

Fresh Products Branch Directive

FPB-612
8/10/93

REPORTING OUT-OF-GRADE LOTS UNDER MARKETING ORDERS AT SHIPPING POINT

I. PURPOSE

This directive describes the policies of the Fresh Products Branch (FPB) and the Fruit and Vegetable Division regarding certification and notification procedures when inspection prior to shipment from the production area reveals apparent non-compliance with Federal marketing orders. This directive does not address marketing order problems found during terminal market inspections, which will continue to be handled on a case-by-case basis when encountered.

II. POLICY

Marketing Orders which have quality requirements established under their regulations generally require that a Federal or Federal-State inspection be performed showing that the lot meets the requirements of the order prior to shipment. Whenever subsequent inspections are requested prior to shipment, for whatever reason, the policy of the Fruit and Vegetable Division is that the most recent inspection is the controlling factor and will nullify the results of any previous inspection regardless of results.

If, upon a second inspection, any lot is found to fail the requirements of the order, the Inspection Service will inform the applicant that the lot fails marketing order requirements and that shipment of such lot would be a violation of the order.

III. CERTIFICATION

When a lot has been inspected and found to fail to meet the requirements of a marketing order, it will not be necessary to issue a "fails to meet" certificate if the non-conforming lot is re-graded, dumped from its packaging for

Distribution: HQ, RG, and FS

Originating Office: Grading Section

File Maintenance Instructions: File in Directive Binder

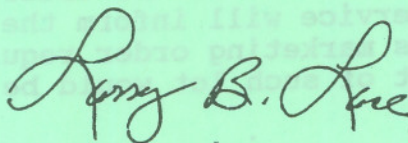
re-grading, or otherwise brought into compliance with the order in the presence of an inspector. This means that the lot must be either dumped or re-graded before the inspector leaves the packing facility for the day or the non-conforming lot must be positively marked or otherwise identified and counted by the Inspection Service prior to leaving for the day (for bulk bins note the count and estimated weight of contents). Such identified out-of-grade lots may then be re-graded or dumped in the presence of an inspector on a subsequent day.

Unless at least one of these two conditions is met, the inspector, in all cases, must write a certificate indicating that the lot(s) failed to meet the requirements of the order.

IV. REPORTING

Whenever a "fails to meet" certificate is written or any apparent marketing order violations are noticed by the Inspection Service, then a letter describing the apparent violation and/or a copy of the "fails to meet" certificate are to be sent to the manager of the appropriate marketing order administrative committee with additional copies sent to the nearest Marketing Field Office of the Marketing Order Administration Branch.

Additionally, if such out-of-grade lots involve apparent misbranding and are subsequently shipped without correction, the Misbranding Unit of the PACA Branch in Washington, DC, is to be notified and sent copies of the certificates and related correspondence.



Acting Branch Chief