



Canadian Food
Inspection Agency

Agence canadienne
d'inspection des aliments

Fish Inspection Program

FISH PRODUCTS INSPECTION MANUAL

Canada

TO: All Holders of the Fish Products Inspection Manual

SUBJECT: USE OF THE "CANADA INSPECTED" LOGO

The purpose of this bulletin is to inform manual holders of the changes to the requirements for the use of the "Canada Inspected" logo on labels of fish products. The changes are as a result of the new approach to the Quality Management Program (QMP) and Regulatory Verification.

As of the date of this bulletin, the requirements of section 28 of the Fish Inspection Regulations shall be applied as follows:

- ◆ Establishments registered under the Fish Inspection Regulations are entitled to use the "Canada Inspected" logo on fish product(s) prepared under an acceptable QMP;
- ◆ No application for use of the logo is required;
- ◆ There is no requirement for the labels bearing the logo to be evaluated and accepted by fish inspection authorities;
- ◆ An establishment is recognized to have an acceptable QMP following the issuance of a valid certificate of registration;
- ◆ Only fish products that are considered "Product of Canada" are eligible for use of the logo;
- ◆ The emblem of the logo shall present a maple leaf and its form and design shall be chosen from the examples of the logos shown below;
- ◆ There are no restrictions as to the size and the colour of the logo, however, it must be separate and distinct, and it cannot interfere with any mandatory labelling information;

- ◆ Controls for use of the logo must be addressed in the QMP Plan. The policies and procedures pertaining to system verification and compliance verification of the QMP Plan apply for the purpose of assessing QMP controls related to the CI logo.
- ◆ Entitlement to use the CI logo is nullified if the QMP is found to be unacceptable, as described in the Facilities Inspection Manual, and/or when the registration certificate is inactivated, suspended, voided, or revoked.

Under no circumstances can a processor that is not federally registered use the logo on their fish products.

Richard Zurbrigg
A/Director
Fish, Seafood and Production Division

EXAMPLES OF "CANADA INSPECTED" LOGO

With Registration Number



Without Registration Number



TO: All Holders of the Fish Products Inspection Manual

SUBJECT: DETERMINATION OF PERCENT FISH IN BREADED AND BATTERED FISH

N.B. This Bulletin supersedes and replaces Bulletin no. 38

The purpose of this bulletin is to inform manual holders of the procedures to be used in the determination of percent fish flesh in breaded and battered fish.

Effective immediately, the attached method, no. 996.15 - Fish Flesh Content (FFC) in Frozen Coated Fish Products, from the "Official Methods of Analysis" of the Association of Official Analytical Chemists (AOAC), will be the accepted method for the Canadian Food Inspection Agency for determining fish flesh in breaded or battered fish.

To account for the inherent variability of the method the following adjustment factors will be applied:

- 2% for raw breaded product and batter-dipped product;
- 4% for pre-cooked products.

A sample unit is defined as one of a number of individual containers, or a portion of a fish or a primary container examined or evaluated as a single unit.

Note: The attached methodology and associated tolerances will be applied when final product sampling for determination of percent fish is utilised.

Cameron Prince
Director
Fish, Seafood and Production Division

35.1.03

**AOAC Official Method 996.15
Fish Flesh Content (FFC)
In Frozen Coated Fish Products
First Action 1996**

(Applicable to the determination of the FFC in frozen coated fish products.)

(*Caution:* Use protective gloves when immersing and holding test sample in water bath set at >43°C.)

A. Principle

Method uses (1) combination of heat and H₂O to breakdown adhesive properties of coating (batter and/or breading) and (2) hands to assist in determining when coating's ability to adhere to flesh's frozen surfaces is diminished and can be easily removed.

B. Apparatus

- (a) *Waterbaths*.--- Primary (17- 49°C) and secondary(17-30°C).
- (b) *Thermometers*.--- Two; immersion type, capable of accurately measuring to ± 1°C.
- (c) *Thermometer holders*. --- Two; with clips.
- (d) *Balance*. --- Capable of accurately weighing to 0.1 g.
- (e) *Stop watch*. --- Capable of reading seconds.
- (f) *Paper towel*.
- (g) *Spatula* --- 4 in. (ca 10 cm) blade with rounded tip.
- (h) *Nut pick*.

C. Preparation of Test Sample

Maintain integrity of frozen test sample by storing in freezer until ready to remove batter and/or breading. Take into account all applied coating when weighing coated test samples.

D. Determination

Set primary H₂O bath temperature between 17- 49°C. Set secondary H₂O bath temperature between 17- 30°C.

Weigh and record weight of each test sample while it is hard frozen. Using hands, immerse and hold test sample in primary H₂O bath until batter and/or breading becomes soft and can be removed easily from still-frozen flesh.

Remove test sample from H₂O bath and blot lightly with enough paper towel to absorb excess H₂O. Complete blotting in ≤ 7 s. Scrape and remove batter and/or breading from flesh with spatula. If batter and/or breading is difficult to remove, using hands, redip and hold partially debattered or debreaded test sample in secondary H₂O bath until batter and/or breading becomes soft and can be removed easily from still-frozen flesh.

Remove test sample from H₂O bath and blot lightly with enough paper towel to absorb excess H₂O. Complete blotting in ≤ 7 s. Scrape and remove batter and/or breading from flesh with spatula. When necessary, repeat redipping procedure and use nut pick to remove batter and/or breading from any voids (holes, spaces, or depressions) until all batter and/or breading has been removed from still-frozen flesh. Reweigh and record weight of debattered and/or debreaded test sample.

(*Note:* Several preliminary trials may be necessary to determine optimum H₂O bath temperatures, dip times, and number of dips required for debattering and/or debreading test samples. The correct dip time is the minimum time of immersion in H₂O baths required before batter and/or breading on test sample can be

scraped off easily, provided that debattered or debreaded test sample is still solidly frozen.)

As a guide, no more than 1 initial dip (17- 49°C) and 2 redips (17-30°C) for a maximum of 2.5, 0.5, and 0.5 min, respectively, should be necessary.

E. Calculations

Calculate content of fish flesh, %, in test sample as follows:

$$\% \text{ Flesh} = (W_d / W_b) \times 100$$

where W_d = weight of debattered and/or debreaded test sample; W_b = weight of battered and/or breaded test sample.

Reference: J. AOAC *Int.* **80**, 1235(1997).

Revised: March 1998



BULLETIN

TO: All Holders of the Fish Products Inspection Manual and
All Holders of the Metal Can Defects Manual

SUBJECT: CONTAINER INTEGRITY EVALUATION SAMPLING AND TOLERANCE
PLAN FOR CANNED FISH AND CANNED FISH PRODUCTS

NOTE: **This bulletin supersedes and replaces Bulletin no. 15
of the Fish Products Inspection Manual. Please remove
this bulletin from your Manual.**

The purpose of this bulletin is to inform manual holders that inspectors of the Canadian Food Inspection Agency will follow the sampling and tolerance plan outlined below for container integrity evaluation of all canned fish and fish products. The procedures to be followed reflect the requirements of the Government of Canada Visual Inspection Protocol, and are used to assess lot compliance according to Canadian requirements. The Visual Inspection Protocol may be accessed at the following URL:

<http://www.inspection.gc.ca/english/fssa/fispoi/product/visue.shtml>

Four aspects of the following sampling and tolerance plan are not reflected in the Government of Canada, Visual Inspection Protocol and will be retained by the Fish, Seafood and Production Division, CFIA:

- i) suspended inspections will continue to be offered (Fish Products Inspection Manual, Chapter 2, Subject 1);
- ii) re-inspections will not be limited to lots that have been culled as outlined in the Government of Canada Visual Inspection Protocol (Fish Inspection Regulations, Section 10);
- iii) a minimum sample consisting of 6 units will be selected for destructive examination (teardown and sectioning) from **all lots being inspected**. Destructive examination procedures as outlined in the Metal Can Defects Manual will be carried out on the canner's end for a two-piece can, and on the canner's

end and the manufacturer's end for a three-piece can; and

- iv) the definition of a lot (from the Fish Inspection Regulations): "lot" with respect to fish, other than fresh fish, means a shipment or part of a shipment of fish that is of the same species, is processed in the same manner by the same producer, is packaged in the same size of container and bears the same label.

1. DESTRUCTIVE SAMPLING

Any defects identified from the destructive examination are to be used to determine lot compliance.

2. INITIAL AND SUSPENDED INSPECTIONS - COMPLIANCE SAMPLING

Initial Inspection:

A sample consisting of 200 units shall be inspected with labels removed.

A maximum of 5 sample units may be withdrawn from any single case in the lot. This will require a minimum of 40 cases to be opened when conducting an initial or suspended inspection. If the number of cases in the lot is less than 40 then all of the cases will be opened and the sample units per case adjusted accordingly.

A sample for destructive examination (teardown and sectioning) is obtained from the 200 can sample.

If no serious defects are found, the lot passes initial inspection.

If one or more serious defect(s) is (are) found, a suspended inspection may be offered if the lot has the potential to be culled or reconditioned. If the option to suspend an initial inspection is not requested by the owner/agent, then the lot fails the initial inspection and a re-inspection may be offered.

Suspended Inspection:

If a suspended inspection is granted, the owner/agent must remove defective units from the lot according to a cull proposal that has been approved by the CFIA. The defective units will be disposed of in a manner acceptable to the CFIA.

Once the culling operation is completed the initial inspection resumes and a new sample consisting of 200 units shall be inspected with labels removed.

