



## **CONTROL AND RETENTION OF MEAT AND MEAT PRODUCTS**

### **PURPOSE**

Meat Grading and Certification (MGC) Branch supervisors and graders have the authority to control the movement and use of meat and meat products which do not comply with the regulations or that need to be held pending the results of an examination. In June 1984, Food Safety and Inspection Service (FSIS) delegated retention authority to MGC Branch supervisors and graders during the absence of the FSIS inspectors in operations or departments of establishments where grading and certification duties are performed. This Instruction outlines the procedures for MGC Branch supervisors and graders to follow when using the product control authority granted by the regulations or retention authority delegated by FSIS.

### **POLICY**

The product control authority granted to supervisors and graders is designed to control only those products that have been determined not to be in compliance with meat grading regulations or are held pending the results of an examination and are involved in, or in the vicinity of, ongoing grading and certification programs. Product control authority shall not be used to control products outside of the grading and certification programs conducted by the MGC Branch. For example, once a controlled product is removed from the vicinity of any phase of a certification program and designated by the applicant for commercial channels, the control identification shall be removed and the product released. Exercising product control authority in this manner will not restrict normal commercial marketing and will contribute to maintaining the integrity of officially graded and certified products.

### **RESPONSIBILITY**

The responsibility for maintaining the wholesomeness and sanitation of meat and meat products is shared by all parties involved in the production and marketing systems. Although FSIS has the primary responsibility for this activity, the MGC Branch is committed to assist them in their efforts whenever possible. In this regard, FSIS has delegated retention authority to MGC Branch supervisors and graders during the absence of the FSIS inspector in operations or departments of establishments where grading and certification duties are performed. Sound working relationships and good communication between FSIS and MGC Branch personnel are essential to ensure the wholesomeness of meat and meat products that are produced nationwide.

The application of control and retention authority by the MGC Branch has the potential, if improperly applied, to unnecessarily inflict economic hardships on plants and individuals. Therefore, MGC Branch supervisors and graders must employ a high level of discretion and professional judgment when exercising these authorities.

## I. Procedures

### A. Retention Authority - Compliance with Inspection and Sanitation Requirements.

1. Supervisors and graders, in the course of performing grading and certification duties, must be alert for apparent unsanitary or other detrimental conditions which, in their judgment, could lead to contaminated or unwholesome product. When such conditions are observed, MGC Branch personnel shall take appropriate action as explained in this Instruction. Supervisors and graders are not responsible for ensuring an establishment's overall compliance with FSIS regulations governing sanitation and wholesomeness. However, MGC Branch personnel should routinely discuss general sanitation and wholesomeness requirements as they relate to a particular plant and any potential problem areas with the FSIS employee responsible for that plant. Examples of possible violations of sanitation and inspection requirements that may be observed include, but are not limited to, the following:
  - a. Critical situations or conditions, including improper handling of product that could result in product contamination (e.g., dirt or other foreign material on meat or nonpotable water coming in contact with product).
  - b. Continuing unsanitary conditions in one or more departments (e.g., less than adequate cleaning of equipment, floors, or structures).
  - c. Vermin or insect infestation.
2. Upon observing unsanitary conditions and/or suspect product, supervisors and graders shall:
  - a. Complete all applicable sections of Form MP 35, U.S. Retained/U.S. Rejected tag (**Exhibit A**). Form MP 35 will be considered a U.S. Retained tag when completed for use on meat or meat products or their containers. When identifying equipment, utensils, rooms, or compartments, Form MP 35 will be considered a U.S. Rejected tag. Supervisors and graders are responsible for maintaining a sufficient supply of Form MP 35. Form MP 35 may be obtained from in-plant inspectors.
  - b. Detach the main body of the Form MP 35 tag and secure it to the product, equipment, or entrance to the area where the noncompliance condition occurs.
  - c. Retain the completed stub from the Form MP 35 tag.
3. As soon as possible after securing the product, equipment, and/or area as described, MGC Branch personnel shall notify the responsible FSIS employee and provide details of the action taken. Upon request of the FSIS employee, MGC Branch personnel will provide any additional information and assistance that may be needed to act on or correct the situation. In the event unsanitary conditions of a minor nature are observed and corrective action is

taken by plant management, the use of Form MP 35 tags may not be necessary. In this type of situation, prior notification of FSIS is not necessary. NOTE: Form MP 35 tags are official documents and shall not be removed by anyone other than an authorized United States Department of Agriculture (USDA) representative.

