

SUBJECT: Out of Condition Commodities and Food Alerts; Hold & Recalls

A. Purpose. All incidents of USDA donated commodities that are out of condition and not fit for human consumption due to contamination, deterioration, spoilage, infestation or latent defects are to be reported to the Bureau of Food Distribution.

B. Scope. This policy applies to all commodities purchased and distributed to all domestic feeding programs. This includes bulk and raw commodities diverted or back hauled to processors and all subsequent end products.

C. Authority.

1. SERO, USDA Policy Memorandum 250.13-10.

D. Food Safety and Inspection Service

1. Mission. The Food Safety and Inspection Service (FSIS) ensures that the Nation's commercial supply of meat, poultry and egg products is safe, wholesome and correctly labeled and packaged as required by the Federal Meat Inspection Act, the Poultry Products Inspection Act and the Egg Products Inspection Act.
2. be FoodSafe: The FSIS Magazine. A quarterly USDA publication that focuses on food safety behavior trends, emerging science and research, inspection issues and education programs. Request a subscription of the magazine by mail to: New Orders- Be FoodSafe, Superintendent of Documents, Stop IDCC, Washington, DC 20402, or online at: GPO Bookstore <http://bookstore.gpo.gov/collections/befoodsafe.jsp>.
3. USDA's Meat and Poultry Hotline. For assistance, call toll free 888-674-6854 or via email at mph hotline.fsis@usda.gov. Trained specialists are available to answer food safety questions from 10 a.m. to 4 p.m., Eastern Time, Monday through Friday.

E. Decision and Notification Process. If an RA suspects a food safety issue, immediately contact your local or State health department. In addition, please contact the Bureau of Food Distribution at 850-488-8835 or via fax 850-488-6961.

1. Food Safety Coordinator. Each RA is responsible for appointing a Food Safety Coordinator and providing the name, title, email address, phone and fax numbers to the Bureau. This information must be updated at least annually.
2. Notification. In the event of a food recall, the Bureau will notify affected RAs and provide the information provided by USDA, including a recall notification, and request for information to be submitted. The recall notification will provide the name of the product, affected lot numbers and other product information. Additional information may be included to assist RAs to respond to requests from media, parents, school district officials and others. RAs must provide the location and quantity of product in storage,

amount of product already consumed and document reimbursable costs, by the stipulated deadline.

3. RAs must **immediately** notify their sites of the recall, identify the location of the affected products (verify that the food items bear the product identification codes), isolate the commodities to avoid accidental use and take an accurate inventory by location. The quantity and location of the product must be submitted to the Bureau within 10 calendar days of the recall.

F. Characteristics of Out of Condition Commodities.

1. Types of Containers. There are two types of containers: a primary container and a secondary container. The primary container is the one that touches the commodity such as a can, bottle, bag, or box. The secondary container is usually a box in which the primary container is packaged.
2. The following is a partial list of conditions that may be used as criteria for reporting a commodity not meeting specifications:
 - (a) Canned or bottled foods: leaking, bulging top, bottom or side seams; rusty or pitted interior; discolored contents, mushy contents, and foul smelling contents.
 - (b) Bagged or boxed foods: the package is torn exposing the food; insect infestation internally or externally; adulteration of the package inside or outside from rodents; caking or hardening of contents.
 - (c) Foreign matter in the food.
 - (d) Short pack: the primary container is not full, has too much liquid and not enough solid product; the secondary container does not have the proper quantity of primary containers.
 - (e) Obviously spoiled.

G. Information Needed for Processing Reports of Unacceptable Commodities. The following information is needed to properly handle a report of an unacceptable commodity. To the extent possible, all of this information must be entered on the Unfit Commodity Report.

1. Vendor's Contract Number. This is a number assigned for specific commodity purchases. The contract number consists of nine to ten digits. The following illustrates the composition of the contract number:
 - (a) Group A Commodities. Sample contract number 120202001:

12 The first two digits denote that the United States Department of Agriculture (USDA) is the contractor.

02 The second two digits identify the Agriculture Marketing Service (AMS) as the contract administrator.

0 The fifth digit designates the Federal Fiscal Year.

2 The sixth digit identifies the division within AMS. For example, 1 is for poultry, 2 is for frozen commodities and 3 is for livestock, etc.

001 The last three digits is the sequence number for the commodity being produced.

(b) Group B Commodities. Sample contract number VD0D038001:

VD0D The first four digits identify the vendor.