A maximum of 5 sample units may be withdrawn from any single case in the lot. This will require a minimum of 40 cases to be opened when conducting an initial or suspended inspection. If the number of cases in the lot is less than 40 then all of the cases will be opened and the sample units per case adjusted accordingly.

A sample for destructive examination (teardown and sectioning) is obtained from the 200 can sample.

If no serious defects are found, the lot passes initial inspection.

If one or more serious defect(s) is (are) found then the lot is rejected.

3. INITIAL INSPECTION - MECHANICAL SCREENING

The Fish, Seafood & Production Division, CFIA, recognizes the Canned Screening Program utilized by the British Columbia Canned Salmon Industry.

The British Columbia canned salmon industry may assess lots under the Mechanical Screening Program, using check weighing equipment, double-dud detectors and a biased sample. This assessment is to ensure that the lot meets Canadian requirements regarding container integrity before being offered for sale.

During a Quality Management Program (QMP) audit the Canadian Food Inspection Agency will receive documented information from the can-screening line-audit program, which will indicate whether the equipment used to carry out the screening process was operating and operated correctly. This information, in conjunction with a review of the submitted Can Screening Report, will be used to determine whether approved mechanical screening procedures were followed.

If the lot contains equal to or less than **25** serious defective units per 100,000 units the lot passes initial inspection.

If the lot contains more than **25** serious defective units per 100,000 units, the lot fails initial inspection and may be submitted for reinspection.

A compliance sample will be obtained from a mechanical screening line during a QMP audit.

4. REINSPECTION

When a re-inspection has been granted the owner/agent may

cull defective units from the lot according to a cull proposal that has been approved by the CFIA. Re-inspections will not be limited to lots that have been culled.

A sample consisting of 1250 units shall be inspected with labels removed.

A maximum of 5 sample units may be withdrawn from any single case in the lot. This will require a minimum of 250 cases to be opened when conducting a reinspection. If the number of cases in the lot is less than 250 then all of the cases will be opened and the sample units per case adjusted accordingly.

A sample for destructive examination (teardown and sectioning) is obtained from the 1250 can sample.

If no serious defects are found the lot passes reinspection.

If one or more defect(s) is (are) found, the lot fails reinspection.

5. GENERAL

Only Inspectors who have successfully passed a recognized container integrity course are permitted to carry out container integrity evaluations.

NOTE

In accordance with the Government of Canada Visual Inspection Protocol, if at any time during an inspection a leaker, flipper or swollen can is found, the inspection shall be discontinued until such time that the lot has been evaluated to determine if the defect is due to under-processing or post-process contamination. If the defect is due to under-processing or post-process contamination the lot fails, and no suspended inspection or reinspection of the lot shall be permitted.

Cameron Prince
Director
Fish, Seafood & Production Division

TO: All holders of the Fish Products Inspection Manual

SUBJECT: RESPONSIBILITY FOR LABELLING OF POUCHED AND CANNED FISH

The purpose of this bulletin is to inform manual holders of the policy concerning responsibilities for proper labelling of pouched/canned fish.

As per the Fish Inspection Regulations, proper labelling of pouched/canned fish is the responsibility of the processor.

Normally, labels are applied in the plant (or the warehouse) where the processing takes place. However, in some cases unlabelled cans/pouches are sold to the distributor and the distributor applies their own labels. In these situations, labelling is delegated from the processor to the distributor. This practice is acceptable but must be supported by a written agreement stating that the distributor accepts responsibility for label compliance. The processor remains responsible for providing the distributor with complete and truthful information regarding the product which is required for proper labelling.

Please note that the production code on each pouch/can must always be applied at the plant.

Cameron Prince
Director
Fish, Seafood and Production Division

TO: All holders of the Fish Products Inspection Manual

SUBJECT: USE OF THE TERM "DOLPHIN FRIENDLY" AND SIMILAR NON-MANDATORY STATEMENTS ON LABELS

The purpose of this bulletin is to inform manual holders of the guidelines to be followed when statements such as "Dolphin friendly", "Dolphin safe", etc., are placed on labels of canned tuna.

Section 27 of the Fish Inspection Regulations reads: "No person shall package any fish or mark or label any container of fish in a manner that is false, misleading or deceptive."

It is the responsibility of the importer to ensure that all information contained on labels of canned tuna is truthful. All importers of canned tuna who wish to place such statements on the labels must develop their own procedure to ensure that the tuna they distribute was harvested using methods not injurious to dolphins. Upon request, documentation providing proof of these methods must be available to an Inspector of the Canadian Food Inspection Agency. In instances where the importer cannot provide proof that the statements are accurate, the lot in question is to be rejected for false labelling.

Cameron Prince
Director
Fish, Seafood and Production Division

TO: All Holders of the Fish Products Inspection Manual

SUBJECT: CRITERIA FOR ASSIGNING NEW COMMON NAMES FOR FISH IN CANADA

The purpose of this bulletin is to inform manual holders of the guidelines to follow in order to assign a new common name for a species of fish.

1. Common names for fish in Canada will be determined in accordance with the Canadian values of fairness and honesty in the marketing of fish.
2. The scientific name of the fish will be provided to DFO by the person applying for a new acceptable common name.
3. Proposed common names for the marketing of fish which are provided by the applicants will be given full consideration by DFO.
4. DFO, Inspection Directorate is responsible to conduct the research regarding common names applied to a species. The Inspection Directorate will consult the various applicable reference sources and select the acceptable common name following the guidelines listed below:
 - the new common name has not previously been used for another species (as identified in "The Canadian Fish List");
 - the new common name is not similar to, and does not resemble the name of a fish having a higher market value than the fish being reviewed ;
 - whenever possible, the new common name is harmonized with the names assigned to this species by the *ministère de l'Agriculture, des Pêcheries et de l'Alimentation du Québec* - MAPAQ (*Pêches - Terminologie - Noms des espèces halieutiques à potentiel commercial au Québec*) and the United States Food & Drug Administration - USFDA (The Seafood List);

- it is recognized that MAPAQ guidance will be the primary reference in determination of acceptable common names in French;
- where the common name proposed by the applicant is not contrary to current policy, and is similar to the name for that species found in references, the proposed name will become the acceptable common name;
- the name of the geographic location where the fish have been harvested may be added to the common name of the fish (e.g., Southwest Atlantic hake);
- Canadian trade interests will be considered in determining acceptable common names.

This policy will be incorporated in Chapter 9 (Labelling/Coding Requirements) of this manual at a later date.

David Rideout
Director General
Inspection Directorate

TO: All Holders of the Fish Products Inspection Manual

SUBJECT: ARTIFICIALLY COLOURED COOKED SHRIMP - U.S.A.

The purpose of this bulletin is to inform manual holders of a recent change in the United States Food and Drug Administration (USFDA) policy concerning the use of artificial colours on cooked shrimp.

Earlier this year the Office of Seafood, USFDA, decided to permit the use of an artificial colour, FD&C Red No. 40 (Allura Red in the Canadian Food and Drug Regulations), on cooked shrimp if the principal display panel indicates the product as being artificially coloured cooked shrimp and the colouring agent used is declared in the list of ingredients.

In accordance with the Food and Drug Regulations, colouring agents are not permitted on cooked shrimp sold in Canada. Therefore if product is imported and labelled as "artificially coloured", the lot is to be rejected for non-permitted additives. Also, if imported shrimp are suspected to contain a colouring agent, specifically allura red, the lot should be detained, sampled and analysed for the presence of this agent.

David Rideout
Director General
Inspection Directorate

TO: All Holders of the Fish Products Inspection Manual

SUBJECT: FISH INSPECTION REGULATIONS - SECTION 6(2)(a) - IDENTITY OF THE ESTABLISHMENT PACKING FISH

The purpose of this bulletin is to clarify the interpretation of Section 6(2)(a) of the *Fish Inspection Regulations* (FIR).

Section 6(2)(a) of the FIR states that "No person shall import into Canada or attempt to import into Canada any fish unless:

(a) the identity of the establishment at which the fish is packed and the day, month and year of packing are legibly marked on one end of the carton or case in which the containers of fish are shipped."

The master carton may identify the packer of the fish by either the packer's name or by code. When a code is used to identify the packer and/or date of packing, the importer is responsible for providing Inspection Directorate with a key that identifies the name of the establishment and/or date of packing.

David Rideout
Director General
Inspection Directorate

TO: All Holders of the Fish Products Inspection Manual

SUBJECT: SAFETY PRECAUTIONS TO FOLLOWED IN THE SENSORY
EVALUATION OF CANNED FISH AND FISH PRODUCTS

The purpose of this bulletin is to inform all personnel involved in the sensory evaluation of canned fish and fish products of the precautionary steps which must be followed prior to the sensory evaluation of such products. The term "canned" includes all fish and fish products which have been subjected to a heat process as defined under Section 34 of the Fish Inspection Regulations whether packed in metal or glass containers, pouches or any other hermetically sealed container.

- 1) Metal containers must have their labels removed and end seams and side seams must be checked for integrity;
- 2) Glass containers and their caps must be checked for acceptability;
- 3) Pouches must be checked for punctures, holes, acceptability of seals and any other defects which may adversely affect the integrity of the pouch;
- 4) Any containers which are unacceptable as defined in 1), 2) and 3) above or which show signs of swelling or gas production **SHALL NOT BE SUBJECTED TO SENSORY ANALYSIS**. Other containers from the same lot or code shall not be subjected to sensory evaluation until it has been proven beyond a doubt that the swelling or gas production is not due to under processing.

