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

FSIS DIRECTIVE

7000.2 | 7/01/04

EXPERIMENTAL AND SAMPLE PRODUCTS POLICY

I. PURPOSE

This directive provides instructions to Food Safety and Inspection Service (FSIS) personnel concerning the production of experimental and sample products.

NOTE: This directive does not cover products produced under new or experimental technology. Instructions regarding new or experimental technology are found in FSIS Directive 10,700.1 Revision 1.

II. [RESERVED]

III. [RESERVED]

IV. REFERENCES

9 CFR part 300 to end

V. TERMINOLOGY

For the purposes of this notice -

Experimental products: Products that are produced for research and development and not offered for sale. Experimental products are new products or existing products that introduce a new formulation or flavor. These products may be prepared and taste tested in such facilities as test kitchens, sensory panel rooms, research and development facilities within a corporate organization, and inspected or non-inspected areas within an establishment. While still under the control of the company, these products may be made available to test panels or company employees that will judge the quality and appeal of the new product. The panels may meet within the establishment's facilities, sensory panel rooms, or under contracted conditions, such as at an independent evaluator's location where the company retains control of the product.

Sample Products: Products that are made available for pre-market consumer testing and available to the general public and not for sale. The company relinquishes control of the product by its distribution to those outside the employ of the company.

VI. BACKGROUND

A. What are the inspection requirements for experimental products?

Experimental products are not for introduction into commerce and, therefore, are not subject to inspection and are not eligible to bear the mark of inspection. Experimental products do not need to be produced in accordance with the meat and poultry products inspection regulations (9 CFR part 300). The production of experimental products can occur either in uninspected areas of an official establishment (e.g., test kitchens) or using equipment that is used to produce inspected product. If an experimental product is produced on equipment used to produce inspected product, inspection program personnel should verify that there is no opportunity for the commingling of the products, and that the equipment is cleaned and sanitized after the production of the experimental product, before it is used again for the production of inspected product.

B. What are the inspection requirements for sample products?

Because sample products are produced for general public consumption, they are to be produced and labeled in accordance with the meat and poultry products inspection regulations, including production under Sanitation SOPs, a HACCP plan, and 9 CFR 304.3(c) and 381.229(c).

VII. INSPECTION PROGRAM PERSONNEL RESPONSIBILITIES

A. What are the responsibilities of inspection program personnel related to sample products?

Inspection program personnel are to carry out all appropriate HACCP and Sanitation SOP verification activities for these products as set out in FSIS Directive 5000.1, revision 1 and related directives.

B. What are the responsibilities of inspection program personnel related to experimental products?

Inspection program personnel should meet with the establishment management and have a full understanding of how the establishment handles such product. Inspection program personnel are to verify that the establishment is controlling the production and handling of experimental products by seeking answers to questions such as:

1. Does the establishment produce experimental products in a separate area of the facility that is not subject to inspection? If so, are adequate controls in place to prevent co-mingling of experimental product with inspected and passed product?

2. Is the production of experimental products conducted on equipment used to produce inspected and passed product? Are the experimental products produced at a separate time than the production of inspected product? If so, does the establishment conduct an adequate cleanup and sanitation after the production of experimental products?

3. Does the establishment keep packaged experimental products distinct from other product by labeling them appropriately, e.g., "Experimental Product – Not For Sale" or "For Test Purposes Only, Experimental Product?"

C. What do inspection program personnel do if they have concerns about the production of experimental product?

1. If inspection program personnel have concerns about the production of experimental products, they should discuss them with the establishment's management.

2. If experimental products are commingled with inspected and passed products, or if the cleanup and sanitation after the production of experimental products is not adequate, a noncompliance with the sanitation performance standards (9 CFR 416.4(d), "product must be protected from adulteration during processing, handling, storage, …") exists. Inspection program personnel are to take the appropriate actions as specified in FSIS Directive 5000.1, revision 1.

VIII. REQUIREMENTS FOR EXPERIMENTAL PRODUCTS FROM FOREIGN COUNTRIES

A. Experimental products can originate from any foreign country provided there are no animal health restrictions imposed by the Animal and Plant Health Inspection Service (APHIS). It is the responsibility of the broker or applicant to notify APHIS of the shipment and to confirm eligibility of the product from the country of origin. APHIS/Veterinary Services may be contacted at (301) 734-3277 for additional information.

B. The importer, broker, or applicant must notify FSIS, Office of International Affairs (OIA) prior to importing meat, poultry, or egg products. A copy of 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 the foreign country's health certificate (where applicable) must be submitted to the appropriate regional import field office. The amount of experimental poultry product or dried egg products permitted is restricted to 50 pounds. The amount of experimental liquid or frozen egg products is limited to 30 pounds. Experimental meat products are limited to the amount sufficient for the purpose of the test, though amounts exceeding 220 pounds must have written approval from FSIS/OIA. Experimental products from foreign countries are to be clearly identified as "Samples Intended for Examination,

Research or Evaluative Testing.'" Identification on the product is required to include the country of origin and the originating foreign establishment. More detailed procedures
are available in the Import Manual of Procedures located on the FSIS web-site. Refer questions on experimental products from foreign countries to importinspection@fsis.usda.gov.

Refer all other questions to the Technical Service Center.

Philip S. Derfler /s/

Assistant Administrator
Office of Policy, Program, and Employee Development