03 The fifth and sixth digits identify the division. In this case, the 03 stands for the Southeast Region Office, USDA, Atlanta, GA.

8 The seventh digit designates the Federal Fiscal Year.

001 The last three digits is the sequence number for the commodity being produced.

2. Can Codes. These are the vendor's own identity codes for the date and time. The can codes easily identify which lot had the questionable commodity and the time the lot was produced.
3. Lot Number or Code. This identifies a commodity produced in an eight-hour shift. The number consists of exact time and date of production.
4. Carton/Package Code. This is used on fruits and vegetables and is an embossed or ink jet code usually found on a seam of the case or package. This code denotes the shift, vendor's plant and the day and time the commodity was produced.
5. Vendor Code. A four-digit code placed on the primary and secondary containers to identify the vendor that provided the commodity.
6. Pack Date. Not all commercial-labeled products include a pack date or "Best if used by" date. On food items bearing the USDA label, the pack date shows when the commodity was processed and packaged. The pack date is printed on some inner containers (primary) and on all outer containers (secondary). Some USDA commodities are not packed with a secondary container. Such commodities as frozen cherries and strawberries are packed in plastic pails. Since the primary container is the only container, vendors are required to include some form of pack date on this container. In some cases, the vendors will use a Julian date since this is the standard industry format.

(a) Julian Date. Julian dates are shown as the day of the year and the year packed

based on the Julian calendar that has 365 days a year with a leap year every four years. For example, commodities packed on March 21, 2007 will be 80-7, the 80th day of the year 2007.

- (b) Container Marking. When dealing with questions about pack dates, it is important to remember that USDA purchases commodities from the same vendors who pack for commercial markets and “pack dates” are the same as those on all containers. No additional or separate information is required on commodities.
- (c) Generic List of Date Codes. FDA’s nutrition labeling regulations require the following items to be shown only on certain canned foods: (1) the establishment where packed, (2) the product contained therein, (3) the year packed, (4) the day packed, and (5) the period in which packed. USDA provides guidelines regarding the “period in which packed” so the vendors can make ready identification of packing lots. However, many of the codes on cans, bags and boxes are voluntary and differ widely among industries and among packers within an industry. Vendors choose their package codes primarily for purposes of internal control and inventory. Therefore, there is not a generic list of date codes.
- (d) Old Pack Dates. It is important to understand that a pack date several months old or even a year old does not mean the commodity is “old”. For example, peas are generally harvested and processed during June and July and will show one of those months plus the year of pack. Therefore, if a shipment arrives in March, the pack date will be from the previous year. Recipients may think they are getting an old commodity because of the 9-month old pack date. However, the commodity is wholesome and of good quality. In fact, it is the same domestic product that would be found on the grocer’s shelf at that time. This is true for most domestic fruit and vegetable products because they are harvested during the spring and summer months.

H. Reporting an Unacceptable Commodity. All commodity complaints must be submitted to the Bureau for processing.

1. Emergency Reports. If the unfit commodity is such that it constitutes an immediate hazard to health and welfare of potential consumers of the commodity, the situation must be reported immediately to the Bureau upon discovery (Phone 850-488-8835 or Fax 850-488-6961). If an emergency complaint occurs after 5:00 p.m., the caller must report the situation not later than 9:00 a.m. the following morning. If it is determined that a food safety inspection is required, the Bureau will arrange for the inspection. This initial report must be followed up by a written report using the USDA Commodity Complaint Report (Exhibit H). If you need technical assistance, contact the appropriate County Health Department listed in Exhibit C.

2. Non-Emergency Reports. If the report is not of an emergency nature, then the USDA Commodity Complaint Report (Exhibit H) must be completed and mailed or faxed to the Bureau within 24 hours of the complaint.
 - (a) Damaged Commodities. Only commodities that are unfit for human consumption are to be reported. Commodities damaged in shipment, hidden damage found at the warehouse, trucks arriving at a warehouse with improper temperatures and other such problems are to be reported in accordance with Policy and Procedures 250.14, Receiving and Storing USDA Commodities.
 - (b) Spoiled Commodities. Commodities that have spoiled due to underutilization by the recipient agencies are not to be reported as unfit. The losses are to be reported in accordance with the provisions of Policy and Procedures 250.13-3, Losses Due to Spoilage or Damage to USDA Donated Commodities.
3. The Bureau will be responsible for filing commodity complaints with the USDA.

