

§ 355.37

§ 355.37 Alteration or limitation of statement of certification.

The statement of certification provided for by § 355.32(a)(4) shall not be altered, defaced, imitated, or simulated in any respect or used for the purpose of misrepresentation or deception.

[25 FR 1357, Feb. 16, 1960. Redesignated at 30 FR 4195, Mar. 31, 1965]

PENALTIES

§ 355.38 Withdrawal of service.

After opportunity for hearing before a proper official of the Department has been accorded the operator of an inspected plant, the inspection, certification, and identification provided for in this part may be withdrawn from such plant if the operator: (a) Persistently fails to comply with any provision of the regulations in this part or of instructions or directions issued thereunder; (b) makes any willful misrepresentation or engages in any fraudulent or deceptive practice in connection with the making of any application for service; (c) violates § 355.37; or (d) interferes with or obstructs any program employee in the performance of his duties under the regulations in this part by intimidation, threats, or other improper means. Pending final determination of the matter, the Administrator may suspend such inspection, certification, and identification without hearing in cases of willfulness or those in which the public health, interest, or safety requires such action. The operator of the inspected plant shall be notified of the Administrator's decision to suspend such inspection, certification or identification service, and the reasons therefor, in writing, in the manner prescribed in § 1.147(b) of the rules of practice (7 CFR 1.147(b)), or orally. The Administrator's decision to suspend such inspection, certification or identification service shall be effective upon such oral or written notification, whichever is earlier, to the operator of the plant. If such notification is oral, the Administrator shall confirm such decision and the reasons therefor, in writing, as promptly as circumstances permit, and such written confirmation shall be served upon the operator of the inspected plant, in the manner prescribed in § 1.147(b) of the

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rules of practice (7 CFR 1.147(b)). In other cases, prior to the institution of proceedings for any withdrawal or suspension, the facts or conduct which may warrant such action shall be called to the attention of the operator in writing and he shall be given an opportunity to demonstrate or achieve compliance with the requirements of the regulations in this part and instructions and directions issued thereunder.

[23 FR 10107, Dec. 23, 1958. Redesignated at 30 FR 4195, Mar. 31, 1965, and amended at 43 FR 11148, Mar. 17, 1978]

APPEALS

§ 355.39 Appeals from decisions made under this part.

Any appeal from a decision by an employee of the Program shall be made to his immediate superior having jurisdiction over the subject matter of the appeal.

REPORTS

§ 355.40 Plants to furnish information for reports.

Each day the operator of every inspected plant shall furnish the inspector assigned to that plant with a statement of the number of pounds of product certified by the inspector.

(Approved by the Office of Management and Budget under control number 0583-0036)

[23 FR 10107, Dec. 23, 1958. Redesignated at 30 FR 4195, Mar. 31, 1965, and amended at 47 FR 746, Jan. 7, 1982]

MULE MEAT AND ANIMAL FOOD, MULE MEAT BY-PRODUCT

§ 355.41 Antemortem and postmortem inspection for mules.

(a)(1) An antemortem examination and inspection shall be made of all mules about to be slaughtered for use in the preparation of products under this part, before their slaughter shall be allowed for such use. Such inspection shall be made on the day of slaughter.

(2) Mules found on such inspection to show symptoms of disease shall be set apart and slaughtered separately. Those found to be affected with strangles, purpura hemorrhagica, azoturia,