Objectives

- Be able to:
  - Describe the purpose of detention and the conditions under which product is detained.
  - List the steps taken by the EIAO when detaining product.
  - Given a scenario, be able to describe a course of action in product detention.
Voluntary Disposition

- Goal - work with product owners and custodians to obtain voluntary destruction or other appropriate product disposition without having to take a detention action.

**Activity:** Voluntary Disposition
References and Authority

- FMIA 21 U.S.C 672
  - 9 CFR 312.9 & 329
- PPIA 21 U.S.C 467a
  - 9 CFR 381 Subpart U
- FSIS Directive 8410.1, Detentions and Seizure

Activity: Detention & Seizure Reg Walkthrough
Definitions

- **Detention**: an Agency action preventing product movement or sale in commerce
- **Retention**: an Agency action preventing product movement or entry into commerce
Purpose of Detention

- Control meat, poultry, and egg products in commerce if:
  - adulterated
  - misbranded
  - not inspected
Time Limitations

- Detention not to exceed 20 days
- If disposition cannot be made in 20 days
  - FSIS may proceed to legal action/seizure
Time Limitations

- If 10 days have passed from initial detention and no product disposition or extended disposition plan:
  - Initiate procedures for seizure
  - DOJ acting on FSIS behalf files a Libel of Information with District Court
Authorized Personnel

- EIAO
- PHV trained in the EIAO methodology
- Investigator, OIEA
- Other FSIS employees when directed to
Detention Procedures

- Place a U.S. Detained Tag on the product
- Complete FSIS Form 8080-1, Notice of Detention in AssuranceNet and maintain a copy.
- Provide original of the form to the custodian, and a copy to the owner.
Preparation of FSIS 8080-1

- Notice of Detention
- Steps to completing the Form
Detention Procedures

- Inform the custodian/owner of the detention action ASAP
- Provide reasons why you have detained the product
Detention Procedures

- Inform custodian/owner product cannot be moved or sold while under U.S. Detention

- Provide opportunity to propose a method to bring the product into compliance

- Provide opportunity to voluntarily destroy the product

- If product is safe and wholesome it may be released for personal use
Detention Procedures

- Contact the District Office
  - Initiate the product control record in AssuranceNet
  - Date of the detention,
  - Name and address of custodian/owner
  - Name/description of product
  - Total weight of product
  - Reason for the detention
Multiple Products

- Use a single “Notice of Detention”

- If multiple products with multiple owners
  - multiple detention actions are to be executed
Voluntary Destruction

- Observe the destruction of product
- Complete FSIS Form 8080-4, Voluntary Destruction of Human Food Notice
- Obtain management’s signature and title
- Scan signed form and attach to product control record in AssuranceNet
- Give one copy to the owner; one copy to the custodian, and one copy to the District Office.
Preparation of FSIS 8080-4

- Voluntary Destruction of Human Food Notice
- Steps to completing the Form
Personal Use

- Release for personal use per 303.1(d)(2)(ii), 327.16, 381.10(d)(2)(ii), 381.207, & 590.960
- Complete FSIS Form 8080-6, Personal Use Notice
- Obtain management’s signature and title
- Scan signed form and attach to product control record in AssuranceNet
Terminating a Detention

• Complete an FSIS Form 8400-1, after appropriate disposition of the product
  • Denature and destroy non-inspected product that has moved in commerce
  • Voluntarily destroy product for human food purposes per written agreement
  • Seizure and disposition of product by a U.S. District Court and the U.S. Marshal Service,
  • Voluntary removal of official identification from products that are not amenable.
Request to Not Seize Product
Extended Disposition

- Owner requests extended disposition plan
- Inform owner of required information
- Owner provides written request to DO
Evidence

- Collection of evidence begins when the product is detained
- Case specialist will begin preparing the AER case file
Petition for Seizure

- Notify DO immediately if you believe seizure may be required
- Initiate request for seizure when detention is at 10-days
Definitions

- **Seizure**
  - Civil proceeding against property in U.S. district court

- **Libel of Information/Complaint in Rem**
  - A complaint against property, filed in a U.S. district court, to support a legal action to seize product in commerce
Users can submit product control information

Print FSIS Forms 8080-1, 8080-6, and 8400-1

Enter information for appropriate forms in data fields

Attach related documents and copies of signed forms
Welcome to AssuranceNet

AssuranceNet is a reporting application that uses data from PBIS, eADRS and other Office of Field Operations (OFO) applications to transform time-sensitive performance data on OFO management controls into valuable decision-making information for managers at their desktop.

News & Announcements

Find the latest AssuranceNet news and communications by visiting the AssuranceNet Announcements page located on InsideFSIS.

- AssuranceNet Announcements

Find the latest threat level as communicated by the Department Of Homeland Security.

- DHS Threat Level

Getting Started

New to the FSIS AssuranceNet? Please refer to our Center for Learning (CFL) resources and learn how to enter new performance data, search for old data, or view your own customized reports.

- AssuranceNet Training

AssuranceNet Announcements

Find the latest threat level as communicated by the Department Of Homeland Security.
Product Control
Firm Lookup

Instructions For Product Control

Start Date of Product Control Action: 02/01/2010
End Date of Product Control Action

Summary of Actions:
- Detention
- Termination Of Detention
- Personal Use
- Voluntary Destruction

Extended Disposition?
Number of Days Extended

Custodian Name at Time of Action*
Custodians Address and Phone Number *

Owner’s Name, Address, and Phone Number

Created by Office: OFO
**Product Control**

**Firm Lookup**

### General Information

- **Start Date of Product Control Action**: 06/08/2009
- **End Date of Product Control Action**: 06/12/2009
- **Summary of Actions**:
  - Detention
  - Termination Of Detention
  - Personal Use

### Extended Disposition?

- **Number of Days Extended**: 

### Custodian Name at Time of Action

- **Owner’s Name, Address, and Phone Number**

### Current Custodian Firm Name

- **Owner’s Name, Address, and Phone Number**

### Custodians Address and Phone Number

- **Owner’s Name, Address, and Phone Number**
Product Control

Notice of Detention

Product Control

Actions: Select… Go
State: Submitted
Locked By: Symons, Sara

General Information
Notice of Detention
Notice of Termination of Detention
Personal Use Notice
Voluntary Destruction of Human Food Notice

File Attachments
Print and Download Forms
Change History

Instructions For Product Control

* Required Field
Date Detained
06/08/2009

Description and Number of Article(s) Detained

Product Name
Beef Carcass

Coding

Number (i.e. cases, packages, cans)
1 carcass (4 quarters)

Establishment Number
11022

Location of Detained Articles
Del Monte Meats
808 W. Center
Pocatello, Idaho 83204
Product Control
File Attachments

Attach Files

Name to Display
File Name Browse...

Currently Attached Files

<table>
<thead>
<tr>
<th>Name</th>
<th>File Size</th>
<th>Mark For Deletion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notice of Detention, Personal Use Notice, Notice of Termination</td>
<td>205 KB</td>
<td></td>
</tr>
</tbody>
</table>
Product Control Section
AssuranceNet

- Initiate product control record in AssuranceNet to provide information
  - General Information
  - Notice of Detention
  - Notice of Termination of Detention
  - Personal Use Notice
  - Voluntary Destruction
  - File Attachments
What questions do you have?