

## **Processing- 7000 Directive (Other Consumer Protection) Module**

### **OBJECTIVES**

After completing this module, you will be able:

1. Identify the statutes and regulations that relate to other consumer protection responsibilities.
2. Describe how to conduct the 04 procedures appropriately.
3. Describe how to conduct the 05 procedures appropriately.
4. Explain what to do when noncompliance is observed.
5. Describe what to do when there are multiple noncompliances.

### **RESOURCE MATERIALS**

- FSIS Directive 7000.1

## INTRODUCTION

In this module, we'll be covering your responsibilities related to the statutes, regulations, and directives that cover the regulatory requirements for what is called Other Consumer Protection, or OCP. These requirements relate to economic adulteration and misbranding of products.

The Agency policy is for 90 percent of inspection verification activities to be devoted to food safety duties, and 10 percent to OCP duties. The OCP duties are the ones that are covered by Inspection System Procedures (ISP) 04 and 05.

## STATUTES

### FMIA

Let's start by reviewing the statutes related to OCP requirements. The term "misbranded" is defined in section 601(n) of the FMIA. There are twelve parts to this definition. The first part of the definition indicates that a misbranded product is one that has labeling which is false or misleading. The second part of the definition of misbranded is a meat product that is offered for sale under the name of another food. Third, a meat product is defined to be misbranded if it is an imitation of another food. Fourth, the product is misbranded if the container is misleading. The fifth definition in the FMIA of a misbranded meat product is one with a label that fails to show the name and place of business that produced the product, or fails to contain an accurate statement of the quantity of the contents of the meat product. The sixth definition covers the condition when a meat product contains a label that is missing required information. The seventh definition of a misbranded meat product is one that has a label that purports that it was produced in a manner that follows a standard of identity, but the product does not conform to those standards. The eighth definition covers the condition when the amount of product in the container falls below the fill standard. The ninth definition for a misbranded product is one that contains ingredients that are not represented on the label by common names of the food. The tenth definition covers a meat product that makes special dietary claims but does not list the corresponding dietary properties and information required on the label. A meat product is also considered to be misbranded if it meets the eleventh definition, if it contains artificial flavoring, coloring, or chemical preservatives that are not listed on the label. The last definition indicates that a meat product is misbranded if it requires some type of handling for a wholesome condition to be maintained but the label fails to contain that information.

The terms "label" and "labeling" are also defined in the FMIA as follows.

- FMIA 601(o) – The term "label" means a display of written, printed, or graphic matter upon the immediate container of any article.
- FMIA 601(p) – The term "labeling" means all labels and other written, printed, or graphic matter upon any article.

Section 607 of the FMIA covers labeling, marking, and container requirements. Section 607(b) states that labels must be “distinctly legible” in form. Section 607(c) states that misleading or false labeling is to be avoided. It also indicates articles that are subject to standards of identity must be consistent with those standards when they apply to the article. Section 607(d) states, “No article subject to this subchapter shall be sold or offered for sale by any person, firm, or corporation in commerce, under any name other marking or labeling which is false or misleading, or in any container of a misleading form or size, but established trade names and other marking and labeling and containers which are not false or misleading and which are approved by the Secretary as permitted. Section 607(e) states that when there is reason to believe the marking or labeling or container is false or misleading, FSIS has the authority to withhold its use until it is modified so that it is no longer false or misleading.

### PPIA

There are similar provisions related to the definition of the term “misbranding” in the PPIA. Here’s an overview.

- PPIA 453(h) – Definition of “misbranded” with 12 provisions.
- PPIA 457 – Labeling and container standards:
  - (a) Must bear legible labels
  - (b) Must comply with definitions and standards of identity; and fill of container
  - (c) Must not be sold under false labeling or misleading size
  - (d) Label may be withheld until modified so that it is not misleading or false.

### **REGULATIONS**

The regulations related to the OCP requirements are extensive and detailed. We will review the highlights of some of the key OCP regulations for meat and poultry products. But, you will need to review the regulations on your own to become familiar with them in more detail, as we will not cover all aspects that you need to know during this training program.

#### General requirements for meat products

Let’s start with some of the key regulations related to meat products. 9 CFR 317 outlines all of the regulatory requirements. Currently, there are forty two regulations related to OCP requirements for meat products, and some of these regulations have a number of subparts. 9 CFR 317.1 states that labels are required for meat products. There are a few exceptions which are outlined in the regulation.

