

**PART 335—RULES OF PRACTICE
GOVERNING PROCEEDINGS
UNDER THE FEDERAL MEAT IN-
SPECTION ACT**

Subpart A—Criminal Violations

Sec.

335.40 Opportunity for presentation of views before report of criminal violations.

AUTHORITY: 21 U.S.C. 601-695; 7 CFR 2.17, 2.55.

SOURCE: 42 FR 10960, Feb. 25, 1977, unless otherwise noted.

Subpart A—Criminal Violations

AUTHORITY: Sec. 406, Pub. L. 99-641, 100 Stat. 3571; 21 U.S.C. 606 note.

[42 FR 10960, Feb. 25, 1977. Redesignated at 64 FR 66545, Nov. 29, 1999]

§ 335.40 Opportunity for presentation of views before report of criminal violations.

(a) Except as provided in paragraphs (a)(1) through (5) of this section, before any violation of the Federal Meat Inspection Act is reported to the Department of Justice by the Secretary for criminal prosecution the Secretary must give reasonable notice to the suspected violator that the Secretary intends to report the violation for prosecution and give the suspected violator an opportunity to present the violator's views to the Secretary with respect to such proceeding.

(1) Notice and opportunity need not be provided if the Secretary has any reason to believe that providing such notice and opportunity could result in the alteration or destruction of evidence, or where disclosure could result in injury to persons or property.

(2) Notice and opportunity need not be provided if the Secretary has any reason to believe that providing such notice and opportunity could result in flight of a suspected violator to avoid prosecution.

(3) Notice and opportunity need not be provided if the Secretary has any reason to believe that providing such notice and opportunity could result in compromising special investigative techniques, such as undercover or other covert operations.

(4) Notice and opportunity need not be provided when the impending criminal referral involves suspicion of bribery and related offenses, or clandestine slaughtering and/or processing operations.

(5) Notice and opportunity need not be provided when the impending referral is part of an investigation involving non-Act violations, and the Act and non-Act violations are jointly referred for prosecution.

(b) A notice of opportunity to present views will be sent by registered or certified mail, summarize the violations that constitute the basis of the contemplated prosecution, and describe the procedures for presentation of views. Any information given by a respondent, orally or in writing, shall become part of the Department's official record concerning the matter. The Department is under no obligation to disclose evidence to the suspected violator.

[52 FR 13828, Apr. 27, 1987]

PART 350—SPECIAL SERVICES RELATING TO MEAT AND OTHER PRODUCTS

Sec.

350.1 Meaning of words.

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350.8 Scope and applicability of rules of practice.

AUTHORITY: 7 U.S.C. 1622, 1624; 7 CFR 2.17, 2.55.

SOURCE: 23 FR 9982, Dec. 23, 1958. Redesignated at 30 FR 4195, Mar. 31, 1965, and at 35 FR 15554, Oct. 3, 1970.

§ 350.1 Meaning of words.

Words used in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 350.2 Definitions.

For the purposes of the regulations in this part, unless the context otherwise requires, the following terms shall be construed, respectively, to mean: