

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

FSIS DIRECTIVE

9500.8
Rev. 1

9/16/16

IMPORTATION OF PRODUCTS FOR OTHER THAN COMMERCIAL PURPOSES

I. PURPOSE

This directive is being revised to update instructions to the Office of Field Operations (OFO), Recall Management and Technical Analysis Division (RMTAD) and the Office of Investigation, Enforcement and Audit (OIEA), Compliance and Investigations Division (CID), on the actions to take when monitoring and verifying the requirements for meat (including Siluriformes), poultry, and egg products imported into the United States (U.S.) for other than commercial purposes including personal consumption, laboratory examination, research, evaluative testing, or trade show exhibition, and products entering the U.S. destined for foreign governmental commissaries located in the U.S.

II. CANCELLATION

FSIS Directive 9500.8, *Importation of Products for other than Commercial Purposes*, 3/30/10

III. BACKGROUND

A. The Food Safety and Inspection Service (FSIS) regulates the importation of meat (including Siluriformes), poultry, and egg products into the U.S. under authority of the Federal Meat Inspection Act (FMIA) (21 U.S.C. 620), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 466), and the Egg Products Inspection Act (EPIA) (21 U.S.C. 1046).

B. FSIS regulations provide for two classes of products covered by the FMIA, PPIA, or EPIA to be imported from any country without meeting all FSIS requirements. These product classes are (1) products for personal consumption and (2) products for laboratory examination, research, or similar purposes. FSIS considers products intended for evaluative testing or trade show exhibition under product class (2). In addition, shipments destined for sale in foreign governmental commissaries located in the U.S. may be imported from North Atlantic Treaty Organization (NATO) member countries without meeting all the requirements of the FMIA, PPIA, or EPIA under the authority of the NATO Agreement. http://www.nato.int/cps/en/natolive/nato_countries.htm

C. The products identified in B above are required to meet Animal and Plant Health Inspection Service (APHIS) import requirements http://www.aphis.usda.gov/import_export/index.shtml enforced by U.S. Customs and Border Protection (CBP) at the U.S. Port of Entry (POE).

DISTRIBUTION: Electronic

OPI: OPPD

IV. PERSONAL CONSUMPTION SHIPMENTS REQUIREMENTS – 9 CFR 327.16, 381.207 and 590.960.

- A. If a shipment is identified for personal consumption, it must meet the following requirements:
1. Shipments cannot exceed a total weight of 50 lbs. (22.7 kg) for meat (including Siluriformes) or poultry, 30 lbs. (13.6 kg) for liquid eggs, and 50 lbs. (22.7 kg) for dried eggs;
 2. Shipments are limited to personal use only; and
 3. No item in the shipment can be sold or distributed for sale in commerce.
- B. Investigators are to be aware that the importer of record or applicant is to present the product for FSIS import reinspection at an official import inspection establishment if the product is under FSIS jurisdiction and does not meet the requirements for the personal consumption exemption.
- C. Investigators are to control the product as provided in [FSIS Directive 8410.1](#), *Detention and Seizure*, when it does not meet the requirements for the personal consumption exemption (e.g., product is being sold in commerce) and initiate an investigation as provided in [FSIS Directive 8010.2](#), *Investigative Methodology*.

V. LABORATORY EXAMINATION, RESEARCH, EVALUATIVE TESTING, OR TRADE SHOW EXHIBITION SHIPMENTS REQUIREMENTS – 9 CFR 327.19, 381.207, and 590.960.

- A. Investigators are to be aware that the importer of record or applicant must notify the FSIS, Recall Management and Technical Analysis Division (RMTAD), Import Operations (IO) at importinspection@fsis.usda.gov prior to importing meat, poultry, or egg products for laboratory examination, research, evaluative testing or trade show exhibition by submitting a copy of [FSIS Form 9540-5](#), *Notification of Intent to Import Meat, Poultry, or Egg Products “Samples for Laboratory Examination, Research, Evaluative Testing or Trade Show Exhibition.”*
- B. Upon receipt, RMTAD, IO are to review FSIS Form 9540-5s for completeness and perform any necessary follow-up related to the information provided by the importer of record or applicant on the form (e.g., weight indicated exceeds allowable amounts). After RMTAD, IO determines that the FSIS Form 9540-5 is completed correctly they are to upload the forms to the designated SharePoint site for access by CID Investigators.
- NOTE:** An official foreign inspection certificate is not required for sample shipments.
- C. If investigators or other personnel identify a shipment at a POE or in commerce as being for laboratory examination, research, evaluative testing, or trade show exhibition they are to determine whether FSIS has received advance notice of the shipment from the importer of record or applicant.
- D. If a shipment does not have the required FSIS Form 9540-5, investigators are to control the product, as necessary and appropriate.
- E. Investigators are to monitor and observe sample shipments when directed by the CID Regional Office. They also are to review the FSIS Form 9540-5 or the movement of the shipment by utilizing tools such as the U.S. CBP Automated Commercial Environment (ACE) Portal. Investigators are to review sample shipments to verify that the following weight restrictions for sample shipments have not been exceeded:

1. Meat shipments (including Siluriformes) cannot exceed 50 lbs. (22.7 kg) for each species of product;
2. Poultry shipments cannot exceed 50 lbs. (22.7 kg) for each species of product; and
3. Egg product shipments cannot exceed 30 lbs. (13.6 kg) for liquid or frozen eggs and 50 lbs. (22.7 kg) for dried egg products.

NOTE: In addition to the FSIS Form 9540-5, the applicant is to submit to FSIS, RMTAD, IO at importinspection@fsis.usda.gov a written request for prior approval of any shipment that exceeds the weight restrictions listed above.

F. Investigators are to verify that the sample shipping cartons and individual packages inside the shipping containers include the following:

1. Product name;
2. Country of origin;
3. Establishment number assigned by the foreign country's meat or poultry inspection system (if applicable). For egg products, the plant number of the plant in which the egg product was processed and packed is required;
4. Name and address of the facility that produced the product; and
5. The statement: "Samples intended for laboratory examination, research, evaluative testing or trade show exhibition."

G. The CID Regional Office or investigators are to determine whether follow-up review is necessary based on information contained on the FSIS Form 9540-5, a review of ACE (if applicable), and any record of prior violations by the importer of record entered in the In Commerce System (ICS).

H. If the follow-up review determines that the sample shipment is not used as intended or is not disposed of as specified on the FSIS Form 9540-5 (Block 25), investigators are to control the product when appropriate and initiate an investigation for any violations identified with a specific shipment or the importer of record.

VI. PRODUCTS ENTERING THE U.S. DESTINED FOR FOREIGN GOVERNMENTAL COMMISSARIES LOCATED IN THE U.S.REQUIREMENTS

A. Under the NATO Agreement, the importation of goods for use by a foreign military force is permitted, providing foreign military and their families with food and other items sold within their country. http://www.nato.int/cps/en/natolive/official_texts_17265.htm.

B. When an investigator conducts a surveillance activity of a foreign governmental commissary located in the U.S., he or she is to verify that products held for sale at these commissaries meet the following requirements:

1. The commissary is located on a military base or is restricted to military personnel from the foreign country in which the product was produced;
2. The purchasing of products from the commissary is restricted to only people with proper credentials from the foreign military to which the store sells;
3. Purchases are in foreign currency only; and
4. Products must be labeled "For Commissary Sale Only."

Refer any questions regarding this issuance through supervisory channels.

A handwritten signature in black ink, appearing to read "David Joseph". The signature is written in a cursive style with a large initial 'D' and a prominent flourish at the end.

Assistant Administrator
Office of Policy and Program Development