

§ 329.4

9 CFR Ch. III (1–1–13 Edition)

Form 8080–1) to the immediate custodian of the detained article or livestock.

(b) If the owner of the detained article or livestock, or the owner's agent, is not the immediate custodian at the time of detention and if the owner, or owner's agent, can be ascertained and notified, an authorized representative of the Secretary shall furnish a copy of the completed "Notice of Detention" to the owner or the owner's agent. Such copy shall be served, as soon as possible, by delivering the notification to the owner, or the owner's agent, or by certifying and mailing the notification to the owner, or the owner's agent, at his or her last known residence or principal office or place of business.

[55 FR 47842, Nov. 16, 1990]

§ 329.4 Notification of governmental authorities having jurisdiction over article or livestock detained; form of written notification.

Within 48 hours after the detention of any livestock or article pursuant to this part, an authorized representative of the Secretary shall give oral or written notification of such detention to any Federal authorities not connected with the Program, and any State or other governmental authorities, having jurisdiction over such livestock or article. In the event notification is given orally, it shall be confirmed in writing, as promptly as circumstances permit.

§ 329.5 Movement of article or livestock detained; removal of official marks.

(a) No article or livestock detained in accordance with the provisions in this part shall be moved by any person from the place at which it is located when so detained, until released by an authorized representative of the Secretary: *Provided*, That any such article or livestock may be moved from the place at which it is located when so detained, for refrigeration, freezing, or storage purposes if such movement has been approved by an authorized representative of the Secretary: *And provided further*, That the article or livestock so moved will be detained by an authorized representative of the Secretary after such movement until such time as the detention is terminated.

(b) Upon terminating the detention of such article or livestock, an authorized representative of the Secretary shall:

(1) Orally notify the immediate custodian of the released article or livestock, and

(2) Furnish copies of a completed "Notice of Termination of Detention" (FSIS Form 8400–1) to the persons notified when the article or livestock was detained. The notice shall be served by either delivering the notice to such persons or by certifying and mailing the notice to such persons at their last known residences or principal offices or places of business.

(c) All official marks may be required by such representative to be removed from such article or livestock before it is released unless it appears to the satisfaction of the representative that the article or livestock is eligible to retain such marks.

[35 FR 15617, Oct. 3, 1970, as amended at 36 FR 12004, June 24, 1971; 39 FR 36000, Oct. 7, 1974; 55 FR 47842, Nov. 16, 1990]

§ 329.6 Articles or livestock subject to judicial seizure and condemnation.

Any carcass, part of a carcass, meat or meat food product, or any dead, dying, disabled, or diseased livestock, that is being transported in commerce or is otherwise subject to Title I or II of the Act, or is held for sale in the United States after such transportation, is subject to seizure and condemnation, in a judicial proceeding pursuant to section 403 of the Act if such article or livestock:

(a) Is or has been prepared, sold, transported, or otherwise distributed or offered or received for distribution in violation of the Act, or

(b) Is capable of use as human food and is adulterated or misbranded, or

(c) In any other way is in violation of the Act.

§ 329.7 Procedure for seizure, condemnation, and disposition.

Any article or livestock subject to seizure and condemnation under this part shall be liable to be proceeded against and seized and condemned, and disposed of, at any time, on an appropriate pleading in any United States district court, or other proper court