPLE NUMBER							
		4. MARKS								5. DATE COLLECTED							
5. SAMPLE SIZE (lbs)				7. NUMBER OF SUBS COLLECTED				8. NUMBER AND WEIGHT OF CASES				9. DISTRICT					
ANALYSIS																	
10. SUB NUMBER																	
11. FILTH OR DECOMPOSITION																	
a. INSECTS PRESENT (If live mark as "L")																	
b. EXCRETA ONLY																	
c. MOLDY																	
d. OTHER (Sew, dirt, worthless)																	
e. TOTAL (a through d above)																	
12. CLASS OF SUB																	
13. PITS																	
14.																	
ANALYSIS (Continued)																	
10. SUB NUMBER																	
11. FILTH OR DECOMPOSITION																	
a. INSECTS PRESENT (If live mark as "L")																	
b. EXCRETA ONLY																	
c. MOLDY																	
d. OTHER (Sew, dirt, worthless)																	
e. TOTAL (a through d above)																	
12. CLASS OF SUB																	
13. PITS																	
14.																	
15. NO. OF SUBS EXAMINED		17. REMARKS				18. LAB CONCLUSIONS											
16. NO. OF CLASS 1 SUBS FOUND						19. DATE				20. ANALYST NAME				21. ANALYST NO			

ED FORM 1575 (10/72)

Imported Dates and Date Material  
SEQUENTIAL ANALYSIS PLAN

SEQUENTIAL PLAN FOR SUBSAMPLE EXAMINATIONS

100 or less	101-	601-	NUMBER OF CONTAINERS IN THE LOT					
	600	1200	1201-	2001-	2001-	6001-	9601-	OVER
			2000	2000	6000	9600	15000	15000
			NUMBER OF SUBSAMPLES COLLECTED					
3	0	14	26	36	44	56	60	02

NUMBER OF CLASS II SUBSAMPLES ("a" and "d") TO DISCONTINUE ANALYSIS

No. Subs a d	No. Subs a d	No. Subs a d	No. Subs a d	No. Subs a d	No. Subs a d	No. Subs a d	No. Subs a d	No. Subs a d
3 0 1	4 0 2	0 0 3	10 0 3	12 0 4	14 0 4	16 0 4	18 0 5	22 0 5
	6 0 2	10 0 3	14 1 4	16 0 4	20 0 5	24 1 5	20 1 6	32 1 7
	8 1 2	12 1 3	10 1 4	20 1 5	26 1 6	32 2 6	30 2 7	42 2 0
		14 2 3	22 2 5	24 2 5	32 2 6	40 3 0	48 3 0	52 3 9
			26 4 5	20 3 6	30 3 7	40 4 0	50 4 0	62 5 10
				32 3 6	44 6 7	56 7 0	60 8 9	72 6 10
				36 5 6				82 9 10

"a" = Accept when the number of Class II subsamples equals or is less than the acceptance number.

"d" = Detain when the number of Class II subsamples equals or exceeds the detention number.



## Imported Dates and Date Material

STATISTICAL SAMPLING PLANSAMPLE EXAMINATION AND CLASSIFICATION TABLES

TABLE 1

NUMBER OF DEFECTIVE DATES

TOTAL DATES EXAMINED	CLASS I	NO DECISION	DISQUALIFIED AS CLASS I
25	•	0-3	4 or more
50	1 or less	2-4	5 or more
75	2 or less	3-5	6 or more
100	4 or less	5-6	7 or more
125	6 or less	---	7 or more

\*Sample size of 25 does not allow for acceptance, only rejection.

TABLE 2

For Use on Subs Disqualified as Class INUMBER OF DEFECTIVE DATES

TOTAL DATES EXAMINED	CLASS II	NO DECISION	CLASS III
25	•	4-6	7 or more
50	5 or less	6-10	11 or more
75	8 or less	9-14	15 or more
100	12 or less	13-18	19 or more
125	18 or less	---	19 or more

\*Sample size of 25 does not allow for acceptance, only rejection.

