



TEXAS A&M
AGRICULTURE

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Originally Issued as GAM on Nov. 10, 1999
Revised Nov. 13, 2006 to General Industry Memorandum

GENERAL INDUSTRY MEMORANDUM NO. 5-23

IDENTIFYING VIOLATIVE SAMPLES

OBJECTIVE:

To clarify how the FFCS assigns violations of guarantee and evaluates data when such decisions are appealed by the registrant/licensee.

BACKGROUND:

The Texas Commercial Feed Control Act and Commercial Fertilizer Control Act defines a misbranded product in §141.147 and §63.142, respectively. To determine compliance with these requirements, the Service is empowered to take samples and analyze them to determine if they meet guarantee (§141.101-102 and §63.091-092).

Should the laboratory analysis not meet guarantee, this finding can be challenged by the person receiving the violation as defined in sections §141.104 and §63.094.

POLICY:

A. Reporting Laboratory Results

- a. If the first result for the laboratory sample is within the AV, report the result.
- b. If the result lies outside the AV, obtain a confirming result from a second laboratory sample, i.e., a true replicate of the product submitted. If the two results meet AAS' criterion for agreement of duplicates and both results lie outside the AV, report the average. If the two results meet the laboratory's criterion for agreement of duplicates, but the second result is within the AV, report the value that is within the AV. The only exception is mycotoxin analyses where the average should be reported. If the duplicates do not meet the AAS' criterion for agreement of duplicates, prepare a completely new sample and repeat steps (a) and (b) without regard to the first set of results.

B. FFCS Assignment of Violation

AAFCO AV's or AAPFCO IA's are guidelines for deciding whether a violation is assigned. If the history of the product shows it consistently fails to meet guarantee, AV's/IA's should not be applied and FFCS should take the action necessary to correct the situation.

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