

§ 381.199

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(i) Select samples in accordance with USDA sampling tables.

(ii) Identify and place samples in the vehicle for easy removal and reinspection by a Program import inspector.

(3) In the event that any one of the requirements provided in paragraph (d)(2) of this section is not met, inspection of the consignment shall be conducted by a Program import inspector in accordance with established procedures provided for in the regulations for other imported products.

[37 FR 9706, May 16, 1972, as amended at 39 FR 4569, Feb. 5, 1974; 51 FR 37710, Oct. 24, 1986; 54 FR 275, Jan. 5, 1989; 54 FR 41050, Oct. 5, 1989]

§ 381.199 Inspection of poultry products offered for entry.

(a)(1) Except as provided in §§ 381.198(b)(1) and 381.209 of this part, and paragraph (c) of this section, all slaughtered poultry and poultry products offered for entry from any foreign country shall be reinspected by a Program import inspector before they shall be allowed entry into the United States.

(2) Every lot of product shall routinely be given visual inspection for appearance and condition, and checked for certification and label compliance, except as provided in § 381.198(b)(1).

(3) The computerized Automated Import Information System (AIIS) shall be consulted for reinspection instructions. The AIIS will assign inspection levels and procedures based on established sampling plans or established product and plant history and established sampling plans.

(b) Inspectors may take, without cost to the United States, from each consignment of poultry products offered for entry, such samples of the products as are deemed necessary to determine the eligibility of the products for entry into the commerce of the United States.

(c) Poultry products imported under § 381.207 shall not be sampled and inspected under this section unless there is reason for suspecting the presence therein of a substance in violation of that section, and in such case they shall be sampled and inspected in accordance with paragraph (a) of this section.

(d) In addition to the provisions specified in paragraphs (a), (b), and (c) of this section, the following requirements apply to imported canned product.

(1) Imported canned products are required to be sound, healthful, properly labeled, wholesome, and otherwise not adulterated at the time the products are offered for importation into the United States. Provided other requirements of this part are met, the determination of the acceptability of the product and the condition of the containers shall be based on the results of an examination of a statistical sample drawn from the consignment as provided in paragraph (a) of this section. If the inspector determines, on the basis of the sample examination, that the product does not meet the requirements of the Act and regulations thereunder, the consignment shall be refused entry. However, a consignment rejected for container defects but otherwise acceptable may be reoffered for inspection under the following conditions:

(i) If the defective containers are not indicative of an unsafe or unstable product as determined by the Administrator;

(ii) If the number and kinds of container defects found in the original sample do not exceed the limits specified for this purpose in FSIS guidelines; and

(iii) If the defective containers in the consignment have been sorted out and exported or destroyed under the supervision of an inspector.

(2) Representative samples of canned product designated by the Administrator in instructions to inspectors shall be incubated under the supervision of such inspectors in accordance with § 381.309 (d)(1)(ii), (d)(1)(iii), (d)(1)(iv)(c), (d)(1)(v), (d)(1)(vii), and (d)(1)(viii) of this subchapter. The importer or his/her agent shall provide the necessary incubation facilities in accordance with § 381.309(d)(1)(i) of this subchapter.

(3) Sampling plans and acceptance levels as prescribed in paragraphs (d)(1) and (d)(2) of this section may be obtained, upon request, from International Programs, Food Safety and