

Chapter 1

INTRODUCTION

I. REQUIREMENTS FOR IMPORTED FOOD PRODUCTS

All imported food products are required to meet the same standards as food products produced in the United States. However, the threshold for enforcement action is lower for imported foods than for domestically produced foods. While domestically produced foods are subject to enforcement action if they are adulterated or misbranded, foods offered for import may be refused entry into the United States if they merely “appear” to be misbranded or adulterated. 21 U.S.C. § 381(a).

A food product offered for import may be subject to regulation and enforcement by several different agencies within the U.S. government, depending upon the type of product. Understanding the legal and regulatory requirements that govern the importation of a given food product can help speed its entry into U.S. commerce. The chapters that follow discuss the various applicable legal requirements and the federal agencies responsible for their enforcement.

II. RELEVANT U.S. REGULATORY AGENCIES

There are numerous federal agencies involved in the importation of food into the United States. The nature of the food product being imported will determine which agency or agencies have regulatory authority.

A. U.S. Food and Drug Administration (FDA)

FDA has jurisdiction over all food products except for meat, poultry, and egg products.¹ All FDA-regulated food products offered for import into the United States are subject to examination by FDA to determine their admissibility. FDA must be given “prior notice” of each article of food before it arrives at a U.S. port, so that FDA can decide whether it wishes to inspect that article of food. In addition, foreign facilities that manufacture, process, pack, or hold food intended for consumption in the United States are required to register with FDA unless they are exempt.

FDA’s role in regulating the importation of food products is discussed in greater detail in Chapter 2 of this *Guide*.

¹ FDA regulates shell eggs, while USDA regulates “egg products.” See Chapter 2, section II and Chapter 3, section II for the definition of “egg products” regulated by USDA.