

Ice Glazed Seafood: State Testing and Enforcement

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State Weights and Measures Programs

- Comprehensive weights and measures regulation occurs at the state level
- However, Federal Regulations, including those of the USDA and FDA, can pre-empt state authority
- Most states adopt the National Conference on Weights and Measures standards that are published in NIST handbooks
- NIST HB 133 “Checking the Net Contents of Packaged Goods” includes procedures for testing glazed seafood.

State Weights and Measures Programs

- Although testing procedures are established to promote uniformity, each state decides:
 - Adoption of NCWM standards in NIST HB 133
 - Frequency of testing-some states don't test ice glazing
 - Enforcement actions
- This presentation describes Wisconsin's seafood ice glazing compliance program.
- Six other states are represented at this forum-California, Florida, New York, Maryland, Virginia and Minnesota. Later in my presentation, I will share information about their compliance programs.

Overview: Glazed Seafood Testing and Enforcement

- Inspection Locations
- Products Tested
- Procedures for Testing
 - Audits
 - Enforcement testing
- Enforcement Approaches
- Enforcement Actions



Where do W&M inspectors find glazed seafood?

Testing Locations

- Retail
 - Grocery Stores
 - Mobile
- Store Distribution Centers
- Wisconsin Seafood Distributors
- Ask Other States to Test

Product Tested

- Prepacked
- Store packed
- Any ice glazed seafood

Audit Testing

- Determine an estimated/predetermined tare
- Weigh packaged product, deduct estimated tare
- Conduct enforcement testing on questionable lots

Enforcement Test Procedures: NIST HB 133

- Basic Test Procedures-Gravimetric Testing
 - Use appropriate scale
 - At least 100 scale divisions
 - Adequate resolution: a scale division no larger than $\frac{1}{6}$ of the Maximum Allowed Variance for the packages being weighed
 - Test accuracy of scale using described performance tests to verify scale meets NIST HB 44 acceptance tolerance before testing, and if a lot fails
 - HB 133 MAV Table for packages labeled by weight
 - Example: .044 lb MAV for a 1 lb package
 - Evaluate compliance with the average requirement

Basic Test Procedures-Gravimetric Testing continued

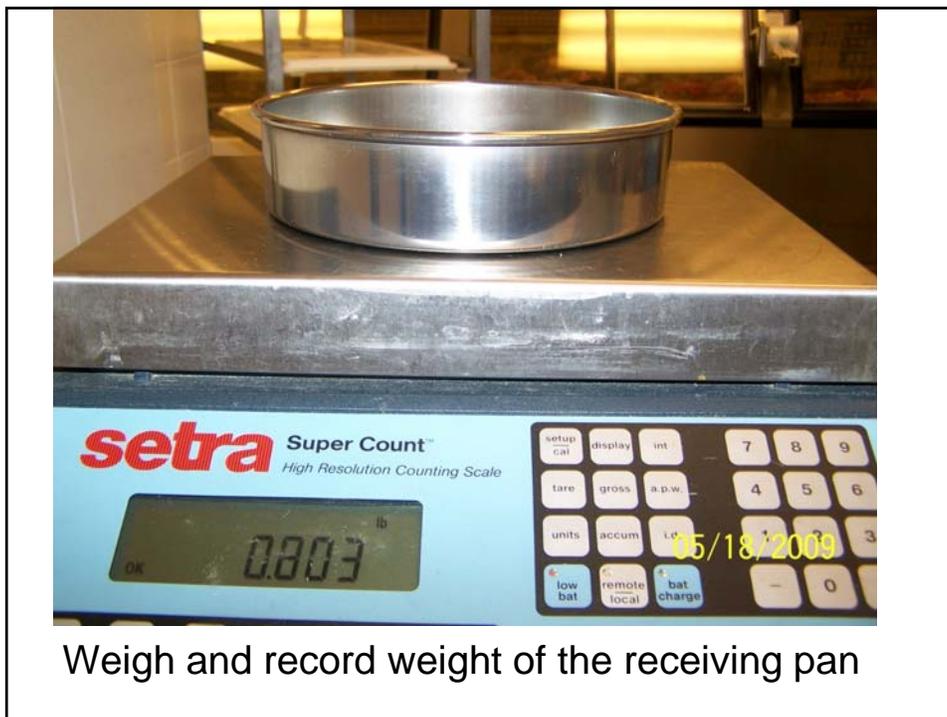
- Define the inspection lot
- Use sampling plan for Category A
- Select a random sample
- Measure the net contents of the packages in the sample
- Evaluate compliance with the Maximum Allowable Variance requirement

Enforcement Test Procedures: NIST HB 133

Determining the weight of glazed
seafood and fish: modified to match
proposed revisions



Use a Number 8 mesh sieve: 8" diameter for packages 1 lb
or less, 12" diameter for packages over 1 lb.





And place contents in sieve



Place contents under a gentle spray of cold water



Carefully agitate to avoid breaking the product



Continue to spray until all ice glaze that is seen or felt is removed. In general, product should remain rigid.



Without shifting the product,



Incline the sieve to an angle of 17 to 20 degrees for exactly 2 minutes.



Transfer the product to the receiving pan



Check sieve to ensure all product is transferred to receiving pan.



Place the product and receiving pan on the scale.



The net weight of product is total weight minus the weight of the pan.



Clean and dry the sieve and pan, test next package.

Enforcement Approaches: Progressive Enforcement

- Order product off sale
- Warning letter to business identified in declaration of responsibility
- Enforcement Conference: Assurance of Compliance
- If problems continue, hold state retailers and distributors responsible for short weight product

Enforcement Actions

- Require Retailers and Distributors to sample test glazed product rather than relying on glaze percentages received from packer.
- Civil Forfeitures- Fines filed in Circuit Court
- Publicity

Other states?

Questions?