9 CFR 317.2 outlines the required features of labels for meat products. Here are some of the basic requirements. The label must list the name of the product. It must also list ingredients used in the production of the product. The name and place of business of the manufacturer must be shown on the label. It must also contain an accurate statement of the net quantity of the contents of the product. Just as was stated in the statutes, the

label must not be false or misleading. It must list any handling of the product that is required in order to maintain the product in a wholesome condition. There are also some very specific requirements for safe handling instructions for some types of meat products.

9 CFR 317.4 contains the requirements related to labeling approval. One of the key statements is that a label cannot be used unless the sketch labeling has been submitted for approval to FSIS. Currently, the organizational unit responsible for handling the approval of labels is the Food Labeling Division in OPED. A sketch label is a printers proof or the equivalent which clearly shows all labeling features, including the size, location, and final color of the label. The Food Labeling Division may grant a temporary approval that extends up to 180 calendar days. If the label is to be applied directly to a meat carcass, make sure that the type of ink the establishment uses complies with 9 CFR 312 and 316, which ensure that they are legible and of harmless material.

9 CFR 317.5 covers generically approved labels. When a label meets one of the conditions of being a generically approved label, it does not have to be submitted to FSIS for further approval. Here are the types of generically approved labels. One is the types of product that have a standard specified, such as a standard of identity (e.g., hot dogs). Another is for a product, such as steak, that has a single ingredient but no special claims. Another type of product that qualifies to use a generic label are those products sold under government contract specifications, such as those sold for the school lunch program. Also, products that establishments use as consumer test products which are not intended for sale may use a generic label. Then, any label that was previously approved as sketch by FSIS qualifies to be used without any further approval. As mentioned earlier, there are many more details regarding the regulatory requirements for labeling meat products. For example, there are extensive requirements related to nutritional labeling. These are found in 317.300-317.400. Nutritional labeling is currently required for all meat products intended for human consumption except for those that are single ingredient, raw products, such as steaks. However, nutritional labeling may be provided for these products on a voluntary basis. We will not review these requirements in general, but you should take time to review the regulations and become familiar with them, as from time to time, you will need to verify that the establishment is complying with these requirements. Next we will review some of the basic requirements for labeling related to products that have standards of identity. But first, let's review some of the basic regulatory requirements of general labeling for poultry products.

#### General requirements for poultry products

Just as there are a number of regulatory requirements related to the labeling of meat products, there are also a number related to poultry products. They are found in Subpart N of regulation 381, from 381.115 through 381.144. Let's review a few of the key parts. As we walk through these, you'll see that they are very similar to the regulations that we reviewed for meat products. They also match the same principles contained in the statutes that we reviewed. Here are some highlights.

- 381.115 – Require poultry products to be labeled.
- 381.118 – Covers the requirement for ingredients statements for poultry products.

- 381.119 – States that artificial flavoring or coloring must be declared on labels of poultry products.
- 381.120 – States that antioxidants, chemical preservatives, and other additives must be declared on the labels of poultry products.
- 381.121 – Requires that the label show the quantity of the contents of the product.
- 381.122 – Requires that the label identify the product manufacturer.
- 381.124 – States that dietary food claims must be matched with appropriate details on the label.
- 381.125 – Requires that if poultry products require special handling to maintain a wholesome condition, these handling requirements be listed on the label.
- 381.130 – States that false or misleading labels for poultry products is not permitted.
- 381.132 – Describes the labeling approval process. This process is the same as the one for meat products.
- 381.133 – Covers the requirements related generically approved labeling. Just as was true for meat products, those products for which a standard of identity exists are eligible for generically approved labels.

### Standards of identity

Now, let's review some of the regulatory requirements for products that are subject to standards of identity. Remember those products can use generic labels. The regulations for meat products are found in 9 CFR 319. The poultry products regulations for products of this type are found in 9 CFR Subpart P.

