

Administrative Warnings for Prohibited Acts

EIAO Training



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



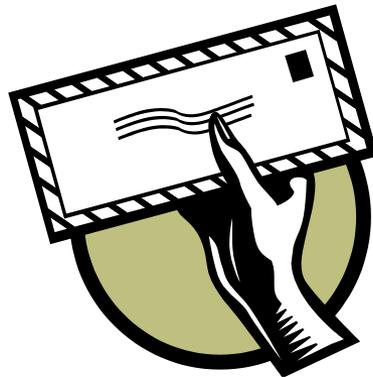
New Strategy

- 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



Section 610

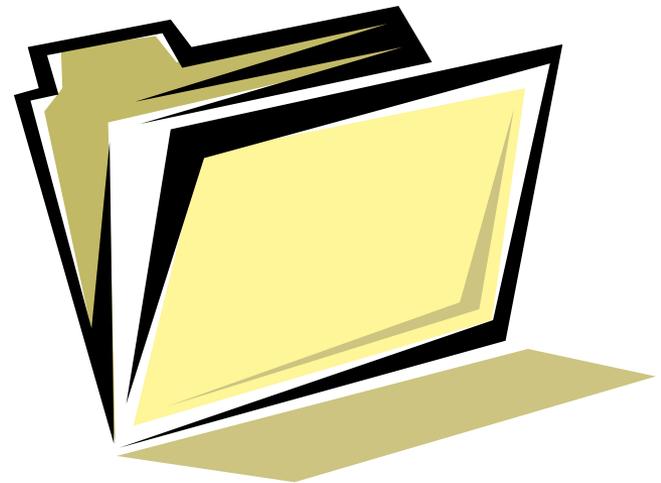
- Key Provisions of Sec. 610
 - Slaughter prohibited except according to Act
 - Humane Slaughter
 - Transporting adulterated, uninspected or misbranded product
 - Cause product to be adulterated

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



Workshop