4. FSIS personnel will make all final decisions regarding the wholesomeness of products or the sanitary condition of equipment and facilities.
  5. MGC Branch personnel shall notify their supervisor of their actions and any FSIS action taken. The MGC Branch supervisor shall ensure that proper steps are taken when Form MP 35 tags are used to identify products and/or facilities for noncompliance with inspection and sanitation requirements. Upon resolution of the situation, MGC Branch personnel, if necessary, will return both sections of the used Form MP 35 tag to the responsible FSIS employee.
- B. Product Control Authority - Control of Products for Noncompliance with the Regulations or Product Held Pending the Results of an Examination.
1. The purpose of maintaining identification of non-complying raw materials, meat, and meat products, or products held pending the results of an examination shall be to preclude these items from being incorrectly labeled or processed into items certified by the USDA. Additionally, products that are incorrectly graded or certified shall be controlled by use of product control authority until the appropriate corrections are made or the product is reworked to comply with the regulations. However, the procedures set forth in "I. Procedures, A Retention Authority - Compliance with Inspection and Sanitation Requirements," of this Instruction, shall take precedence in any situation where product fails to comply with both FSIS and MGC Branch regulation requirements.
  2. MGC Branch personnel shall use the Product Control tag (**Exhibit B**) to maintain the identity of non-complying raw materials, meats, and meat products that are involved in, or in the vicinity of, any phase of an ongoing grading or certification program. Upon observing such product(s), supervisors and graders shall:
    - a. Complete all sections of the Product Control tag in a detailed manner. Information on the tag and stub related to the product should include the time product was placed under control, specific reason(s) for controlling, and an accurate description of the amount of controlled product.
    - b. Detach the main body of the Product Control tag and secure it to the product(s), containers of product, or a readily identifiable unit of product in a manner that clearly identifies the product(s) under control.
    - c. Retain the completed stub from the Product Control tag.
  3. Identification of non-complying products shall be maintained by use of the

Product Control tag until the product is subsequently:

- a. Reworked to comply with specification provisions;
  - b. Designated by the applicant for marketing through commercial channels and removed from the vicinity of any phase of a grading or certification program; or
  - c. The appropriate corrections are completed.
4. Product Control tags are official documents and shall not be removed by anyone other than an authorized USDA representative. When identification of product(s) is no longer necessary, the main body of the Product Control tag shall be removed. In the absence of MGC Branch personnel, FSIS personnel may remove Product Control tags to release product for processing into commercial items or shipping in commercial channels. However, in the case of product(s) bearing incorrect marks of grading or certification, FSIS personnel must first receive concurrence from appropriate MGC Branch personnel prior to releasing the product. MGC Branch supervisors shall ensure that their counterparts in FSIS are fully aware of any products on extended control in their respective areas of responsibility. When product is released by FSIS personnel, the Product Control tag(s) shall be promptly returned to an MGC Branch supervisor or grader.
5. Supervisors and graders shall make every effort, within the scope of their authority, to minimize control periods. However, when it becomes necessary to control product(s) beyond the end of the work shift, supervisors and graders shall promptly notify the appropriate Assistant Director of the product and circumstances that warrant an extended control period.
6. Supervisors and graders are responsible for maintaining a sufficient supply of Product Control tags. Product Control tags may be obtained from the Office of Field Operations.



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MP FORM 35  
MAY 1973

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

☐ U.S.  
REJECTED

☐ U.S.  
RETAINED

NOTICE - This tag may be detached  
only by an authorized employee of the  
UNITED STATES DEPARTMENT OF  
AGRICULTURE.

NO. B 12 802208

☐ U.S. REJECTED

☐ U.S. RETAINED

NO. B 12 802208

(SEE REVERSE SIDE)

☐ U.S.  
REJECTED

☐ U.S.  
RETAINED

ITEM TAGGED AND LOCATION

REASON FOR TAGGING

TAG APPLIED BY

DATE

REMARKS

PLANT OR EST. EMPLOYEE NOTIFIED

FORM LS-10  
(4-85)

NO. 01064

U. S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
LIVESTOCK AND SEED DIVISION



DO NOT REMOVE TAG  
OR  
USE PRODUCT  
WITHOUT AUTHORIZATION

(SEE REVERSE)

NO. 01064

PRODUCT TAGGED

NO. OF CONTAINERS

The product(s) or container(s) to which this tag is attached is (are) controlled under authority of the Agricultural Marketing Act and is (are) not to be used, moved or altered in any manner without the expressed permission of an authorized representative of the United States Department of Agriculture. The unauthorized removal or alteration of this tag or utilization of the tagged product(s) is a violation of the Agricultural Marketing Act of 1946, as amended and regulations issued thereunder

REMARKS

AUTHORIZED EMPLOYEE

DATE

PRODUCT CONTROL

LOCATION AND REMARKS

AUTHORIZED EMPLOYEE

DATE

FORM LS-10

Reverse