The requirements in 9 CFR 319.1 cover the general labeling and preparation of standardized meat products. This regulation states that products for which standards of identity exist must have a label showing the products name and ingredients statement. Subparts B through U cover the specific requirements for various meat products – from raw products that have very few, if any ingredients or preparation, to products such as cooked sausage that may have a number of ingredients and may go through a variety of steps in preparation. Remember that we covered some of the processing steps when we introduced you to the regulated industry. For example, Subpart B, raw meat products, covers the following products: chopped and ground beef, hamburger, beef patties, fabricated steak, and partially defatted beef fatty tissue. We won't cover each of the products outlined in the regulations in detail. But, you need to review these regulations on your own time and become familiar with the requirements associated with each product that is produced in the establishment where you are assigned. For some products, such as cooked pork products, the regulations relate to the list of ingredients on the label, such as binders, and the percent of water added. For some products, there are protein fat free (PFF) percentage regulatory requirements. Some of the products allow the inclusion of mechanically separated product or byproducts. The regulations also specify that smoking must be done with approved nonresinous materials. There are definitions in the regulations of each of these types of products. For example, in Subpart L, there is a very specific definition of the meat product, brockwurst, that includes details of the formulation of the product. Subpart M contains a very specific definition of the product hash.

Remember that in this section of the training we are covering the labeling requirements related to these products. There are food safety requirements for these products as well. You will learn about the food safety requirements when you attend the Food Safety Regulatory Essentials (FSRE) training.

Here's an outline of all the regulations covering standards of identity for meat products.

- 319.1 – labeling and preparation of standardized products
- Subpart B – raw meat products
- Subpart C – cooked meats
- Subpart D – cured meats, unsmoked and smoked meats
- Subpart E – sausage (generally fresh)
- Subpart F – uncooked, smoked sausage
- Subpart G – cooked sausage
- Subpart K – luncheon meat, loaves, jellied products
- Subpart L – meat specialties, puddings, nonspecific loaves
- Subpart M – canned, frozen, dehydrated meat food products
- Subpart N – meat food entrée products, pies, turnovers
- Subpart O – meat snacks, hors d'Oeuvres, pizza, specialty items
- Subpart P – fats, oils, shortenings
- Subpart Q – meat soups, soup mixes, broths, stocks, extracts
- Subpart R – meat salads and spreads
- Subpart U – breaded and liver meat products

9 CFR 381 Subpart P covers the labeling requirements for poultry products that have standards of identity. Again, if the establishment or establishments you are assigned to produces a product of any of these types, you must familiarize yourself with the specific regulations, as from time to time you will be performing procedures to verify that these products comply with the labeling requirements. Let's walk through a few of these requirements briefly. 9 CFR 381.156 covers the requirements for using terms such as light or dark meat on a label containing poultry products. Similar to the regulations related to meat products, these regulations covering poultry products cover percent of meat required for the product to qualify for meeting the standard, and in some cases the type of ingredients that apply, such as binders or extenders.

Here are the regulations covering the standards of identity for poultry products.

- 381 Subpart P – Standards of identity for poultry products:
- 381.155 – General
- 381.156 – Content standards
- 381.157 – Canned boned poultry and baby or geriatric food
- 381.158 – Frozen dinners and pies
- 381.159 – Poultry rolls
- 381.160 – burgers and patties
- 381.161 – Chicken kiev
- 381.162 – Steak or fillet
- 381.163 – Baked or roasted
- 381.164 – Barbecued
- 381.165 – Barbecued prepared with moist heat
- 381.166 – Breaded products

381.167 – Other poultry dishes and specialty items

## INSPECTION VERIFICATION PROCEDURES

If you are assigned to a large plant, the inspection procedures for verifying that the establishment complies with the OCP requirements will be performed by a Consumer Safety Inspector (CSI) that you supervise. You may perform the 04 and 05 procedures when you are acting in a relief capacity for the CSI. If you are assigned to work in establishments that are small or very small, you may perform these duties yourself.

In either case, you need to know the details of how to perform the procedures. So, we will cover how to perform the procedures as if you were doing them yourself.

FSIS Directive 7000.1 provides instructions for how you are to perform verification procedures related to OCP requirements.

While performing OCP procedures, it is possible that you may uncover concerns related to an establishment's SSOP or HACCP plan. When this occurs, perform an unscheduled food safety procedure as described in FSIS Directive 5000.1, Rev. 1.

### Performing 04 procedures

FSIS Directive 7000.1 states that when an 04 procedure is scheduled, you are to perform the OCP verification procedures by doing the following.

- Observing establishment product formulation, labeling, packaging, preparation, and processing procedures;
- Reviewing establishment records;
- Examining product;
- Checking product identification, condition and temperature; and
- Performing a variety of in-plant measurements, testing and calculations.

So, what should you be looking for when you observe product formulation?

