Administrative Warnings for Prohibited Acts
Objectives

- Be able to:
  - Describe what a strict liability provision is.
  - Identify the section of the FMIA that contains strict liability provision.
  - Describe the strategy used by OFO to address prohibited acts.
  - List four situations when OFO will issue a Notice of Prohibited Acts.
  - Describe the actions FSIS would take if a facility persisted in prohibited acts.
Strict Liability Provisions

- Does not require a knowledge of or intent to commit a prohibited act
  - Driving
  - Pollution
  - Food Hygiene
  - Safety at Work
Statute

- 21 U.S.C. 610
  - Does not require a mental element
- 21 U.S.C. 611
  - Does require a mental element
    - “Knowingly”
Statute

- Historically FSIS treated Sec. 610 and 611 the same
  - Dependent upon knowledge and intent
New Strategy

- Warnings for Prohibited Acts
  - Issued by OFO
  - For prohibited acts under Sec. 610
Establishment Controls

- FSIS expects establishments to maintain controls when shipping adulterated product
  - Example: FSIS Directive 10,010.1
- Administrative Warnings
  - Tool for advising establishment
Key Provisions of Sec. 610

- Slaughter prohibited except according to Act
- Humane Slaughter
- Transporting adulterated, uninspected or misbranded product
- Cause product to be adulterated
Warnings Issued

• Failure of recalling firm to notify its customer of recalled product

• Failure of a customer to notify its customer of recalled product

• Recalling firm or customer found offering for sale recalled product

• Failure to comply with recordkeeping requirements
Repetitive Acts

- Inspected Plant
  - Inadequate HACCP or SSOP?
- Non-inspected Facility
  - Criminal Case to OIEA?
Administrative Warnings

• Example letters in your handout

Ralph’s Retail Market
129 Seasons Road
Paris, TX 45678
Workshop