These criteria have been set for the safety of the evaluators and must be followed at all times.

B.J. Emberley
Director General
Inspection, Regulations and Enforcement

- 5) The United States Food and Drug Administration (FDA) in Washington, D.C., has also been consulted; they have received requests from some sectors of the U.S. aquaculture industry to use the name "Salmon Trout" and have not approved its use. The FDA is now enforcing this decision and does not foresee any change in this position. In the interest of harmonization of trade in fish products with the U.S., it would not be appropriate to allow the use of "Salmon Trout" as a common name for rainbow trout exported to the U.S.

B.J. Emberley
Director General
Inspection, Regulations and Enforcement

TO: All Holders of the Fish Products Inspection Manual

SUBJECT: Labelling and Weight Determination of Sliced Smoked Salmon

This bulletin is being issued to clarify previous correspondence on this subject dated October 20, 1989 and March 7, 1990 and will be incorporated into the Labelling Policy which will form Chapter 9 of this Manual.

- 1) Where the skin has been detached from the flesh of the product but is included in the package, the weight of the skin must be excluded from the net weight of the product.
- 2) Where the skin has been detached from the flesh of the product and is not included in the package, the net weight of the product shall be the total contents of the package.
- 3) Where the skin is still attached to the flesh of the product or is partially attached to maintain "kosher" requirements, the weight of the skin shall not be included in the net weight of the product unless the label indicates that the skin is included in the declared weight.

NOTE: The weight of the plastic dividers inserted between the smoked salmon slices shall be excluded from the declared weight of the product.

B.J. Emberley
Director General
Inspection Services Directorate



**Fish Products Inspection
Manual**

15/04/2011

TABLE OF CONTENTS

CHAPTER 1: INTRODUCTION

CHAPTER 2: PRODUCT INSPECTION - GENERAL

- Subject 1: Initial Inspection
- Subject 2: Reinspection
- Subject 3: Detention and Release
- Subject 4: Seizure and Forfeiture
- Subject 5: Reserved for Future Use
- Subject 6: Cost Recovery for Domestic Product
Inspection/Certification
- Subject 7: Permit Policy
- Subject 8: Classification of Products Containing Meat
and Fish
- Subject 9: Novel Food Compliance Policy

CHAPTER 3: INSPECTION OF IMPORTS

- Subject 3: Cost Recovery for Import Inspections

CHAPTER 4: INSPECTION OF CANNED FISH *

CHAPTER 5: INSPECTION OF FRESH AND FROZEN FISH

- Subject 1: Inspection of Live Crab and Lobster

CHAPTER 6: INSPECTION OF PICKLED, SPICED & MARINATED FISH *

CHAPTER 7: INSPECTION OF BLOATERS AND BLOATER FILLETS *

CHAPTER 8: INSPECTION OF SALTED FISH *

CHAPTER 9: LABELLING/CODING REQUIREMENTS *

CHAPTER 10: EXPORT CERTIFICATION

CHAPTER 11: Reserved for Future Use



**Fish Products Inspection
Manual**

15/04/2011

TABLE OF CONTENTS

CHAPTER 12: SAMPLING

Subject 1: Sampling for Container Integrity Evaluation for
 Visual and Internal Defects*
Subject 2: Package Integrity Evaluation

CHAPTER 13: SENSORY INSPECTION COMPETENCY POLICY

CHAPTER 14: NET CONTENT DETERMINATION

* to be issued at a later date

**Fish Products
Inspection Manual**

DEFINITIONS

Agent: Someone acting on behalf of another person. The agent of the owner of the fish can be the plant manager, the assistant plant manager, the quality control manager or another company official who has control over the fish.

The agent of the owner of buildings where the fish is stored can be the director of the warehouse/refrigerated warehouse or his/her assistant, or the operator of a transport company if the fish is in transit.

Consumer: The final user of a product, i.e., a person or an institution, such as a hospital, hotel, organization or restaurant which purchases a product for its own use.

Consumer or Trade Complaint: Any verbal or written communication initiated by a consumer or a representative of an organisation expressing dissatisfaction with a fish or fish product. A consumer or trade complaint can be classified as either a health and safety issue or an other issue.

Container: Any type of receptacle, package, wrapper or confining band used in packaging or marketing fish.

Crown: The Government of Canada, the Head of State for which is Her Majesty Queen Elizabeth as represented in Canada by the Governor General.

Culling: Removal of defective units from a lot of fish or fish products.

Decomposed: Fish that has an offensive or objectionable odour, flavour, colour, texture or substance associated with spoilage.

Defective Unit: Any sample unit which does not comply with the requirements of the *Fish Inspection Regulations* (FIR).

End-of-Line Inspection: Inspection of a product which is packed into its final product form for that processing facility and which is not subject to any further processing other than freezing.

Fish: Any fish, including shellfish and crustaceans, and marine animals (marine being defined as "of, found in, produced by the sea"), and any parts, products or by-products thereof.

Import: a shipment of fish imported into Canada is to be treated as an import if the product is so defined by the Canada Border Services Agency.



**Fish Products
Inspection Manual**

For further details concerning the definition of an import, see Chapter 3, Subject 1 of this manual.

Import Alert List (IAL) - a listing of processors and products for which there has been a rejection as a result of product inspection, for which CFIA has received product alerts from other countries, or for which problems have been found during an investigation.

Importer of Record: the organisation or person that the Canadian Food Inspection Agency can hold responsible to meet the requirements of the *Fish Inspection Regulations* with respect to the importation of fish and fish products.

Inspector: A person designated as an Inspector pursuant to Section 17 of the *Fish Inspection Act*.

Legal Proceedings: Begins with the laying of an information and continues until all appeal routes have been exhausted.

Limitation Period: The period of time during which a charge may be laid; after the limitation period for a particular offence has expired, the person or company can no longer be charged with that offence.

The Limitation Period for summary conviction offences in Canada, under the Criminal Code, is six months (Section 721 (2) of Criminal Code). All *Fish Inspection Act* violations are summary conviction offences. Seizure of fish and containers and consequent legal action must take place within six months of the date of the alleged offence.

Lot: A collection of readily identifiable units of product which are processed and/or handled under uniform conditions.

Lot Size: The number of units of product in a lot.

Minister: Minister of Agriculture and Agri-Food.

On-Line Inspections: Inspections which occur at critical points during the in-plant process (e.g., immediately after candling).

Poisonous or harmful substances: Includes bacteria of public health significance, Paralytic Shellfish Toxin, regulated pesticides, PCBs, mercury, or other contaminants which exceed established tolerances or guidelines.

Processor: Any person or company which processes fish (as defined in the *Fish Inspection Act*) for import or export.



**Fish Products
Inspection Manual**

Product Inspection: The process of measuring, examining, testing or otherwise comparing a sample unit with the applicable requirements. An "inspection" must result in a decision on the acceptability of the lot. In order for an inspection to be completed, the following steps must be executed:

- i) the identity of the lot must be confirmed;
- ii) the lot must be sampled;
- iii) the sample units must be examined;
- iv) a decision must be made on the status of the lot; and
- v) the decision must be communicated to the owner of the lot.

Raw Material Inspections: Inspections of fish or any additional ingredients to be added to, on, or with the fish.

Reasonable Grounds: Any set of circumstances that would permit an Inspector to believe that an offence under the *Fish Inspection Act* has been committed.

Reconditioning: A process which eliminates bacteria of public health significance by heat treatment.

Regrouping by Code: means to subdivide that product into groups which have the same processor and date of production. If there is any reason to subdivide further, it is to be done at the discretion of the inspector.

Retail: Any product for sale in a store or directly to a consumer.

Reworking: Removal of defects from units in a lot (e.g., candling, trimming).

Sample: A collection of one or more sample units drawn from a lot.

Sample Size: The number of sample units drawn from a lot.

Sampling: The process of drawing or selecting product units from a lot.

Sampling Plan: A specific instruction which indicates the number of sample units to be inspected from the lot and the acceptance numbers for determining the acceptability of the lot.

Shipment: For import purposes, is a specific quantity of fish or fish products imported by one importer on a single transport carrier or vessel at the time of border entry. Each shipment must be notified to a single inspection office and must be available for inspection at one location.

**Fish Products
Inspection Manual**

Subject to Inspection: Any fish or fish products, whether imported or domestically produced, may be inspected for compliance with the *Fish Inspection Regulations*.

Summary Conviction Proceedings: Proceedings defined by the Criminal Code of Canada or any Federal Statute where a Provincial Court Judge, Magistrate, or Justice has sole jurisdiction over the matters brought before him/her.

Suspect Codes: Codes that may contain defective product.

Suspension of the Initial Inspection: The action taken by an inspector to suspend the decision of an inspection once the owner/agent decides to cull, recondition, or rework the lot.

Tainted: Fish that is rancid or has an abnormal odour or flavour.

Trade: Any person or company purchasing products at any location other than a retail location.

Unit: The unit of product is the individual item inspected in order to determine the acceptability of the lot. It may be an ingredient, a component of an end product, or the end product itself. The unit of product may or may not be the same as the unit of purchase, supply, production, or shipment.

Unwholesome: Fish that has in or upon it bacteria of public health significance or substances toxic or aesthetically offensive.

Wholesaler: Any intermediary between a processor and retailer.