- Verify product formulation and compliance with permitted amounts of restricted ingredients.
- Verify all ingredients used in formulating the product are listed on the label in descending order of predominance and any proteinaceous substances used in the formulation are declared in the ingredient statement.
- Verify compliance with standards of identity and composition regulatory requirements
- Observe establishment activities
- Review establishment records

Proteinaceous substances can cause food sensitivities in certain individuals and therefore, such substances are of a food safety concern if they are not clearly declared in the ingredients statement.

What should you do in verifying the OCP requirements related to labeling?

- Review establishment's labeling records including any supporting documentation such as letters from FSIS, temporary approvals, etc.
- Determine whether labeling is approved in accordance with appropriate regulations, i.e., either approved as a sketch by the FSIS Labeling and Consumer Protection Staff, or generically approved in accordance 9 CFR §317.5 or §381.133.
- Verify that the required features are present on the labels
- Verify that the labels are not false or misleading
- Verify that the correct labels are applied to products

When you verify the condition of inspected and passed product, verify product identification, and evaluate the product condition. That includes the product temperature and storage.

As part of performing the 04C procedure, you should conduct an assessment of establishment controls and procedures. This assessment should include consideration of any process controls that the establishment may have in place at different stages of their process to address product defects. Here are examples of questions that may be asked to assist with making this assessment.

- Do establishment personnel routinely examine incoming product for suitability?
- Do establishment personnel routinely examine product throughout its processing for product defects?
- Are such establishment activities documented by the establishment?

After such an assessment, you should be able to determine the extent of the reinspection procedures that you may need to perform. Where effective establishment processing controls are evident, only limited verification activity may be necessary. You should, in these cases, direct their inspection to those parts of the processing operation that are not covered by an establishment's control procedures. You do not need to count individual defects to make a judgment on a finished production lot. The condition of product should be clearly evident and sufficient to allow inspection personnel to render a judgment that the product is not adulterated.

You are not to perform unscheduled OCP verification procedures, unless, due to information gathered during daily general observations of plant activities, and based on professional judgment, you suspect that regulatory requirements are not being met. If, following a preliminary assessment of such information, you have reason to believe that non-compliant product is being or has been produced; perform an unscheduled verification procedure and a thorough evaluation. Whenever an unscheduled verification procedure is specified, a pop-up dialogue screen will appear in the PBIS on-line reporting system. Using the dialogue screen, provide a brief explanation of why you believe an unscheduled procedure is warranted.

### Performing 05 procedures

When scheduled by PBIS, conduct sampling activities under the appropriate 05 ISP code. Do not to conduct unscheduled sampling, unless, as discussed previously for performance of unscheduled verification procedures, through observation of plant activities, you have reason to believe that regulatory requirements are not being met. Whenever you believe an unscheduled sample is warranted, notify the Front-line Supervisor (FLS) by email explaining why you believe an unscheduled sample is warranted and receive his or her approval before proceeding. As with all sampling, inform plant management when a sample is being taken and for what it will be analyzed.

### Noncompliance

Product compliance determinations are made based on OCP regulatory requirements (see attachment in Directive 7000.1), including product standards, net weight standards, regulatory minimum or maximum limits of ingredients or components, or product defects. If product is found to exceed any of the maximum limits, to be below the minimum requirements, or to fail to meet any of the other OCP regulatory requirements, there is regulatory noncompliance. Determinations of noncompliance should be based on production lots or process controls rather than on individual units of product. Use professional judgment and consult with their FLS for assistance when necessary.

Issue a NR (see FSIS Form 5400-4) when a product is not in compliance with an OCP regulatory requirement, and orally to notify the establishment of the finding. Consider any relevant factors when determining the amount of noncompliant product involved. Factors to be considered include factual information such as the establishment's lot identification procedures, receiving records, and production records, as well as those things that can be reasonably assumed based on the average amount of product produced per shift, or per production line. When necessary, consult with the FLS for assistance in determining the extent of product involvement.

When noncompliance is found, take the appropriate regulatory control actions, such as retention of product, rejection of equipment or facilities, stopping lines, or refusing to allow the processing of specifically identified product (9 CFR 500.1(a)), if without such an action, a product that appears to be misbranded or economically adulterated would be allowed to enter commerce, i.e., be shipped from the establishment. Whenever there are NRs for repeated violations involving the same process and product and the establishment seems unable or unwilling to maintain regulatory compliance, the NRs should be linked and you are to notify the District Office (DO) through supervisory channels. The DO may notify the establishment in writing that the repeat noncompliances may lead to a regulatory control action (9 CFR 500.1-3) that would affect the entire production of the product in question because product may be economically adulterated or misbranded. Whenever a regulatory control action is taken, such action will remain in place until the DO receives written assurances from the establishment indicating what procedures the establishment has instituted to regain and maintain process control to meet regulatory requirements. In addition to written assurance, follow up verification activities may be conducted by the Agency to ensure compliance.

