

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

FSIS DIRECTIVE	9500.8	3/30/10
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IMPORTATION OF PRODUCTS FOR OTHER THAN COMMERCIAL PURPOSES

I. PURPOSE

This directive provides instructions to Import Inspection Personnel on the actions to take when monitoring and verifying the requirements for meat, poultry, shell eggs, and egg products imported into the United States for other than commercial purposes.

KEY POINTS:

This directive provides instructions to Import Inspection Personnel on:

- *Personal consumption shipments*
- *Laboratory examination, research, evaluative testing, or trade show exhibition shipments*
- *Products entering the United States (U.S.) destined for foreign commissaries located in the U.S.*

II. [RESERVED]

III. [RESERVED]

IV. REFERENCES

7 CFR 57.960;

9 CFR 327.16, 327.19, 381 Subpart L and Subpart Q,

9 CFR 381.207, and 590.960.

FSIS Directive 7000.2 Experimental and Sample Products Policy

FSIS Directive 8410.1, Detentions and Seizures

V. BACKGROUND

A. The Food Safety and Inspection Service (FSIS) regulates the importation of meat, 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 allow three 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; (2) products for laboratory examination, research, evaluative testing, or trade show exhibition; and (3) shipments destined for sale in foreign commissaries located in the United States. These three classes of products 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).

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

A. If a shipment is identified as for personal consumption, the Import Surveillance and Liaison Officer (ISLO) are to verify that the products meet the following requirements:

1. Shipments cannot exceed a total weight of 50 lbs (22.7 kg) for meat or poultry, 30 pounds for liquid eggs, 50 pounds of dried eggs, and 30 dozen shell eggs and are to be in the possession of the purchaser at the time of importation;
2. Shipment is limited to personal use only; and
3. No item in the shipment can be sold or distributed for sale in commerce.

B. The FSIS Regional Import Field Office (RIFO) may request that the personal consumption shipment be presented to import inspection personnel to determine whether it is eligible to be imported for use for personal consumption. The importer or applicant may present the product for FSIS import reinspection if the product does not meet the requirements for personal consumption.

C. Import Surveillance and Liaison Officers (ISLO) are to control the product as provided in FSIS Directive 8410.1 when it does not meet the requirements for personal consumption (e.g. product being sold in commerce) and initiate an import alert in the Import Alert Tracking System (IATS). ISLOs are to conduct follow-up activity on any violations identified with these shipments.

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

A. The RIFO is to review the following documents for each shipment upon receipt:

1. FSIS Form 9540-5, "Notification of Intent for Importation of Meat, Poultry or Egg Product Samples for Laboratory Examination, Research, Evaluative Testing, or Trade Show Exhibition;" and
2. When required, a signed official foreign country health certificate stating that "Samples intended for laboratory examination, research, evaluative testing, or trade show exhibition.

NOTE: A foreign health certificate is not required for poultry or egg product sample shipments.

B. If a shipment does not have the required documentation (FSIS 9540-5 and Health Certificate, when required), the RIFO or ISLO will immediately contact the applicant and provide notice that the product should not be shipped to the United States until the proper documents are provided.

C. If a shipment is identified at the point of entry or in commerce as being for laboratory examination, research, evaluative testing, or trade show exhibition, the ISLO needs to determine whether the RIFO has received advance notice of the shipment from the importer or applicant.

D. If a shipment does not have the required paperwork, the RIFO is to deny admission and instruct the ISLO to control the product.

E. Import Inspection Personnel are to re-inspect sample shipments of frozen cooked beef, regardless of shipment weight, imported from a country where Foot and Mouth Disease (FMD) or Rinderpest (RP) exists.

F. ISLOs are to monitor and observe sample shipments when directed by the RIFO. They also are to review the FSIS Form 9540-5 or review the movement of the shipment through the US Customs and Border Protections (CBP) Automated Commercial Environment (ACE) database or through verification CBP informal entries. ISLOs are to verify that the following weight restrictions for sample shipments have not been exceeded:

1. Red meat shipments 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, 50 lbs (22.7 kg) for dried egg products, and 30-dozen shell eggs per 7 CFR 57.960.

G. ISLOs are to verify that the sample shipping carton and individual packages inside the shipping containers are labeled as follows:

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 and not for sale"

H. The RIFO or ISLO are to determine whether follow-up is necessary based on information contained on FSIS Form 9540-5, the foreign health certificate, and any record of a prior violation by the importer of record entered in the IATS.

I. If the follow up by the ISLO 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), the ISLO is to control the product when available and initiate an import alert in the IATS. ISLOs are to investigate any violations identified with a specific shipment or the importer of record by reviewing:

1. ACE data,
2. Prior FSIS Form 9540-5s, and
3. IATS data.

VIII. PRODUCTS ENTERING THE U.S. DESTINED FOR FOREIGN COMMISSARIES REQUIREMENTS

A. Under the North Atlantic Treaty Organization (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. Under Article X1. 4., the sending country may import "provisions" (e.g., meat, poultry, or egg products) into the receiving State duty free (http://www.nato.int/cps/en/natolive/official_texts_17265.htm).

B. An ISLO is to visit foreign commissaries located in the U.S. 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."

C. The ISLO will control the product and initiate an import alert in the IATS for any shipments in violation of the above requirements.

IX. DATA ANALYSIS

The Office of Data Integration and Food Protection (ODIFP) will analyze the IATS Data on a quarterly basis. ODIFP will analyze the data for trends that may lead to ISLO work improvements while conducting imported products duties.

Refer questions through supervisory channels.

A handwritten signature in black ink that reads "Philip S. Deffer". The signature is written in a cursive style with a large initial 'P'.

Assistant Administrator
Office of Policy and Program Development