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9CFR 416.4(d) "Product must be protected from adulteration during processing, handling storage, loading, and unloading at and during transportation from official establishments". 9CFR416.13 (c) "Each official establishment shall monitor daily the implementation of the procedures in the Sanitation SOP's".

At approximately 00:50 on 01/04/2007 the following insanitary condition was observed near the south end of the poultry cut-up room. An employee tipped an edible product barrel onto it's side on the floor to drain excess water from the barrel. He then righted the barrel, contacting the side that had been on the floor. The employee then moved the barrel to a combo of chickens and began removing edible poultry from this combo. The employee neither washed the barrel nor his gloves prior to handling the edible poultry. [redacted] was notified of this noncompliance. The affected poultry was reconditioned under FSIS observation and released for production so no product was retained. 9CFR 416.13(c): Each official establishment shall monitor daily the implementation of the procedures in the Sanitation SOP's. 9CFR 416.14: Each official establishment shall routinely evaluate the effectiveness of the Sanitation SOP's and the procedures therein in preventing direct contamination or adulteration of product(s) and shall revise both as necessary to keep them effective and current with respect to changes in facilities, equipment, utensils, operations, or personnel. 9CFR 416.4(d): Product must be protected from adulteration during processing, handling, storage, loading, and unloading at and during transportation from official establishments

On Wednesday, January 3, approx 1500 hours, I received notice from both the establishment and FSIS that this establishment, Agriprocessors, Inc. EST 4653A, had

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shipped eleven boxes of Beef Trimmings with the instructional statement "for cooking only" on the label. This is a serious mislabeling noncompliance. These eleven boxes of mislabeled product were observed in a raw only plant, Unity Beef EST 5477, and were purchased on December 27, 2006. This establishment has approved HACCP plans for Slaughter and Raw-Not Ground that acknowledge the risk of E. coli O157:H7 and have interventions to minimize and control the risk of this biological hazard. This establishment also has an acceptable E. coli verification program that demonstrates the success of the establishment's interventions. The establishment has an effective E. coli control program. The establishment does not appear to be attempting to ship E. Coli positive product but appears to be shipping mislabeled product. This establishment is not approved to use the instructional statement "for cooking only" on labels for Beef Trimmings or other product.

**COMPLIANCE GUIDELINES FOR ESTABLISHMENTS ON THE FSIS MICROBIOLOGICAL TESTING PROGRAM AND OTHER VERIFICATION ACTIVITIES FOR ESCHERICHIA COLI O157:H7 VII. Use of Instructional or Disclaimer Statements Concerning E. coli O157:H7 A.** Establishments that Place Instructional or Disclaimer Statements on Their Product Label To use labels on raw ground beef products, raw ground beef components, or raw beef patty components that include an instructional or disclaimer statement concerning E. coli O157:H7, establishments must obtain sketch approval from FSIS Labeling and Consumer Protection Staff and maintain a sketch approval in the company's required labeling records (see 9 CFR 317.4(a)). The labeling of ground beef products, single-ingredient raw ground beef components, or single-ingredient raw beef patty components that include special instructions or disclaimer statements concerning E. coli O157:H7 cannot be generically

approved because FSIS considers these special instructions or disclaimers to be special claims (see 9 CFR 317.5(b)(2)). Labeling products with instructional (e.g., "for cooking only") or disclaimer statements (e.g., "not tested for E. coli O157:H7") is not a means to control pathogens. These statements should not be used to justify a determination that E. coli O157:H7 is not a hazard reasonably likely to occur in their production of raw ground beef products, raw ground beef components, or raw beef patty components. Therefore, such statements cannot be used as a CCP or intervention for E. coli O157:H7. If an establishment has determined that E. coli O157:H7 is a hazard reasonably likely to occur in its production of ground beef products, raw ground beef components, or raw beef patty components, the establishment must have an intervention to address the hazard, and NOT use labels that include disclaimer or instructional statements on these products as a means of addressing the hazard presented by E. coli O157:H7. 9 CFR 317.8 False or misleading labeling or practices generally; specific prohibitions and requirements for labels and containers. (a) No product or any of its wrappers, packaging, or other containers shall bear any false or misleading marking, label, or other labeling and no statement, word, picture, design, or device which conveys any false impression or gives any false indication of origin or quality or is otherwise false or misleading shall appear in any marking or other labeling....

On 01/03/2007 while performing the 06D01 task interior activities, I found the following noncompliance in the poultry maintenance, parts storage, and inedible areas. The shop area contained a large amount of debris consisting of broken pieces of equipment, paper, and boxes. The floor had a large amount of build-up on it, which appeared to consist of oil, dirt, chicken fat, feathers, also sandwich wrappers and pop cans. The parts

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