## **SPECIFIC OCP PROCEDURES**

Now, let's walk through each of the OCP procedures.

### 04A01 - % yield/shrink/gain

We'll start with procedure 04A01. When performing this procedure, you'll verify the requirements associated with percent yield/shrink/gain.

Example of products: bacon, BBQ meat, roast beef, corned beef, cured beef tongue, country ham

Regulations: 319.80, 319.81, 319.100, 319.101, 319.102, 319.103, 319.106, 319.107

Directives: 7620.3

Select an appropriate product for verification and verify compliance with regulatory requirements by reviewing establishment records and labels, calculating the % yield or shrink and comparing the result with the appropriate regulatory requirement. You may also verify compliance by weighing a sample of product before and after the appropriate step in the process (i.e., pumping, cooking, chilling, curing, drying, etc.), calculating the % yield or shrink, and comparing the result with the appropriate regulatory requirement.

### 04A02 – X% solution labeled products

When performing procedure 04A02, you'll verify the requirements associated with X percent solution for labeled products. This procedure relates to the regulations regarding false or misleading labeling practices, because your verifying that the percent of a solution added to a product does not exceed the regulatory requirements.

Example of products: cured pork products, ham patties, chopped ham, ready to cook poultry products, turkey ham, corned beef, beef brisket

Regulations: 317.8, 319.104, 319.105, 381.129

Directives: 7620.3

Here's what you should do when performing this procedure. Select an appropriate product for verification and verify compliance with X% labeling requirements by reviewing establishment records and labels, calculating the % added solution and comparing the results with the X% labeling declaration. You may also verify compliance by weighing a sample of product before and after the appropriate step in the process (i.e., pumping, curing, drying, etc.), calculating the % added solution, and comparing the result with the X% labeling declaration.

### 04A03 – MSP/MSKP/PDBFT/PDPFT/AMR products

When performing procedure 04A03, you'll verify one of the requirements depending on the type of product that is being produced: Mechanically Separated Pork (MSP), Mechanically Separated Kind of Poultry (MSKP), Partially defatted beef fatty tissue (PDBFT), and Partially defatted pork fatty tissue (PDPFT), and Advanced meat recovery (AMR) products.

Regulations: 319.5, 319.29, 381.24, 381.173, 381.174

Directives: 7160.1, 7160.2, 7160.3

Here's what you should do when performing this procedure. Select an appropriate product for verification and verify compliance by reviewing establishment records and labels, or by observing the preparation of products and, comparing the findings to the standards listed in the regulations.

Also, take samples as directed. To verify compliance:

- check product identification, condition, temperature, holding time/temperature,
- examine bones (for example two intact portions of bones) before and after the meat recovery systems, to observe condition and conformation,
- review establishment laboratory results and compare findings with the appropriate regulatory standard
- take samples as directed.

#### 04A04 – Batter and breading

When performing procedure 04A04, you'll verify the requirements associated with batter and breading.

Example of products: breaded products, breaded patties, breaded meat cuts, fritters

Regulations: 319.880, 381.166

Directives: 7220.1, 7620.3

Here's what you should do when performing this procedure. Select an appropriate product for verification and verify compliance with the batter and breading regulatory requirements by reviewing establishment records to calculate final % batter/breading and, comparing the findings to the standards listed in the regulations. You may also verify compliance by performing batter and breading pickup tests on one or more subgroups (according to the plant's QC programs) or batches of the product.

#### 04B01 – Miscellaneous beef products

When performing procedure 04B01, you'll verify the requirements for miscellaneous beef products.

Example of products: sausage, frankfurters, luncheon meats, chili con carne, meat stews, tamales, and others (see Directive 7000.1)

Regulations: 319.15, 319.140-145 and others (see Directive 7000.1)

Directives: 7220.1, 7620.3

Here's what you should do when performing this procedure. Select an appropriate product for verification and verify compliance by reviewing establishment records and labels, or observing the preparation of products and, comparing the findings to the appropriate regulatory standards. To verify some regulatory requirements calculations will need to be performed to determine specified components, such as % fat, or % water.

