

§ 52.53

Congress, or a Resident Commissioner in his capacity as a farmer.

by plants operating under USDA continuous inspection.

[38 FR 25168, Sept 12, 1973, as amended at 40 FR 47753, October 10, 1975. Redesignated at 42 FR 32514, June 27, 1977, and amended at 42 FR 45327, Sept. 9, 1977; 43 FR 46291, Oct. 6, 1978. Redesignated at 46 FR 63203, Dec. 31, 1981, and amended at 47 FR 20108, May 11, 1982; 51 FR 20445, June 5, 1986. Redesignated and amended at 54 FR 50732, Dec. 11, 1989; 56 FR 27899, June 18, 1991; 59 FR 41378, Aug. 12, 1994; 61 FR 25550, May 22, 1996; 63 FR 50746, Sept. 23, 1998; 65 FR 66487, Nov. 6, 2000; 68 FR 61734, Oct. 30, 2003; 72 FR 13008, Mar. 7, 2007]

MISCELLANEOUS

§ 52.53 Approved identification.

(a) *General.* Use of the approved identification marks described and illustrated in Figures 1 through 10 of this section is restricted to processed products that:

- (1) Are clean, safe, and wholesome;
- (2) Have been produced or packed in an approved plant.
- (3) Are truthfully and accurately labeled.
- (4) When graded against a U.S. grade standard, meet the quality requirements for U.S Grade C or better;
- (5) Meet applicable fill weight and/or drained weight, Brix or other characteristics of a commodity related to market value;
- (6) Have been certified, or have been inspected and are eligible for certification, by an inspector; and, in addition, meet the specific requirements stated in (b), (c), and (d) of this section.
- (7) Labels and advertising material containing or referring to approved identification must be approved by USDA inspection service prior to use.

(b) *Inspection (Continuous) grade and inspection marks.* The official marks approved for use by plants operating under USDA continuous inspection service contracts shall be similar in form and design to the examples in Figures 1 through 10 of this section: *Provided,* That the official marks illustrated by figures 8 and 9 are limited to products packed by plants operating under an approved Quality Assurance type of inspection contract: *And provided further,* That the inspection marks illustrated in figures 1 through 4 may only be used on products packed



FIGURE 1.

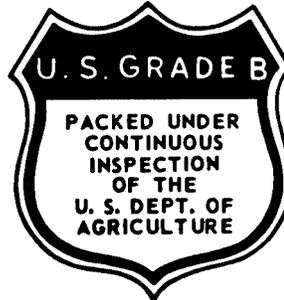


FIGURE 2.



Statement enclosed within a shield.

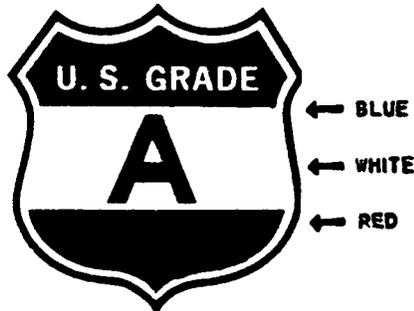
FIGURE 3.

**PACKED UNDER
CONTINUOUS
INSPECTION
OF THE
U. S. DEPT. OF
AGRICULTURE**

Statement without the use of the shield.

FIGURE 4.

(c) *In-plant inspection (other than continuous) grade and inspection marks.* The official marks approved for use by plants operating under USDA inspection service contracts (other than continuous) requiring a resident inspector shall be limited to those similar in form and design to the examples in Figures 5 through 14 of this section; Provided: That the official marks illustrated by Figures 9 and 10 are limited to products packed by plants operating under an approved Quality Assurance type of an inspection contract.



**Shield using red, white, and
blue background or other
colors appropriate for Label.**

FIGURE 5



**FIGURE 6
PACKED UNDER
INSPECTION
OF THE
U. S. DEPT. OF
AGRICULTURE**

Statement without
the use of the shield.

FIGURE 7



Statement enclosed within a shield.

FIGURE 8



FIGURE 9

**PACKED UNDER
QUALITY ASSURANCE
PROGRAM
of the
U.S. DEPT. OF AGRICULTURE**

Statement without the use of the shield.