I. Disposal of Condemned USDA Commodities. Generally, there are two methods used to dispose of condemned commodities.

1. Recall by USDA and Pickup by the Vendor. If USDA advises that the vendor is picking up the remaining quantities, RAs will work with the SDA and the contracted warehouse/distributor to determine the appropriate method and timeframe for picking up the recalled product. Usually, if a school has 50 cases or less in inventory, USDA directs that the commodity be disposed of on-site. If the commodity is destroyed on-site, it must first be rendered inedible. If not in conflict with local health regulations, the usual method for rendering the commodity inedible is to pour bleach on it. The bleach must be poured directly onto the commodity itself and not on its can or box. All USDA markings must be obliterated or covered up with an indelible pen. Trucking the condemned commodity to a government-owned or government-contracted landfill is an alternative to disposing of the commodity on site. If the commodity is taken directly from where it is stored to a landfill, it does not have to be rendered inedible nor have the USDA markings obliterated since it will be completely destroyed and buried at the landfill.
2. Destruction of All Remaining Quantities. USDA may direct that all remaining quantities of a condemned commodity be disposed of. In this case, the Bureau will arrange to have a State-contracted warehouse or carrier pick up the remaining commodity from those schools that have over 50 cases in storage. Those schools that have 50 or fewer cases in storage are to destroy the commodity in accordance with the provisions of Paragraph I.1 above. Normally, all expenses associated with the destruction of the commodity are reimbursed by USDA. Accordingly, detailed records must be kept on all expenses incurred in the destruction of the commodity.

J. Food Alert System; Holds & Recalls. When USDA issues a hold or recall on a commodity, the recipient agencies must comply with the instructions provided by USDA and the Bureau concerning the handling of the commodity in question.

1. **24-Hour Notification.** When a food alert is received from USDA, the Bureau will notify all recipient agencies within 24 hours of notification by USDA. Notification will be done via email, telephone or Fax. If notification is made via telephone, the Bureau will send written confirmation later.
2. **Commodities Placed on Hold.** USDA may place a commodity on “hold” due to inspection problems, packaging problems or contamination. The product may or may not be found fit for human consumption. When a commodity is placed on hold, the agency must hold that commodity until notified by the Bureau that: (1) it has been released by USDA as fit for human consumption or (2) it is unfit for human consumption and can be destroyed or will be picked up by the vendor or the warehouse. Do not destroy or use the product until you are notified to do so by the Bureau. A claim can be assessed against an agency for destroying or using a commodity placed on hold without prior approval from the Bureau.
3. **Payment of Costs Associated With Removal of Commodities That Pose a Health or Safety Risk.** USDA may reimburse the State and recipient agencies for costs associated with the removal of commodities that have been determined by USDA to pose a health or safety risk. These costs include costs for storage, transportation, processing and destruction. USDA may purchase additional commodities to replace the destroyed commodities.
4. **Needed Information.** When a commodity has been placed on “hold”, RAs, Food Service Management Companies, food processors and warehouses that have the subject commodity in inventory must report this fact to the Bureau. In addition to the information required in Paragraph G above, the following additional information is needed and must be submitted within 10 calendar days of the notification:

Commodity Identification. This includes the FNS Code and the commodity name.

Delivery Order Number. This is the number assigned by the Bureau when the commodity was requisitioned from USDA. It is a unique number and is the sole means for tracking a requisitioned commodity.

Federal Establishment Number (FEN). This is a unique number assigned by USDA to identify the vendor that produced the commodity. It is normally on the end of the case.

Vendor Name. The name of the vendor that produced the commodity is normally on the side of the case.

Vendor Contract Number. This is a number assigned by USDA for a specific commodity purchase.

USDA Quantity. This is the quantity of the USDA commodity in inventory as expressed in cases.

Processed Quantity. This is the quantity, expressed in end product units, that was processed from the basic commodity that is on hold.

Local Quantity. This is the quantity of the questionable commodity, in units, cases or pounds that was purchased locally and is still on hand.

Locations. These are the places where the products are physically stored (e.g., central storeroom, warehouse, various schools, etc.).

5. Any recalled product should be consolidated at one location for pickup as soon as possible but no later than 15 days after the date of the recall notification. This will allow time for the Bureau to pick up and consolidate product, if needed. The USDA Commodity Hold & Recall Sample Worksheet (Exhibit Y) may be used to compile information that is usually requested by the Bureau.