#### 04B02 – CN/Grade Labeling/Declared Count/Vignette

When performing procedure 04B02, you'll verify the requirements related to false or misleading labeling or practices, including specific prohibitions and requirements for labels and containers.

Example of products: All types of products

Regulations: 317.8, 381.116

Directives: 6810.1, 7222.1

Here's what you should do when performing this procedure. Select a product for verification and verify that the labeling is used on appropriate product and that there is a label approval on file. Remember that products for which there is a standard of identity can use generically approved labels.

#### 04B03 – Net weights

When performing procedure 04B03, you'll verify the requirements related to net weights.

Example of products: All types of products that carry a net weight statement.

Regulations: 317.18, 317.20-22, 319.19., 381.121

Here's what you should do when performing this procedure. Select an appropriate retail-sized product for verification and verify net weight regulatory requirements; by reviewing establishment records and conducting net weight/drained weight, scale calibration, or tare weight checks. For QC inspection verification, follow the QC program requirements.

#### 04B04 – General labeling

Procedure 04B03 applies to all products. For example, it includes verifying the requirements related to standards of identity.

Example of products: All products

Regulations: 316, 317, 318, 319, 424.21, 441.10

Directives: 6700.1, 7120.1, 7235.1, 7270.1, 7620.3

Here's what you should do when performing this procedure. Select an appropriate product for verification and verify that the label contains all required information, the ingredients statement is accurate, i.e., that all ingredients are listed in descending order of predominance and any proteinaceous substances used in the formulation are declared in the ingredients statement, restricted ingredients are used as per regulatory requirements, the label is used on appropriate product, and that there is a label approval on file. When verifying restricted ingredient requirements or ingredient statement compliance, observe the establishment formulating product and compare to the approved label. Proteinaceous substances can cause food sensitivities in certain individuals and therefore, such substances are of a food safety concern if not clearly declared in the ingredients statement.

#### 04C01 – Carcass /Boneless Meat Reinspection Pork Skins Used for Popping

Procedure 04C01 applies to carcasses, boneless meat, pork skins used for popping, and rework product.

Example of products: boneless meat, meat carcasses, pork skins for popping, rework product

Here's what you should do when performing this procedure. Select an appropriate product for verification and verify these regulatory requirements by reviewing establishment records and/or observe plant performance of activities. You may perform direct examination of the product, if warranted, to verify product is not adulterated or misbranded (318.2b).

#### 04C03 – Finished product standards for poultry

Procedure 04C02 is the procedure for verifying humane handling and slaughter. We covered this in another section of the training. Procedure 04C03 covers finished product standards for poultry products.

Here's what you should do when performing this procedure. Verify compliance by performing:

- pre-chill FPS testing
- post-chill FPS testing
- giblet AQL testing
- inspection of returned products
- inspection of rework products
- condition inspection of products in establishment

#### 05B01 – Misbranding/economic adulteration sampling, directed and unscheduled sampling

Procedure 05B01 covers misbranding, economic adulteration sampling. It can be directed or unscheduled.

Example products – cooked sausage, ground beef, hamburger, ground pork, pH controlled product, lard

Regulations – 301.2, 318.22, 319, 381.1

Here's what you should do when performing this procedure. Verify compliance by collecting, processing and mailing samples (bacon, species testing, *Escherichia coli* 157:H7, *Salmonella*, *Listeria*, advanced meat recovery products, mechanically separated species, etc.) to the designated laboratory upon request from computer-generated instruction or upon instructions from Frontline Supervisor, District Office, or Washington Headquarters. Request permission to sample suspect product from the Frontline Supervisor and notify the establishment of the sampling. Note: 05B02 covers food safety sampling. You will learn more about this when you attend the FSRE class.

## **Processing (7000 Directive-Other Consumer Protection {OCP}) Workshop**

1. Which of the following represents the definition of the term “misbranded” in the statutes?
  - a. A product with labeling that is false or misleading.
  - b. A product with a label that does not show the name and place of business that produced the product.
  - c. A product that is subject to standards of identity but was not produced to follow those standards.
  - d. All of the above.
  
2. Which of the following is NOT true about labeling approval.
  - a. Sketch labels must show the size, location, and final color of the label.
  - b. Temporary approval of labels may be granted.
  - c. A single ingredient product with no special claims must have label approval.
  - d. Some labels have generic approval.
  