CHAPTER 1

INTRODUCTION

1. PURPOSE OF THE MANUAL

The purpose of the Fish Products Inspection Manual is to provide Inspectors with the policies and procedures to be employed when applying the *Fish Inspection Regulations* and other related regulations governing the inspection of fish and fish products. It will contribute to the uniformity of interpretation and consistency in the application of regulations. The manual provides more detail than is possible in regulations, but does not by itself have any legal standing.

This manual is not intended to be all inclusive. It is to be used in conjunction with other appropriate source material to provide the interpretation tools required by inspectors in the inspection of fish and fish products. It is meant to be a reference source and not a training manual.

This manual does not contain the official grade standards described for various fish products nor the policies or procedures governing facility inspections. These topics are addressed in the Standards and Methods Manual and the Facilities Inspection Manual respectively.

2. ORGANIZATION OF THE MANUAL

The Fish Products Inspection Manual is divided into chapters of related inspection elements which are further sub-divided into subjects.

As a general rule, each subject contains a number of standard headings. When the nature of the subject does not lend itself to the standard format, other appropriate headings are used.

Scope:

Describes the subject to be covered and identifies any exclusions. It also makes reference to other subjects and chapters within the manual and other related manuals.

Authorities:

Identifies all sections under the *Fish Inspection Act* and Regulations and other relevant regulations, that must be enforced in order to achieve the objectives of the section.

Policy:

Provides direction regarding the application of the regulation pertinent to the section.

Procedures:

Provides the step-by-step process to be followed when applying the regulations pertinent to this subject.

Forms/Documents:

Provides a list of all forms and documents that are completed when following the procedures.

A Table of Contents is included in the Manual, listing the chapter and section titles. A cross-reference of regulations is also included.

CHAPTER 2, SUBJECT 1

INITIAL INSPECTION

1. SCOPE

This document outlines the regulations, policy and procedures governing the initial inspection of all types of domestic and imported fish and fish products. There are, however, procedures unique to the inspection of imported fish products which are covered in Chapter 3.

2. AUTHORITIES

Fish Inspection Act. R.S.C., 1970, c.F-12; Sections 3(c) and 3(i)

Fish Inspection Regulations. C.R.C., 1978, c.802; (FIR) Part I, General

Section 4 (FIR):

All fish are subject to inspection and an inspector may take samples of fish free of charge for the purpose of inspection.

Section 5 (FIR):

The owner of fish or a person acting on his behalf shall make readily accessible to an inspector any fish or containers for which inspection or reinspection is required under these Regulations.

Section 6 (FIR):

(1) No person shall import, export or process for export or attempt to import, export or process for export:

(a) any fish that is tainted, decomposed or unwholesome or otherwise fails to meet the requirements of these Regulations.

3. POLICY

3.1 An inspection may be performed on any lot of imported or domestic fish and fish product, including containers and

ingredients, from the time of initial harvesting to the final marketing of the product.

- 3.2 An inspection at the retail level is not within the jurisdiction of the *Fish Inspection Regulations* and potential problems should be referred to the regional office for direction.
- 3.3 When an inspection is to be performed, the lot must be identified and the owner/agent of the goods must make the entire lot available for sampling and/or inspection to the satisfaction of the inspector.
- 3.4 The completion of an initial inspection will result in either the failure or acceptance of a lot of fish. In most cases where a lot fails the initial inspection, a reinspection is granted provided the conditions outlined in Chapter 2, Section 2 are met.
- 3.5 Under certain circumstances, (see Procedures, 5.9), an Inspector may delay rendering a decision on the inspection when the results show that the lot inspected does not comply with the *Fish Inspection Regulations*. If the owner/agent agrees, the decision on the inspection results is suspended, thus providing the owner/agent of the lot the opportunity to correct the defects in the lot.

NOTE: An offer to suspend the decision on the results of an initial inspection may only be offered once.

4. PROCEDURES

- 4.1 The type of analysis the inspection will entail must be established prior to commencing the inspection, i.e. - bacteriological, organoleptic, composition, species identification, chemical, weight evaluation, label evaluation, seam evaluation, or a combination of the above.
- 4.2 The identity of the lot of fish to be inspected must be confirmed. This requires determining as much of the following information on the lot as possible: the location, the common name of the species in the lot, the size of the lot, the identification marks (lot number, codes), the grade, and the moisture content and the size of product if applicable.
- 4.3 Once the lot has been identified, the inspector has the option to detain the lot until the inspection is completed

and the disposition of the lot decided. All import products on the Import Alert List (IAL) (or products suspected of being in non-compliance with the regulatory requirements) must be detained.

- 4.4 The inspector must select the appropriate sampling plan and inspection level depending on the type of product to be examined and the analysis required.
- 4.5 The inspector must determine the sample unit, calculate the lot size and sample size, and withdraw the sample from the lot.
- 4.6 The inspector must prepare the sample for inspection and ensure that it is assessed against all applicable requirements of the *Fish Inspection Regulations*.
- 4.7 The lot of fish passes or fails based on the results of the initial inspection. If the lot passes and is under detention, the lot is released. If the lot fails and is not already under detention, the lot is detained immediately (Chapter 2, Section 3, Detention and Release).
- 4.8 When inspection of the sample shows that the lot does not comply with the requirements of the *Fish Inspection Regulations*, i.e. - the acceptance number is exceeded, an inspector shall suspend the decision on the initial inspection provided the following conditions exist:
- a) The fish or containers thereof do not have in or upon them any poisonous or harmful substances. In special cases reconditioning may be permitted if the CFIA determines that bacteria of public health significance would be removed. Any decision regarding reconditioning must be made with full consultation with the Regional Headquarters; and
 - b) The inspector determines that the owner/agent is able to correct the defect(s) of the lot through culling or reworking.

A suspended inspection would not be offered under the following circumstances:

Where a lot of canned product consisting of *only* one code does not comply with the *Fish Inspection Regulations* due to decomposition, a suspended inspection cannot be offered, as it is impossible to determine which cans contain decomposed product.

- 4.9 The "Offer to Suspend Initial Inspection" (Appendix B) is to be given or sent immediately to the owner/agent indicating why the lot failed to comply with the regulations and detailing the conditions under which the decision on the results of the initial inspection will be suspended.
- 4.10 A suspension of the initial inspection will only be granted provided the following conditions are met:
- a) The identity of the fish, or containers thereof, has been maintained;
 - b) The CFIA receives within 30 days of the owner/agent receiving the notification of the opportunity to suspend the initial inspection a written request to do so;
 - c) the request to suspend the initial inspection outlines the intended process for culling, reconditioning or reworking the lot and the process is acceptable to the CFIA; and
 - d) the owner/agent agrees to dispose of all defective product resulting from the action in c) above, in a manner acceptable to the CFIA.

If any of the above conditions are not met, the initial inspection procedure re-commences and the owner/agent is notified of the failure of the lot by the Fish Inspection Report, or equivalent (Appendix A), and his/her right to a reinspection by the "Notification of Right to Reinspection" (Appendix C).

- 4.11 Upon receipt of the owner/agent's written request to suspend the initial inspection, the inspector must evaluate the proposed process for culling or reworking the product to determine if the process is valid. It is recommended that the inspector confer with his/her supervisor during the evaluation. Proposals for reconditioning must be referred to Regional Headquarters.

When evaluating the intended process for culling, the inspector should note that the process must:

- a) remove defective units from the lot; or
- b) segregate suspect codes from the lot.

In the first instance, all culled product is considered defective with the exception of mislabelled product, (under weights, mis-labelling), and is not eligible for further

inspection or reinspection. The rejected product must be disposed of in a manner acceptable to the CFIA. In the second instance, the culled lot is divided into two lots, one lot which contains all suspect codes. Both lots are subject to inspection/reinspection procedures.

NOTE: The inspector must be satisfied that the proposed culling process describes a realistic means of segregating suspect codes from the original lot as well as a realistic means of culling defective product from those suspect codes. If the inspector is satisfied that the above can be met, the removal of suspect code(s) from the original lot will be permitted provided the suspect codes are combined into one new lot.

- 4.12 Upon accepting the process for culling, reconditioning or reworking submitted by the owner/agent, the inspector must confirm the conditions, time and place via the letter entitled "Approval of Culling, Reconditioning or Reworking Process" (Appendix D).
- 4.13 All culling, reconditioning and/or reworking must be done under the supervision of an inspector.
- 4.14 The inspector must ensure that all defective units removed during a culling or reworking process are disposed of in a manner acceptable to the CFIA.
- 4.15 Upon completion of the approved culling, reconditioning and/or reworking process, the inspector must sample the lot(s) in accordance with the original sampling plan on a code by code or a lot basis. Only the results from this sample will be used to determine the compliance of the lot(s).
- 4.16 The owner/agent is notified of the results of the initial inspection by the Fish Inspection Report or equivalent (Appendix A).

If the lot passes inspection, it is released. If the lot fails, the owner/agent is also notified of the right to a reinspection by the "Notification of Right to Reinspection".

5. FORMS/DOCUMENTS

Fish Inspection Report - Appendix A

Sample Letter: "Offer to Suspend Initial Inspection" -
Appendix B

Sample Letter: "Notification of Right to Reinspection" -
Appendix C

Sample Letter: "Approval of Culling, Reconditioning or
Reworking Process" - Appendix D

Flow Chart: "The Initial Inspection and Reinspection
Process" - Appendix E.

