

the Administrator if the Administrator so directs. Hearings held pursuant to this subsection shall be presided at by the Administrator. The applicant shall be given the opportunity to present evidence both oral and written in support of his allegation that the Administrator erred in denying approval of the label. The notice of denial together with all other available data and information used as a basis for such denial shall be considered part of the record. The Administrator may take official notice of such matters as are judicially noticed by the Courts of the United States and of any other matter of technical, scientific, or commercial fact of established character. The Administrator shall make his final determination with respect to the matter upon the basis of evidence before him. Such determination shall be conclusive unless, within 30 days after the receipt of notice of such final determination, the person adversely affected thereby appeals to the U.S. Court of Appeals for the circuit in which he has his principal place of business, or to the U.S. Court of Appeals for the District of Columbia Circuit. The provisions of section 204 of the Packers and Stockyards Act of 1921, as amended, shall be applicable to appeals taken under this section.

[37 FR 6658, Apr. 1, 1972, as amended at 40 FR 20058, May 8, 1975. Redesignated at 42 FR 32514, June 27, 1977, and further amended at 45 FR 23641, Apr. 8, 1980. Redesignated at 46 FR 63203, Dec. 31, 1981; 53 FR 23751, June 24, 1988; and amended at 60 FR 49169, Sept. 21, 1995]

**§59.412 Form of official identification symbol and inspection mark.**

(a) The shield set forth in Figure 1 containing the letters "USDA" shall be the official identification symbol for purposes of this part and, when used, imitated, or simulated in any manner in connection with a product, shall be deemed to constitute a representation that the product has been officially inspected.

(b) The inspection mark which is to be used on containers of edible egg products shall be contained within the outline of a shield and with the wording and design set forth in Figure 2 of this section, except the plant number

may be preceded by the letter "P" in lieu of the word "plant". Alternatively, it may be omitted from the official shield if applied on the container's principal display panel or other prominent location and preceded by the letter "P" or the word "Plant".



FIGURE 1.



FIGURE 2.

[36 FR 9814, May 28, 1971, as amended at 40 FR 20058, May 8, 1975. Redesignated at 42 FR 32514, June 27, 1977, and at 46 FR 63203, Dec. 31, 1981; as amended at 60 FR 49170, Sept. 21, 1995]

**§59.414 Products bearing the official inspection mark.**

Egg products which are permitted to bear the inspection mark shall be processed in an official plant from edible shell eggs or other edible egg products and may contain other edible ingredients. The official mark shall be printed or lithographed and applied as a part of