

§ 355.26

connection with the canning operations, the character of the equipment used, and the degree to which such equipment is maintained at maximum efficiency. Such factors shall be considered by the circuit supervisor in determining the extent of incubation testing at a particular plant. In the event of failure by an inspected plant to provide suitable facilities for incubation of test samples, the circuit supervisor may require holding of the entire lot under such conditions and for such period of time as may, in his discretion, be necessary to establish the stability of the canned products. The circuit supervisor may permit lots of canned certified products to be shipped from the inspected plant prior to completion of sample incubation when he has no reason to suspect unsoundness in the particular lots, and under circumstances which will assure the return of the products to the plant for inspection should such action be indicated by the incubation results.

§ 355.26 **Samples of certified products, ingredients, etc., to be taken for examination.**

Samples of certified products, water, chemicals, flavorings or other articles in an inspected plant shall be taken without cost to the Program for an examination as often as may be deemed necessary for the efficient conduct of the inspection. The frequency of sampling shall be determined by the needs of the inspection.

§ 355.27 **Reports of violations of regulations.**

Inspectors shall report to the circuit supervisor violations of or failures to conform with these regulations which occur at inspected plants, and the circuit supervisor shall report the same to the Administrator.

DISPOSAL OF CONDEMNED MATERIAL

§ 355.28 **Unfit material to be condemned.**

Subject to § 355.41, any certified products, or ingredients intended for use therein, which are decomposed or adulterated or otherwise unsound or unfit for use shall be condemned and destroyed, except that if the adulteration is such as will not preclude their legiti-

9 CFR Ch. III (1-1-05 Edition)

mate use for some purpose other than the preparation of the certified products, they may be released by authorized inspectors for such other purpose for disposition under the supervision of the proper local, State, or Federal official. The operator of the inspected plant shall make such arrangement as may be necessary with the proper officials for the disposition of the article.

COMPOSITION OF CERTIFIED PRODUCTS

§ 355.29 **Composition of certified products for dogs, cats, and other carnivora.**

(a) *Composition of canned or semi-moist certified maintenance food.* (1) Only ingredients which are normal to canned or semi-moist food for dogs, cats, and other carnivora, which are favorable to adequate nutrition, and which are classed by the Administrator as conforming with requirements contained in this part shall be used in the preparation of certified maintenance food.

(2) Not less than 30 percent of meat or animal food meat byproduct or both, or of horse meat or animal food horse meat byproduct or both, or of mule meat or animal food mule meat byproduct or both, or of poultry products, shall be used in the preparation of canned or semimoist certified maintenance food. Upon specific approval of the Administrator, combinations of the above specified ingredients may be used. The uncooked weight of the meat or animal food meat byproduct or both, or of the horse meat or animal food horse meat byproduct or both, or of the mule meat or animal food mule meat byproduct or both, or of the poultry products, or of the combinations thereof, shall be used in the calculation, and the percentage shall be obtained by relating this weight to the total weight of the certified maintenance food.

(3) Certified maintenance food shall contain not less than 10 percent of protein.

(4) Certified maintenance food shall contain a level of minerals and vitamins generally recognized to be essential to the nutritional value of the food.

(5) Vegetables and grains and their derivatives, used as ingredients of certified maintenance food, shall be of