

UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
WASHINGTON, DC

FSIS DIRECTIVE	7270.1 Rev. 1	8-13-98
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**SAMPLING AND TESTING PROCEDURES FOR
RAW POULTRY PRODUCTS LABELED "FRESH"**

I. PURPOSE

This directive provides instructions to FSIS inspection program personnel to determine if raw poultry products labeled "fresh" comply with 9 CFR 381.129(b)(6).

II. CANCELLATION

FSIS Directive 7270.1, dated 12/8/97

III. REASON FOR REISSUANCE

This directive is being revised in its entirety to include references to inspection duties conducted in establishments with Hazard Analysis and Critical Control Point (HACCP) systems.

IV. REFERENCES

9 CFR 381.129(b)(6)
9 CFR Part 417
FSIS Directive 5000.1, dated 11/21/97
FSIS Directive 5400.5, dated 11/21/97
FSIS Directive 7221.1, Amend. 1, dated 8/19/96
FSIS Directive 8820.1, Rev. 2, dated 9/6/96

V. BACKGROUND

A. In accordance with 9 CFR 381.129(b)(6), the term "fresh" may not be used on the labeling of raw poultry products if the internal temperature is below 26°F. Raw poultry products bearing the "fresh" label but having an internal temperature below 26°F are misbranded and must be correctly relabeled.

DISTRIBUTION: Inspection Offices; T/A Inspectors; OPI: OPPDE
Plant Mgt; T/A Plant Mgt; TRA; ABB; PRD; Import
Offices

B. The average temperature of poultry product lots must be 26°F. Individual packages of raw poultry products included in the lot may fall below the 26°F temperature standard by no more than 1 degree. In other words, individual packages within a lot of raw poultry products having an internal temperature of 25°F may still be labeled "fresh," provided the lot's average is 26°F.

VI. SAMPLING CRITERIA

A. Inspection program personnel verify establishment compliance with § 381.129(b)(6) by temperature testing individual packages of raw poultry products. In establishments operating under a HACCP system, inspection program personnel verify compliance using procedure 04B04 of the Inspection System Procedure (ISP) Guide (**Note:** this directive will be added as a reference under 04B04 in the ISP. In the meantime, make a pen and ink change to the ISP under 04B04 by adding this directive as a reference). In establishments not operating under a HACCP system, inspection program personnel verify compliance using task code 07B01a2 of the Inspection System Guide (ISG) (**Note:** make a pen and ink change to the ISG under 07B01a2 by adding this directive as a reference). Inspection program personnel perform the appropriate task or procedure (unscheduled) whenever it is suspected that individual packages of raw poultry products are not in compliance with § 381.129(b)(6).

B. Whole birds, breasts and legs are included in the temperature testing requirement.

C. The following raw poultry products are exempt from the temperature testing requirement:

1. Wings or wing portions
2. Tenders (strips of poultry breast meat)
3. Hearts
4. Livers
5. Gizzards
6. Necks
7. Products that undergo special processing (i.e., processing beyond the cut-up stage) or are further processed, such as sliced poultry products or marinated products.

VII. SAMPLING INSTRUCTIONS

A. For the purpose of temperature testing, the establishment defines its lot size. Lots may be defined by production volume or production time period. Lots should be composed of one specific product type, e.g., whole birds, whole muscle leg products or whole muscle breast products. The lot size may not be altered during the shift in which inspection program personnel are performing the test.

B. When performing ISP procedure 04B04 or ISG task code 07B01a2, inspection program personnel:

1. Randomly select 15 packages of raw poultry product from the lot.

2. For each package, insert a properly calibrated thermometer of sufficient sensitivity into the center (at least 3/8 inch) of the thickest muscle. Ascertain its internal core temperature, then note the **actual** temperature reading (do not round). Repeat this procedure for each package of product to be sampled.

3. Permit the lot to be labeled "fresh" if seven or fewer packages have an internal core temperature below 26°F. However, the lot may not be labeled "fresh" if any of the packages have an internal core temperature below 25°F.

VIII. FAILURE TO MEET TEMPERATURE REQUIREMENT

If any raw poultry products do not pass the temperature testing requirement:

A. Inspection program personnel:

1. in establishments operating under a HACCP system, document noncompliances on FSIS Form 5400-4, Noncompliance Record. Also, mark the misbranding indicator "h" on FSIS Form 5400-2, Procedure Schedule. Refer to FSIS Directive 5400.5.

2. in establishments not operating under a HACCP system, document deficiencies on FSIS Form 8820-2, Process Deficiency Record. Refer to FSIS Directive 8820.1, Rev. 2.

B. Establishment personnel may:

1. relabel the entire lot of product, i.e., remove or cover the "fresh" designation on all packages in the lot, or

2. test all packages in the lot and label each individually according to its internal core temperature.

C. Once establishments have taken action in accordance with paragraph B. above, inspection personnel:

1. in establishments operating under a HACCP system, determine whether establishments achieve compliance with § 381.129(b)(6). Document any noncompliances on FSIS Form 5400-4. Refer to FSIS Directive 5400.5.

2. in establishment not operating under a HACCP system, verify the establishment's corrective and preventive action(s). Document any deficiencies of FSIS Form 8820-2. Refer to FSIS Directive 8820.1, Rev. 2.

Direct questions regarding this directive through supervisory channels.

/s/ Philip Derfler for Margaret O'K. Glavin

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