2 1 A-1

New

31/03/89

OFFER TO SUSPEND INITIAL INSPECTION

Dear Sir/Madam:

On (give dates), an inspection was conducted on a lot of fish (or containers of fish) consisting of (identity of the lot) and the results indicate that the said lot of fish does not comply with Section 6(1)(a) of the *Fish Inspection Regulations* in that the samples examined were (reasons). This being the case, the CFIA's policy allows the decision on the results of the inspection to be suspended to permit your firm the opportunity to cull, rework, or recondition the lot under the supervision of an Inspector, provided all four of the following conditions are met:

- 1) The CFIA receives a written request from you, within 30 days of the date of receipt of this letter, to permit the culling, reworking or reconditioning of the lot;
- 2) The process for culling, reconditioning or reworking is acceptable to the CFIA and is capable of being monitored by an inspector;
- 3) The identity of the fish or containers of fish has been maintained; and
- 4) Your firm agrees to dispose of all defective product culled from the lot, in a manner acceptable to the CFIA.

The terms "culling, reworking, and reconditioning" are defined as:

- 1) "culling" - the removal of defective units from the lot;
- 2) "reworking" - the removal of defects from the units in the lot (eg. trim or candle);
- 3) "reconditioning" - the elimination of bacteria of public health significance by heat treatment.

When you have fully complied with all the conditions identified above and when the approved culling, reworking or reconditioning process has been completed, samples will be withdrawn by an Inspector to assess the acceptability of the lot and to complete the initial inspection. Failure to meet all the requirements identified above will mean that the results of the inspection prior to suspension will determine the acceptability of the lot.

Inspector

NOTIFICATION OF RIGHT TO REINSPECTION

Dear Sir/Madam:

On (give dates), an inspection was completed on a lot of fish (or containers of fish) consisting of (describe the lot). The results indicate that this lot of fish does not comply with section 6(1) (a) of the *Fish Inspection Regulations*.

You are hereby notified that you have the right to appeal this decision, as provided in section 10(1) of the *Fish Inspection Regulations*. Should you decide to appeal the decision on this lot of fish, a written request should be made to this office within 30 days of receiving this letter. As well, you are hereby advised that you may:

- 1) Cull or rework the fish or containers of fish;
- 2) Request that a duplicate set of samples be withdrawn for private analysis;
- 3) Request that the lot be reinspected on a code by code basis or on a lot basis;
- 4) Have yourself and/or your agent (maximum of two persons) attend the sampling and/or reinspection;
- 5) Request that the reinspection take place in a fisheries administrative center different from that in which the initial inspection occurred, provided that all of the following conditions are met:
 - a) the request is made in writing;
 - b) you indicate in the written request that you are willing to bear all costs associated with the transportation of the samples; and
 - c) product integrity can be maintained during the transport of the samples.

Your intention to do any of the above must be indicated in the letter in which you request the reinspection.

A summary of the results will be provided to you upon completion of the reinspection.

Cull is defined as:

- to remove defective units from the lot.

Rework is defined as:

- to remove defects from the units in the lot, (eg. candle or trim) or to reprocess the product such that the nature of the product is significantly changed.

Inspector

APPROVAL OF CULLING, RECONDITIONING OR REWORKING PROCESS

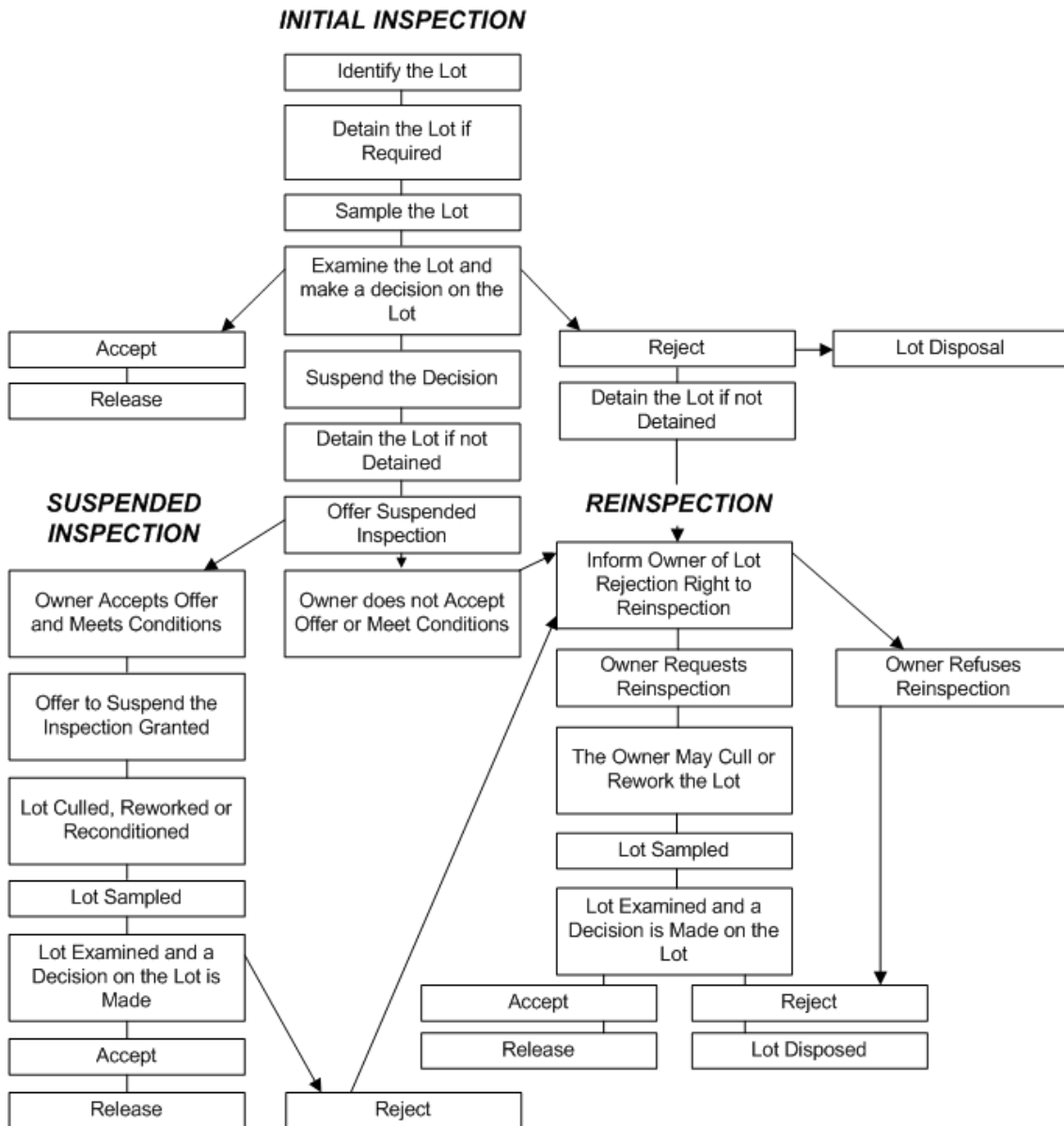
Dear Sir/Madam:

The purpose of this letter is to confirm the date, location and conditions of the (culling, reconditioning or reworking) process to be conducted on (description of lot of fish):

- 1) the operation will take place on (give date) at (give address);
- 2) the operation will be performed under the supervision of (name of inspector) Fish Inspector;
- 3) (description of lot) will be (culled, reconditioned, or reworked) under the following conditions: (give conditions).

Inspector

THE INITIAL INSPECTION AND REINSPECTION PROCESS



CHAPTER 2, SUBJECT 2**REINSPECTION****1. SCOPE**

This document outlines the regulations, policy and procedures governing the reinspection of fish and fish products.

2. AUTHORITIES

Fish Inspection Act. R.S.C., 1970, c. F-12: Part I, Sections 3 and 5.

Fish Inspection Regulations (FIR), C.R.C., 1978, c. 802; Part I, General.

Section 10 (FIR)

- (1) Where a person interested in a decision of an inspector in respect of any inspection, grading, marking or other matter under PART I of the Act or these Regulations is not satisfied with a decision of an inspector, he may, by notice in writing, appeal the decision to the Minister who shall, subject to section 11, order a reinspection.
- (2) Where a reinspection is made pursuant to subsection (1) and the Minister makes a decision as a result thereof, that decision shall be final.

Section 11 (FIR)

A reinspection shall not be ordered pursuant to section 10 where:

- (a) the identity of the fish or containers of fish in dispute has not been preserved;
- (b) the request for reinspection was not made within 30 days after the disputed inspection;
- (c) the fish or containers of fish have in or upon them any poisonous or harmful substance; or
- (d) the fish or containers of fish have been previously reinspected.

3. POLICY

- 3.1 A reinspection of a lot will only be granted after:
- a) an initial inspection has been completed and official written notification of the results has been given to the owner of the goods or his/her agent; and
 - b) a written request for a reinspection has been received from the owner or agent. Telexes are acceptable.
- 3.2 In most instances written appeals should be directed to the Inspection Manager or equivalent for decision. However, there may be circumstances (e.g., export at Canada-U.S. border), where a reinspection must be performed immediately; in such cases all Inspectors may act on behalf of the Minister and grant a reinspection.
- 3.3 The reinspection may be conducted in a fisheries administrative center other than that in which the initial inspection occurred, provided the owner meets the conditions detailed in the procedures.
- 3.4 The reinspection will normally be conducted by three Inspectors trained in the examination of the goods in question. The Inspectors must not have been involved in the initial inspection. The owner may waive, in writing, these requirements if he/she wishes to expedite the reinspection; however, the final decision regarding the number of Inspectors will be made by the Regional Director and will depend upon the resources available. The owner or agent shall be advised in writing of the decision.

