



United States Department of Agriculture

One Team, One Purpose



Food Safety and Inspection Service

Protecting Public Health and Preventing Foodborne Illness



**Policy Basis for Intended Use in Raw
Beef Products**
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Conference for Food Protection

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Food Safety and Inspection Service

E. coli O157:H7 an Adulterant- in the courts

1994: FSIS announced
E. coli O157:H7 adulterates
raw ground beef
(renders it unsafe)



Definition of *adulterated* product, most often used in regard to pathogens.

“...if it bears or contains any poisonous or deleterious substance which may render it *injurious to health*;”

The Court Case:
Texas Food Industry Ass'n v. Espy,
870 F.Supp. 143 (1994)

Ruling upheld because...

- ...*E. coli* O157:H7 was not destroyed by **ordinary consumer cooking** of ground beef
- ...was extremely virulent (**injurious to health**) causing severe illness with low dose exposure



Food Safety and Inspection Service Policy and Practical Outcomes

- Since 1994, FSIS has...
 - Announced that **other non-intact** beef products and products **intended for non-intact** beef (1999 Federal Register Notice) are also adulterated if positive:
 - Needle/blade/mechanically tenderized beef
 - Injected and vacuum tumbled beef
 - Beef trim and subprimals for grinding/tenderization/injection
 - Identified **six non-O157:H7** Shiga toxin-producing *E. coli* (**STECs**) as adulterants in non-intact beef products (2012 Federal Register Notice)



When it comes to adulteration,

Intended Use Matters