

§ 329.1

9 CFR Ch. III (1-1-01 Edition)

§ 329.1 Article or livestock subject to administrative detention.

Any carcass, part of a carcass, meat or meat food product of livestock, or article exempted from the definition of meat food product, or any dead, dying, disabled, or diseased livestock is subject to detention for a period not to exceed 20 days when found by any authorized representative of the Secretary upon any premises where it is held for the purposes of, or during or after distribution in, commerce or it is otherwise subject to Title I or II of the Act, and there is reason to believe that:

(a) Any such article is adulterated or misbranded and is capable of use as human food; or

(b) Any such article has not been inspected, in violation of the provisions of Title I of the Act, any other Federal law, or the laws of any State or Territory, or the District of Columbia; or

(c) Any such article or livestock has been or is intended to be, distributed in violation of the provisions of Title I of the Act, any other Federal law, or the laws of any State or Territory, or the District of Columbia.

§ 329.2 Method of detention; form of detention tag.

An authorized representative of the Secretary shall detain any article or livestock to be detained under this part, by affixing an official "U.S. Detained" tag (FSIS Form 8400-2) to such article or livestock.

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§ 329.3 Notification of detention to the owner of the article or livestock detained, or the owner's agent, and person having custody.

(a) When any article or livestock is detained under this part, an authorized representative of the Secretary shall:

(1) Orally notify the immediate custodian of the article or livestock detained, and

(2) Promptly furnish a copy of a completed "Notice of Detention" (FSIS Form 8080-1) to the immediate custodian of the detained article or livestock.

(b) If the owner of the detained article or livestock, or the owner's agent, is not the immediate custodian at the time of detention and if the owner, or

owner's agent, can be ascertained and notified, an authorized representative of the Secretary shall furnish a copy of the completed "Notice of Detention" to the owner or the owner's agent. Such copy shall be served, as soon as possible, by delivering the notification to the owner, or the owner's agent, or by certifying and mailing the notification to the owner, or the owner's agent, at his or her last known residence or principal office or place of business.

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§ 329.4 Notification of governmental authorities having jurisdiction over article or livestock detained; form of written notification.

Within 48 hours after the detention of any livestock or article pursuant to this part, an authorized representative of the Secretary shall give oral or written notification of such detention to any Federal authorities not connected with the Program, and any State or other governmental authorities, having jurisdiction over such livestock or article. In the event notification is given orally, it shall be confirmed in writing, as promptly as circumstances permit.

§ 329.5 Movement of article or livestock detained; removal of official marks.

(a) No article or livestock detained in accordance with the provisions in this part shall be moved by any person from the place at which it is located when so detained, until released by an authorized representative of the Secretary: *Provided*, That any such article or livestock may be moved from the place at which it is located when so detained, for refrigeration, freezing, or storage purposes if such movement has been approved by an authorized representative of the Secretary: *And provided further*, That the article or livestock so moved will be detained by an authorized representative of the Secretary after such movement until such time as the detention is terminated.

(b) Upon terminating the detention of such article or livestock, an authorized representative of the Secretary shall:

(1) Orally notify the immediate custodian of the released article or livestock, and