4. PROCEDURES

- 4.1 Where an initial inspection results in the failure of a lot of fish, the lot must be detained, if not already (Detention and Release, Chapter 2, subject 3).
- 4.2 The owner/agent is notified of the results by the Fish Inspection Report (Appendix A or equivalent), indicating the reasons for rejection. At the same time the owner/agent is notified of his/her right to a reinspection by the Notification of Right to Reinspection (Appendix B).
- 4.3 The request for reinspection must be received from the owner/agent within 30 days. The 30 day period will commence the day the Inspector hand delivers the Fish Inspection Report or the date of receipt of the report when sent by

New 31/01/1989

registered mail.

4.4 Prior to reinspection, the owner/agent may do any or all of the following, provided the details of the intended work are outlined in the request for reinspection, approved by an inspector, and the work is monitored by an inspector:

- a) cull or rework the goods;
- b) remove suspect codes from the lot(s);
- c) request that a duplicate set of samples be withdrawn for private analysis;
- d) request that the lot be reinspected on a code by code or a lot basis.

NOTE: If the owner/agent wishes to have a duplicate set of samples withdrawn for private analysis this request must be made in writing. It must be explained to the owner that the samples are for analysis purposes only and are not to be sold or distributed. Results of any private analysis is for the owner's use only and will not have a bearing on the final decision of reinspection.

4.5 If the product has been rejected during export at the border, the operator of the transport carrier is to sign the Notice of Detention and be given a copy of the Fish Inspection Report or equivalent. If the owner/agent can be reached and is able to provide a written request to the inspector for reinspection at the border, one will be performed. In such cases many of the options available to the owner must be waived. If the owner of the fish cannot be reached or cannot provide a written request for reinspection, the product will be returned to the shipping source.

4.6 If the owner/agent requests the reinspection be conducted in a different inspection district, area, or region, he/she must meet the following conditions:

- a) provide a written request to change the location;
- b) agree in writing to bear all costs associated with the transportation of the samples; and
- c) ensure that product integrity can be maintained during transportation.

New 31/01/1989

- 4.7 The owner and/or his/her agent (to a maximum of two persons) may attend the sampling and/or reinspection. During the reinspection they shall act strictly as observers and shall not hinder the Inspectors in any way. (They must refrain from discussing the samples or examination results until the reinspection has been completed).
- 4.8 The reinspection will be conducted by three Inspectors trained in the examination of the goods in question, as follows:
- a) One of the three Inspectors is appointed as team leader and spokesperson and is solely responsible for presenting the results of the reinspection to the owner/agent.
 - b) Before the reinspection begins, the team leader shall brief the owner/agent, if present, on how the reinspection will be conducted.
 - c) The team leader shall prepare the samples for reinspection, ensuring that each sample is clearly identified so that no confusion occurs when summarizing the individual reinspection reports.
 - d) Prior to the commencement of the reinspection, the team leader shall review the procedures and methods to be followed by the reinspection team:
 - Each Inspector shall independently examine each sample and record the results on an individual reinspection report.
 - The Inspectors shall not discuss the reinspection during the actual examination; they may request clarification on specific points of procedure from the team leader.
 - The individual inspection reports of each team member shall not be given to the owner.
 - While preparing the summary report, the team leader may consult each Inspector on his/her individual reports.
 - The team leader shall communicate the results of the reinspection to the owner/agent and provide the completed Fish Inspection Report or equivalent.
 - All of the Inspectors will be present when the team

leader presents the results.

- If the owner/agent is not present at the reinspection, he/she may be informed by telephone of the results. The telephone call will be followed by the Fish Inspection Report, which is sent by registered mail or hand delivered to the owner or agent.
- e) The team leader will prepare a final report of the reinspection results, including all documents, for his/her supervisor.

NOTE: The inspection for defects such as parasite infestation, number of bones, and/or foreign material, may be performed by one member of the team.

5. FORMS/DOCUMENTS

Fish Inspection Report - Appendix 'A'

Notification of Right to Reinspection - Appendix 'B'

Flow Chart: "The Initial Inspection and Reinspection Process" - Appendix C.

2 2 A-1

New 31/01/1989

New 31/01/1989

NOTIFICATION OF RIGHT TO REINSPECTION

Dear Sir/Madam:

On (give dates), an inspection was completed on a lot of fish (or containers of fish) consisting of (describe the lot). The results indicate that this lot of fish does not comply with section 6 (1) (a) of the *Fish Inspection Regulations*.

You are hereby notified that you have the right to appeal this decision, as provided in section 10 (1) of the *Fish Inspection Regulations*. Should you decide to appeal the decision on this lot of fish, a written request should be made to this office within 30 days of the date of receipt of this letter. As well, you are hereby advised that you may:

- 1) Cull or rework the fish or containers of fish;
- 2) Request that a duplicate set of samples be withdrawn for private analysis;
- 3) Request that the lot be reinspected on a code by code basis or on a lot basis;
- 4) Have yourself and/or your agent (maximum of two persons) attend the sampling and/or reinspection;
- 5) Request that the reinspection take place in a fisheries administrative center other than that in which the initial inspection occurred, provided that all of the following conditions are met:
 - a) the request is made in writing;
 - b) you indicate in the written request that you are willing to bear all costs associated with the transportation of the samples; and
 - c) product integrity can be maintained during the transport of the samples.

Your intention to do any of the above must be indicated in the letter in which you request the reinspection.

A summary of the results will be provided to you upon completion of the reinspection.

Cull is defined as:

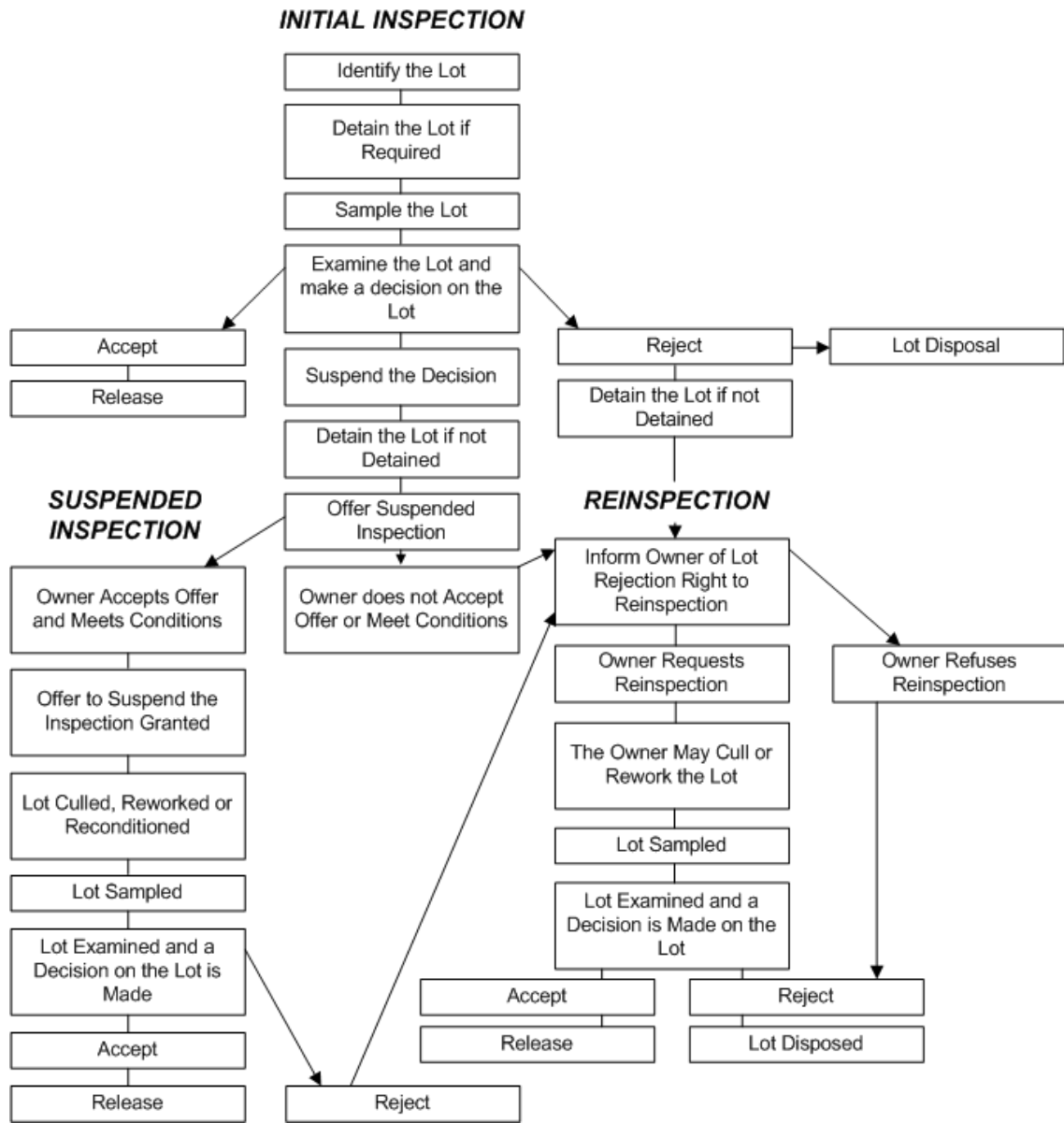
- to remove defective units from the lot.

