

which is imported contrary to this part shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against such product and any other product thereafter imported under the Act by or for such owner or consignee.

Subpart B—Rules of Practice Governing Proceedings Under the Egg Products Inspection Act

SOURCE: 64 FR 40738, July 28, 1999, unless otherwise noted.

SCOPE AND APPLICABILITY OF RULES OF PRACTICE

§ 57.1000 Administrative proceedings.

(a) The Uniform Rules of Practice for the Department of Agriculture promulgated in subpart H of part 1, subtitle A, title 7, Code of Federal Regulations, are the Rules of Practice applicable to adjudicating administrative proceedings under section 12(c) of the Egg Products Inspection Act (21 U.S.C. 1041).

(b) In addition to the proceedings set forth in paragraph (a) of this section, the Administrator, in his discretion, at any time prior to the issuance of a complaint seeking a civil penalty under the Act may enter into a stipulation with any person, in accordance with the following prescribed conditions:

(1) The Administrator gives notice of an apparent violation of the Act or the regulations issued thereunder by such person and affords such person an opportunity for a hearing regarding the matter as provided by the Act;

(2) Such person expressly waives hearing and agrees to a specified order including an agreement to pay a specified civil penalty within a designated time; and

(3) The Administrator agrees to accept the specified civil penalty in settlement of the particular matter involved if it is paid within the designated time.

(4) If the specified penalty is not paid within the time designated in such stipulation, the amount of the stipulated penalty shall not be relevant in any respect to the penalty that may be assessed after the institution of a for-

mal administrative proceeding pursuant to the Uniform Rules of Practice, Subpart H, Part 1, Title 7, Code of Federal Regulations.

PART 58—GRADING AND INSPECTION, GENERAL SPECIFICATIONS FOR APPROVED PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS¹

Subpart A—Regulations Governing the Inspection and Grading Services of Manufactured or Processed Dairy Products

DEFINITIONS

Sec.

- 58.1 Meaning of words.
- 58.2 Designation of official certificates, memoranda, marks, identifications, and devices for purpose of the Agricultural Marketing Act.

ADMINISTRATION

- 58.3 Authority.

INSPECTION OR GRADING SERVICE

- 58.4 Basis of service.
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- 58.7 Who may obtain service.
- 58.8 How to make application.
- 58.9 Form of application.
- 58.10 Filing of application.
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- 58.14 Authority of applicant.
- 58.15 Accessibility and condition of product.
- 58.16 Disposition of samples.
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- 58.19 Issuance of inspection or grading certificates.
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APPEAL INSPECTION OR GRADING AND REINSTATEMENT OF REGRADING

- 58.22 When appeal inspection or grading may be requested.
- 58.23 How to obtain appeal inspection or grading.
- 58.24 Record of filing time.
- 58.25 When an application for appeal inspection or grading may be refused.

¹Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act.