FIGURE 10

(d) *“Approved plant-lot inspection” grade and inspection marks.* Processed products that are produced in an approved plant as defined in §52.2 and inspected and certified by an inspector on a lot basis may be labeled with an official mark as defined in §52.3 when adequate control and use is approved. The use of official marks for this type of service is restricted to grade marks (with or without plain shield) and/or the statement “Inspected by the U.S. Department of Agriculture” (with or without plain shield). The official marks shall be similar in form and design as illustrated in figures 11 through 14. Failure to have all lots bearing official marks either inspected and certified or certified as produced in an approved plant shall cause the debarment of the user from receiving subsequent services, and such other actions as provided for in the Agricultural Marketing Act of 1946.



Shield with plain background

Figure 11

- (1) U. S. GRADE A
- (2) U. S. GRADE B
- (3) U. S. GRADE C

Figure 12



Statement enclosed within a shield.

Figure 13

**INSPECTED
BY THE
U.S. DEPT. OF
AGRICULTURE**

Statement without the use of the shield.

Figure 14

(e) *Sampling marks.* Processed products which have been sampled for inspection as provided in this part may, at the option of the Department, be identified by an authorized representative of the Department. The products are identified by stamping the container(s) comprising such lot(s), with an official "sampling mark", similar in form and design to the example in figure 15 of this section. The "sampling marks" will identify products officially sampled by a particular field office.

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Such mark will include a code identifying the field office performing the sampling.



FIGURE 15

(f) *Removal of labels bearing approved grade or inspection marks.* (1) At the time a lot of processed products bearing approved grade or inspection marks is found to be mislabeled, the processor shall separate and retain such lot for relabeling. Removal and replacement of labels shall be done, under the supervision of a USDA inspector, within the time specified by the Administrator or as may be mutually agreed by the processor and the Administrator.

(2) The processor shall be held accountable to the Department for all mislabeled products until the products have been properly labeled.

(3) Clearance for the release of the relabeled product shall be obtained, by the processor, from the inspector.

(g) *Licensing and identification of certain official devices.* The Administrator may issue licenses permitting the manufacture, identification, and sale of any official device designated as a USDA color standard, defect guide or other similar aid under such terms and conditions as may be specified by the Administrator. Licenses shall be available to all persons meeting conditions prescribed by the Administrator, shall be nonexclusive, and shall be recoverable for cause. No person shall manufacture, identify, distribute or sell any such official device except at the direction of

or under license from the Administrator. Such official devices may be marked, tagged or otherwise designated with the prefix "USDA" together with other identifying words or symbols, as prescribed by the license.

(h) *Prohibited uses of approved identification.* Except as specified in this section, no label or advertising material used upon, or in conjunction, with a processed product, as defined by these Regulations, shall bear a brand name, trademark, product name, company name, or any other descriptive material that incorporates, resembles, simulates, or alludes to, any official U.S. Department of Agriculture certificate of quality or loading, grade mark, grade statement (except honey and maple syrup which may bear such grade mark or statement), continuous inspection mark, continuous inspection statement, sampling mark or sampling statement, or combinations of one or more thereof.

(i) *Disposition of labels bearing approved grade or inspection marks when a contract is cancelled.* Upon cancellation of a contract, labels bearing approved grade or inspection marks shall remain under the control of the inspection service. The inspection service will approve disposition of said labels for destruction, sale or transfer to another approved plant, remove or obliterate the grade or inspection mark, or other action as may be agreed upon by all interested parties.

[38 FR 25169, Sept. 12, 1973, as amended at 40 FR 48934, Oct. 20, 1975. Redesignated at 42 FR 32514, June 27, 1977 and further redesignated at 46 FR 63203, Dec. 31, 1981; 48 FR 12326, Mar. 24, 1983; 51 FR 20446, June 5, 1986; 60 FR 3533, Jan. 18, 1995]

§ 52.54 Debarment of service.

(a) The following acts or practices, or the causing thereof, may be deemed sufficient cause for the debarment, by the Administrator, of any person, including any agents, officers, subsidiaries, or affiliates of such person, from any or all benefits of the Act for a specified period. The Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes set forth in §§ 1.130 through 1.151 of this title and the Supplemental Rules of Practice in