Rework is defined as:

- to remove defects from the units in the lot, (e.g., candle or trim) or to reprocess the product such that the nature of the product is significantly changed.

Inspector

THE INITIAL INSPECTION AND REINSPECTION PROCESS



CHAPTER 2, SUBJECT 3

DETENTION/RELEASE

1. SCOPE

This document outlines the policy, procedures and regulations governing the detention and release of fish and fish products.

NOTE: This does not address seizure of product under Section 7 of the *Fish Inspection Act* (see Chapter 2, Subject 4).

2. AUTHORITIES

Fish Inspection Act, R.S.C., 1970, c. F-12; Part I, Fish and Fish Containers.

Fish Inspection Regulations (FIR), C.R.C., 1978, c. 802; Part I, General.

Section 8 (FIR)

(1) For the purpose of preserving the identity of any fish, an inspector may detain the fish by attaching to any of the fish or any container thereof a numbered tag upon which shall be clearly written

- (a) the word "held";
- (b) an identification number;
- (c) a brief description of the lot detained;
- (d) the date; and
- (e) the signature of the inspector.

(2) Where any fish is detained pursuant to subsection (1), the inspector shall deliver or mail to the owner or his agent a duly completed notice of detention.

New 31/01/1989

(3) Where any fish is detained pursuant to subsection (1) on premises owned by a person who is not the owner of the fish, a copy of the notice of detention shall be delivered or mailed to that person.

(4) No person shall alter, deface or remove a tag attached to any fish or container thereof pursuant to subsection (1) or move, sell or dispose of any such fish or container thereof unless he has obtained a release from an inspector.

(4.1) Notwithstanding subsection (4), where it is necessary for any fish or container thereof referred to in that subsection to be moved from one warehouse to another, or the owner of the fish or container or his agent has made a reasonable request for the fish or container to be moved under detention, an inspector may permit such fish or container thereof to be moved accordingly.

(5) Where an inspector is satisfied that any fish detained pursuant to subsection (1) meets the requirements of these Regulations, he shall prepare a notice of release and deliver or mail one copy thereof to the owner of the fish or his agent and one copy to the person, if any, on whose premises the fish was found.

3. POLICY

- 3.1 The *Fish Inspection Regulations* gives an inspector the authority to detain fish in order to preserve the identity of that fish.
- 3.2 Fish or fish products must be detained when a suspended inspection is offered, when the fish or fish product fails an initial inspection or when the fish product is on the Import Alert List (IAL). The inspector also has the option of detaining any lot of fish until an inspection is completed and the disposition of the lot decided.
- 3.3 Fish under detention remains under the control of the owner, although he/she cannot move the fish unless approval is given by the inspector.
- 3.4 A request for authorization to move fish under detention must be made in writing by completing the "Request for Movement of Fish Under Detention" (Appendix D).
- 3.5 Fish will remain under detention until all deficiencies have been corrected and the fish complies with the regulatory requirements, or the fish has been disposed of in a manner

New 31/01/1989

acceptable to the CFIA or, in the case of imports, the fish product is removed from Canada.

- 3.6 When fish under detention has been dealt with so that it meets the regulatory requirements, it will be released.
- 3.7 There are no specified time limits for detention in the *Fish Inspection Regulations*, meaning that fish can be detained indefinitely. However, the initial inspection and reinspection processes must be implemented as soon as possible once the fish has been detained. Fish and fish products which do not comply with the regulations and have failed both initial inspection and reinspection, will be disposed of in a manner acceptable to the CFIA or, in the case of imports, removed from Canada (lots not in compliance with the labelling regulations will be detained until the labels have been corrected). The owner/agent shall have a maximum of 45 days following notification that the product has been rejected to take action. If the owner/agent fails to take action within the 45 days, the detained fish shall be seized (Seizure and Forfeiture, Chapter 2, Subject 4) and legal proceedings initiated.
- 3.8 In certain instances, long term detention of fish can occur (e.g., detention for minor can defects which will be re-canned at a later date). In such cases the location and disposition of the detained lot must be verified every 4 weeks.

NOTE: Inspectors are reminded that all *Fish Inspection Act* violations are summary conviction offences for which the limitation period is 6 months. Therefore, legal action must be initiated within 6 months of the date of the alleged offence.

4. PROCEDURES

- 4.1 The fish to be detained must be identified as to species, size of lot, type of pack, markings and codings, if applicable, and location.
- 4.2 Fish should be detained on a lot basis. More than one lot of fish can be detained on the same Notice of Detention (Appendix B, with instructions) provided the lots contain the same species, the same type of pack and the same brand. A single detention notice should not be used to detain a mixture of product consisting of various brands, pack sizes and species.

New 31/01/1989

4.3 A Held Tag (Appendix A, with instructions) must be secured to any fish or containers thereof in a conspicuous place that will be clearly visible to any person examining the lot. It is preferable that one held tag be used. In cases where the lot is very large and is spread over a large area, more than one held tag may be used to ensure that the identity of the lot is maintained. In such cases, the held tags should bear the same number. The location of the held tag should be recorded in the inspector's note book and pointed out to the company official signing the Notice of Detention.

If a lot is broken into two or more portions and stored in several areas of a warehouse or cold storage, the inspector should try to have the entire lot stored in one area prior to detaining.

4.4 The Notice of Detention must be signed by a person with the proper authority (see Definitions). If the owner of the fish or the owner of the premises where the fish is stored is not available, the notice is to be signed by the person responsible for the storage of the product. If the company official refuses to sign, it must be noted on the Notice of Detention. If the company official refuses to accept the Notice of Detention, it is to be mailed to the owner/agent via registered mail.

4.5 The distribution of the Notice of Detention is as follows:

- (a) Original - to the owner of the fish
- (b) Copy 1 - to the owner of the premises where the fish is stored
- (c) Copy 2 - to the district file
- (d) Copy 3 - to the inspector's file.

4.6 Where the owner finds it necessary to move fish under detention, he/she shall request authorization by completing the "Request for Permission to Move Fish Under Detention" (Appendix D).

Authorization is granted by the inspector by completing the bottom portion of the form and forwarding a copy to the requesting company.

4.7 When detained product is moved between districts or regions, copies of the Notice of Detention, inspection reports supporting the detention, the Request for Permission to Move Fish Under Detention, the anticipated time of arrival and any other relevant information must be forwarded to the receiving district or regional office.

- 4.8 When fish under detention has had all deficiencies corrected, has been disposed of, or has been returned to the country of origin, the inspector will prepare a Notice of Release (Appendix C, with instructions).
- 4.9 When a portion of a lot of fish under detention complies with the regulations, that portion of the lot shall be released as above. The remainder of the lot not complying with the regulations will remain detained under the same Detention Notice.
- 4.10 The distribution of the copies of the Notice of Release is the same as for the Notice of Detention.

5. **FORMS/DOCUMENTS**

- Held Tag - Appendix A
- Notice of Detention - Appendix B
- Notice of Release - Appendix C
- Request for Permission to Move Fish Under Detention - Appendix D

2 3 A-1

New 31/01/1989

HELD TAG

INSTRUCTIONS FOR COMPLETING THE HELD TAG

1. Product Description: species and product form (additional information to be written on the back of tag).
2. Lot Size: weight, number of cartons, number of cans, etc.
3. Marks: markings on cartons/shipping cartons which will identify the lot, such as codes, port marks, brand name, distribution/packer name, registration number.
4. Date-Place: date of detention, place of detention.

2 3 B-1

New 31/01/1989

**INSTRUCTIONS FOR COMPLETING
THE NOTICE OF DETENTION**

1. The office of the inspector issuing the notice.
2. Date of detention.
3. The owner of the product.
4. Address of the owner of the product.
5. Location of the detained lot.
6. In the case of imported product specify the country of origin and if possible, the foreign producer.

In the case of fresh water fish products specify the lake or plant.

In the case of shellfish specify the area of harvest. For all other domestic fish products specify the processor.
7. "for the purpose of preserving the identity"
8. Held tag number.
9. Detailed description of the lot. If samples are taken, the number and weight should be indicated here.
10. Signature of owner or agent.
11. Signature of inspector.

2 3 C-1

New 31/01/1989

**INSTRUCTIONS FOR COMPLETING
THE NOTICE OF RELEASE**

1. The office of the inspector issuing the notice.
2. Date of release.
3. The owner of the product.
4. Address of the owner of the product.
5. Entire detained shipment (indicated by weight or number).
6. Species and form of detained product.
7. Date of Detention.
8. A detailed description of the fish being released. Should include species, form, weight, number of cartons, codes, port marks, etc. If only a portion of the lot is released, this must be stated indicating how much remains under detention. If any product is destroyed it must be indicated in this section.
9. Held tag number.
10. Signature of inspector.

REQUEST FOR PERMISSION TO MOVE FISH UNDER DETENTION

Date: _____

Request made by: _____

Description of lot of Fish: _____

Date Detained: _____

Held Tag Number: _____

Detaining Inspector: _____

Location of the Fish: _____

I request permission to move the fish noted above: _____

Reason: _____

Location Change: _____

Date of Move: _____

Method of Movement: _____

Signature: _____

TO: _____

Request Granted: _____ Request Denied: _____

Fish under Held Tag Number _____ will be moved on _____

from _____ to _____ subject to the

following conditions:

Inspector

CHAPTER 2, SUBJECT 4**SEIZURE AND FORFEITURE OF FISH PRODUCTS****1. SCOPE**

This document outlines the policy and procedures governing the seizure and forfeiture of fish, fish products and containers.