3. If when performing an OCP procedure you uncover concerns related to an establishment's SSOP or HACCP plan, you should:
  - a. perform an unscheduled 04 procedure.
  - b. perform an unscheduled food safety procedure.
  - c. perform an unscheduled 05 procedure.
  - d. contact the Technical Service Center.
  
4. OCP duties cover which of the following?
  - a. HACCP verification
  - b. economic adulteration

- c. SSOP verification
  - d. food safety sampling
5. How much of your time overall should be spent performing OCP duties?
  - a. 10 percent
  - b. 20 percent
  - c. 30 percent
  - d. no more than 50%
6. Which of the following represents what you should do when performing the 04 procedures?
  - a. Observe establishment product formulation, labeling, packaging, preparation, and processing procedures.
  - b. Examine product and review establishment records.
  - c. Check product identification, condition and temperature.
  - d. Perform a variety of in-plant measurements, testing and calculations.
  - e. All of the above.
7. What should you be looking for when you observe product formulation?
  - Verify product formulation and compliance with permitted amounts of restricted ingredients.
  - Verify all ingredients used in formulating the product are listed on the label in descending order of predominance and any proteinaceous substances used in the formulation are declared in the ingredient statement.
  - Verify compliance with standards of identity and composition regulatory requirements.
  - Observe establishment activities and review establishment records.
  - All of the above.
8. What should you do in verifying OCP requirements related to labeling?
  - Review establishment's labeling records including any supporting documentation such as letters from FSIS, temporary approvals, etc.
  - Determine whether labeling is approved in accordance with appropriate regulations, i.e., either approved as a sketch by the FSIS Labeling and Consumer Protection Staff, or generically approved in accordance 9 CFR §317.5 or §381.133.
  - Verify that the required features are present on the labels, and that they are not false or misleading.
  - Verify that the correct labels are applied to products.
  - All of the above.
9. Which of the following conditions would demonstrate that the establishment process controls are adequate to detect and address product defects?
  - a. The establishment routinely examines incoming product for suitability.

- b. Establishment personnel routinely examine product throughout its processing for product defects.
  - c. The activities to detect and address product defects are documented by the establishment.
  - d. All of the above.
10. Which of the following should you do when establishment processing controls appear to be effective?
- a. Count defects.
  - b. Direct your attention to areas in the process not covered by establishment controls.
  - c. Direct your attention to establishment records.
  - d. Review product formulation.
11. Is the following statement TRUE or FALSE?
- Do not performing unscheduled OCP verification procedures unless you suspect regulatory requirements are not being met.
- a. TRUE
  - b. FALSE

12. Is the following statement TRUE or FALSE?

Do not conduct unscheduled sampling unless you suspect regulatory requirements are not being met.

- a. TRUE
- b. FALSE

13. Which of the following must be done if you believe collecting an unscheduled sample is warranted?

- a. Notify the Frontline Supervisor by email explaining why the sample is warranted.
- b. Obtain supervisory approval before collecting the sample.
- c. Inform plant management before you take the sample.
- d. Inform plant management of the type of analysis that will be done on the sample.
- e. All of the above.

14. Is the following statement TRUE or FALSE?

Make determinations of noncompliance on individual units of product.

- a. TRUE
- b. FALSE

15. What should you do when noncompliance with an OCP requirement is found?

- a. Issue an NR.
- b. Notify the establishment orally of the finding.
- c. Determine the amount of noncompliant product involved.
- d. Take appropriate regulatory control actions if without such action a misbranded or economically adulterated product would be shipped from the establishment.
- e. All of the above.

16. When noncompliance is found, which of the following must be considered in determining the amount of noncompliant product involved in the noncompliance?

- a. The establishment's lot identification procedures.
- b. Receiving records.
- c. Production records.
- d. All of the above.

17. Which of the following are appropriate regulatory control actions to take if it appears that a product that is economically adulterated or misbranded will be shipped from the establishment?

