

Detention and Seizure

EIAO Training



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

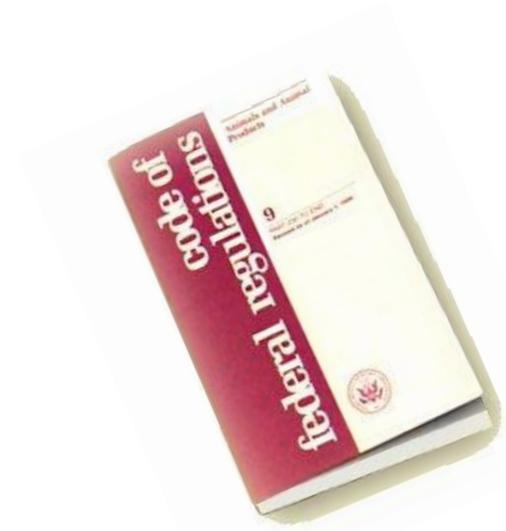
- Goal - work with product owners and custodians to obtain voluntary destruction or other appropriate product disposition without having to take a detention action.

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

20 Days

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



Product Control Section

AssuranceNet

- 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



Keith Rahn | [Logout](#)

User Role: P: EIAO-50

You are here: Home

Today's Date: Feb 01, 2010

Assessment Data

Enter New Assessment Data

▶ AER

View & Edit Assessment Data

▶ AER

In Commerce Data

Enter New In Commerce Data

▶ Product Control

View & Edit In Commerce Data

▶ Product Control

Firm Information

▶ New Firm Information

▶ View/Edit Firm Information

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](#)

Assessment Data

Administrative Enforcement Reports [Enter](#) | [View](#)

Assuring that enforcement action is taken when an establishment does not comply with regulatory requirements and that due process entitlements are provided.

I Want To...

- [Take AssuranceNet Training](#)
- [Contact the AssuranceNet Team](#)
- [Find Related Links](#)
- [Read the Latest News](#)

Featured FAQ

Why does the top of the page now say AssuranceNet 4.0?

The 4.0 represents the latest release of AssuranceNet, launched in June 2009. It includes enhancements to the OPEER In-Commerce System modules: Surveillance, Investigation, Firm Information and Product Control. A new module was created for OPEER to perform delegation of authority activities. The delegation of authority will allow users to be grouped into roles to perform workflow actions within the Investigation module

[More FAQs...](#)

Product Control Firm Lookup

Enter New Assessment Data
▶ AER

View & Edit Assessment Data
▶ AER

In Commerce Data

Enter New In Commerce Data
▶ Product Control

View & Edit In Commerce Data
▶ Product Control

Firm Information
▶ New Firm Information
▶ View/Edit Firm Information

Actions: State: Draft Locked By: Unlocked

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

Instructions For Product Control

* Required Field

[Save General Information](#) [Reset](#)

Start Date of Product Control Action 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

Product Control Firm Lookup

Enter New Assessment Data

▶ AER

View & Edit Assessment Data

▶ AER

In Commerce Data

Enter New In Commerce Data

▶ Product Control

View & Edit In Commerce Data

▶ Product Control

Firm Information

▶ New Firm Information

▶ View/Edit Firm Information

Actions:

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

Start Date of Product Control Action

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 *

Current Custodian Firm Name **DEL MONTE MEATS**

Custodians Address and Phone Number *

Owner's Name, Address, and Phone Number



Product Control Notice of Detention

User Role: P: EIAU-SU

Assessment Data

Enter New Assessment Data

▶ AER

View & Edit Assessment Data

▶ AER

In Commerce Data

Enter New In Commerce Data

▶ Product Control

View & Edit In Commerce Data

▶ Product Control

Firm Information

▶ New Firm Information

▶ View/Edit Firm Information

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

User Role: [...]

Assessment Data

Enter New Assessment Data

▶ AER

View & Edit Assessment Data

▶ AER

In Commerce Data

Enter New In Commerce Data

▶ Product Control

View & Edit In Commerce Data

▶ Product Control

Firm Information

▶ New Firm Information

▶ View/Edit Firm Information

Product Control

Actions: 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](#)

Attach Files

Name to Display

File Name

Currently Attached Files

Name	File Size	Mark For Deletion
Notice of Detention, Personal Use Notice, Notice of Termination	205 KB	<input type="checkbox"/>

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?