NOTE: This document does not cover the detention of product which is covered under Section 8 of the *Fish Inspection Regulations*, and outlined in Chapter 2, Subject 3 of this manual.

2. AUTHORITIES

Fish Inspection Act, R.S.C., 1970, C. F-12: Section 7

Section 7

(1) An inspector may seize all fish, containers and other things by means of or in relation to which the inspector believes on reasonable grounds that an offence against this Part or any regulation made under it has been committed.

(2) A thing seized under this Act, or the proceeds realized from its disposition, shall not be detained after

(a) an inspector determines that this Act and the regulations have been complied with in relation to the thing, or

(b) the expiration of one hundred and eighty days after the day of its seizure, or such longer period as may be prescribed,

unless before that time proceedings are instituted in relation to the thing seized, in which case it may be detained until the proceedings are finally concluded.

(3) Where a person is convicted of an offence against this Part or any regulation made thereunder, in addition to any punishment imposed, the fish and containers by means of or in relation to which the offence was committed are, on the conviction, forfeited to Her Majesty and may be disposed of as the Minister may direct.

3. POLICY

- 3.1 a) Seizure is employed where an Inspector, on reasonable grounds, believes that an offence has been committed against Part I of the Act or any regulation thereunder. The fish and containers involved in the offence are seized to prevent their shipment, movement, or disposal.
- b) Seizure is only employed as a last resort in those circumstances where an inspector believes that a detention could be, or has been, violated.
- 3.2 Following seizure action, every effort must be made to remove all seized fish, fish products, and containers to a secure storage location as soon as possible. All costs for removal and storage are to be borne by the CFIA. The Crown can request that removal and storage costs be considered by the Court when any fine is levied.
- 3.3 Although the *Fish Inspection Act* does not provide the authority to sell seized goods and to retain the proceeds of the sale, pending the outcome of the legal proceedings, nothing precludes an understanding between Crown Counsel and Defence Counsel as to the disposal of the seized goods at an agreed upon price. The monies generated from such sales could be placed in escrow.

Inspectors are reminded that a person charged with any offence is considered innocent until proven guilty. Therefore, any product seized must be maintained in the best possible conditions in order to mitigate any losses in product quality. All costs incurred from the point of seizure are borne by the CFIA.

Seized product determined to be tainted, decomposed or unwholesome by the initial inspection and reinspection procedures will not be further processed and is to be disposed of by the CFIA. Seized product that can be stored, will be, until the completion of the trial.

- 3.4 Section 7(3) of the *Fish Inspection Act* demands the automatic forfeiture of all seized goods where the accused is found guilty. Inspectors must ensure that the Crown Counsel is aware of the forfeiture requirements.
- 3.5 Only the Minister can decide the eventual disposition of all seized and forfeited fish and containers, as per Section 7(3) of the Act. In cases where decisions on the disposition of forfeited fish, fish products and containers are required, Regional Directors are to prepare a Memorandum to the Minister via the Executive Director.

4. PROCEDURES

- 4.1 Pursuant to Section 7 of the *Fish Inspection Act*, an inspector shall seize fish, fish products and containers by completing the "CFIA Fish Inspection Seized Goods Receipt" (Appendix A) and advising the owner of the goods or the agent controlling the goods that the inspector has grounds to believe that an offence (specify the offence) has been committed.

A receipt must be issued at the time of seizure for all goods seized.

- 4.2 If an owner wishes to regain control of the goods following seizure, this may be done through a court hearing. In permitting such an action, the court will require a bond be posted for the value of the goods pending a court decision. Where such an action would not be in the public's interest (i.e., health and safety concerns), Crown Counsel can put forth arguments to this effect and request the action be refused.

- 4.3 Section 7(2) of the Act allows for a two month period of seizure commencing the day following the seizure action during which time legal proceedings must be initiated. If legal proceedings are not initiated within this two month time frame, the seizure becomes null and void and the fish and containers must then be returned to the owner or agent originally having control over the fish and containers.

Once legal proceedings have commenced, the seizure remains in effect until a court decision is reached. If it is determined that legal proceedings will not be undertaken, the seized goods must be released immediately; an inspector must not wait for the two months to lapse.

Legal proceedings begin when the inspector lays an information before the Justice of the Peace outlining the offence that has been committed and for which the fish is seized. This action is completed in conjunction with Crown Counsel and the Department of Justice.

- 4.4 If the owner or agent having control over the fish being seized obstructs, impedes, or refuses to admit an inspector seizing fish, fish products and containers pursuant to Part I of the *Fish Inspection Act* and any regulation made thereunder, this person is liable to prosecution for obstruction pursuant to section 4(2) of the *Fish Inspection Act*.

Procedures for the secure storage and transportation for seized fish products is the responsibility of the Regional Director.

- 4.5 To ensure compliance with section 7(3) of the *Fish Inspection Act*, the inspector must remind Crown Counsel of the forfeiture requirements of the section. During the court proceedings evidence must be produced as to the description, quantity and record of seizure of the seized goods in order for the Court to order forfeiture.
- 4.6 Upon conviction of the accused and Court ordered forfeiture of the fish and containers, inspectors shall instruct their prosecuting attorneys to complete an Order of Forfeiture Form (Appendix B) for the Provincial Court Judge's signature. In this way, the Agency has legal proof that it is now the true owner of all seized and forfeited fish and containers.
- 4.7 Once the seized goods are forfeited to the Crown, only the Minister or a person designated by the Minister may decide the disposition of the goods.

Upon receipt of the completed "Prosecutor's Information and Return Form" at the Regional Office, the Regional Director is to prepare, for review by the Executive Director, a Memorandum to the Minister or person designated to handle such matters outlining the following:

- the charge(s) laid;
- history of offence;
- penalties levied;
- quantities of fish forfeited and their value; and- recommendations to the Minister regarding disposition of the forfeited lots of fish.

5. **FORMS/DOCUMENTS**

"Seized Goods Receipt" - Appendix A

"Order of Forfeiture" - Appendix B

The following Seized Goods Receipt can be reproduced locally on Agency letterhead, and is to be given to owners and agents of seized fish at the time of seizure.

CFIA FISH INSPECTION SEIZED GOODS RECEIPT

Date of Seizure: _____

Place of Seizure: _____

Seized from: _____

Lot Description: Complete description of lot seized

The goods described above have been seized in relation to the following offence: _____

SIGNATURE OF INSPECTOR MAKING SEIZURE

2 4 B-1

New 31/01/1989

CHAPTER 2, SUBJECT 6**COST RECOVERY FOR DOMESTIC PRODUCT INSPECTION/CERTIFICATION****1. SCOPE**

This document outlines the regulations, policy and procedures governing cost recovery for the certification of domestic fish and fish products and other related inspection services.

2. AUTHORITIES

Fish Inspection Act, R.S.C. 1985, c. G-12;
Fish Inspection Regulations (FIR) C.R.C., 1978, C.802;
Section 6.5, Section 9, Section 10 (FIR)
Canadian Food Inspection Agency Fees Notice

3. POLICY

3.1 The provisions of the domestic cost-recovery system apply to fish and fish products destined for human consumption that are processed in a federally registered establishment.

3.1.1 There shall be no fees levied for all or part of any facility or product inspection performed under the audit function of the Quality Management Program.

3.2 Product Certification

3.2.1 A fee is to be levied for all certificates issued by the CFIA for products processed by a federally registered establishment. The amount of the fee depends upon:

a) whether a "physical" inspection of the product is conducted; and/or

b) whether a certificate is provided on the basis of an evaluation of the establishment's QMP and a record check of the product.

3.2.2 If a person requests an inspection certificate and an inspection is conducted, the fee will be levied even if the applicant later requests that a certificate not be issued.

- 3.2.3 All decisions regarding whether an inspection is to be performed shall be in accordance with the Quality Management Program Policy and Procedures, Chapter 3, Subjects 1 and 2 of the Facilities Inspection Manual.
- 3.2.4 The inspection service fees for certificates are found in the *CFIA Fees Notice*.
- 3.2.5 The maximum amount of inspection service fees for certificates paid by any one person in a calendar year shall not exceed \$10,000.
- 3.2.6 If an inspector needs to issue a new certificate in order to amend or correct a previously issued certificate, as a result of omissions or oversights by the CFIA, there shall not be any additional charges to the applicant.
- 3.2.7 A Broker/Wholesaler who requests certification of product prior to the product being exported shall be assessed fees in the following manner:

- a) when requesting a certificate for one or more lots of fish which have been previously certified (sometimes referred to as a "Master Certificate"), a fee of \$25 will be levied provided the original certificate(s) is valid. This is irrespective of which region issued the original certificate(s).

In accordance with paragraphs 3.1 and 3.6 of Chapter 10 of this manual, an inspector shall inspect the products to be certified if there is reason to believe that the fish/fish products have deteriorated or do not meet the conditions of the original certificate. In this case the products shall be inspected before the master certificate is issued and a fee of \$100.00 will be charged;

- b) when requesting a certificate for one or more lots of fish which have not previously been certified from one federally registered establishment located in the same region as the broker, the fee will be in accordance with section 3.2.1 (i.e., on the basis of the QMP rating);
- c) when requesting a certificate for one or more lots of fish which have not been previously certified from more than one federally registered establishment, a fee of \$100 will be levied as an inspection of the product will be mandatory.