- a. retention of product.
  - b. rejection of equipment or facilities.
  - c. stopping lines.
  - d. refusing to allow the processing of specifically identified product.
  - e. All of the above.
18. What should you do when there are repeated violations involving the same process and product and the establishment seems unable or unwilling to maintain regulatory compliance?
- a. Link the NRs.
  - b. Notify the District Office (DO) through supervisory channels.
  - c. If a regulatory control action is taken, maintain that action in place until the DO receives written assurances from the establishment indicating what procedures the establishment has instituted to regain and maintain process control to meet regulatory requirements.
  - d. Conduct any follow up verification activities as directed by the DO to ensure compliance.
  - e. All of the above.
19. What should you do when performing the 04A01 procedure to verify compliance with regulatory requirements?
- a. Be familiar with the regulatory requirements.
  - b. Select an appropriate product.
  - c. Review establishment records and labels.
  - d. Calculate % yield or shrink and compare result with regulatory compliance.
  - e. All of the above.
20. Is the following statement TRUE or FALSE?
- For 04A01, you may also verify compliance by weighing a sample of product before and after the appropriate step in the process (i.e., pumping, cooking, chilling, curing, drying, etc.), calculating the % yield or shrink, and comparing the result with the appropriate regulatory requirement.
- a. TRUE
  - b. FALSE
21. What should you do when performing the 04A02 procedure to verify compliance with regulatory requirements?
- a. Select an appropriate product for verification.
  - b. Review establishment records and labels, calculating the % added solution and comparing the results with the X% labeling declaration.
  - c. Weigh a sample of product before and after the appropriate step in the process (i.e., pumping, curing, drying, etc.), calculating the % added solution, and comparing the result with the X% labeling declaration.

- d. All of the above.

22. What should you do when performing the 04A03 procedure to verify compliance with regulatory requirements?
- Select an appropriate product for verification.
  - Review establishment records and labels.
  - Observe the preparation of products and, compare the findings to the standards listed in the regulations.
  - All of the above.
23. What should you do when directed to take samples while performing the 04A03 procedure?
- check product identification, condition, temperature, holding time/temperature,
  - examine bones (for example two intact portions of bones) before and after the meat recovery systems, to observe condition and conformation,
  - review establishment laboratory results and compare findings with the appropriate regulatory standard
  - all of the above
24. What should you do when performing the 04A04 procedure to verify compliance with regulatory requirements?
- Select an appropriate product for verification.
  - Review establishment records to calculate final % batter/breading and, comparing the findings to the standards listed in the regulations.
  - Perform batter and breading pickup tests on one or more subgroups (according to the plant's QC programs) or batches of the product.
  - All of the above.
25. What should you do when performing the 04B01 procedure to verify compliance with regulatory requirements?
- Select an appropriate product for verification.
  - Review establishment records and labels, or observing the preparation of products and, comparing the findings to the appropriate regulatory standards.
  - For some regulatory requirements, perform calculations to determine specified components, such as % fat, or % water.
  - All of the above.
26. What should you do when performing the 04B02 procedure to verify compliance with regulatory requirements?
- Select a product for verification.
  - Verify that the labeling is used on appropriate product.
  - Verify that there is a label approval on file.
  - All of the above.

27. What should you do when performing the 04B02 procedure to verify compliance with regulatory requirements?
- Select an appropriate retail-sized product for verification.
  - Review establishment records and conducting net weight/drained weight, scale calibration, or tare weight checks.
  - For QC inspection verification, follow the QC program requirements.
  - All of the above.
28. What should you do when performing the 04B02 procedure to verify compliance with regulatory requirements?
- Verify that the label contains all required information.
  - Verify that restricted ingredients are used as per regulatory requirements by observing the establishment formulating product and comparing it to the approved label.
  - Verify that there is a label approval on file.
  - All of the above.
29. What should you do when performing the 04C01 procedure to verify compliance with regulatory requirements?
- Select an appropriate product for verification.
  - Review establishment records and/or observe plant performance of activities.
  - You may perform direct examination of the product.
  - All of the above.
30. What should you do when performing the 04C03 procedure to verify compliance with regulatory requirements?
- perform pre-chill and post-chill FPS testing
  - perform giblet AQL testing
  - inspect returned and reworked products
  - All of the above.

Match the OCP procedure codes below with the type of requirements they are used to verify.

	OCP procedure	Requirements verified
_____	1. 04A01	A. misc. beef products
_____	2. 04A02	B. general labeling
_____	3. 04A03	C. % yield/shrink/gain
_____	4. 04A04	D. CN/grade/declared count
_____	5. 04B01	E. finished product standards for poultry
_____	6. 04B02	F. MSP/PDBFT/AMR
_____ adulteration	7. 04B03	G. misbranding/economic sampling
_____	8. 04B04	H. batter/breading
_____	9. 04C01	I. carcass/boneless meat reinspection
_____	10. 04C03	J. X% solution
_____	11. 05B01	K. net weights