net weight requirements may be reprocessed and must be reweighed and remarked to satisfy the net weight requirements of this section in accordance with the requirements of this part.

(b) A lot tested outside an official establishment and found not to comply with net weight requirements must be reweighed and remarked with a proper net weight statement, provided that such reweighing and remarking will not deface, cover, or destroy any other marking or labeling required under this subchapter, and the net quantity of contents is shown with the same prominence as the most conspicuous feature of a label.

§ 500.3 Withholding action or suspension without prior notification.

(a) FSIS may take a withholding action or impose a suspension without providing the establishment prior notification because:

1. Insanitary conditions or practices;
2. Product adulteration or misbranding;
3. Conditions that preclude FSIS from determining that product is not adulterated or misbranded; or
4. Inhumane handling or slaughtering of livestock.

(b) If a regulatory control action is taken, the program employee will immediately notify the establishment orally or in writing of the action and the basis for the action.

(c) An establishment may appeal a regulatory control action, as provided in §§ 306.5 and 381.35 of this chapter.

§ 500.4 Withholding action or suspension with prior notification.

(a) FSIS may take a withholding action or suspension with prior notification because:

1. The establishment produced and shipped adulterated or misbranded product as defined in 21 U.S.C. 453 or 21 U.S.C. 602;
2. The establishment does not have a HACCP plan as specified in § 417.2 of this chapter;
3. The establishment does not have Sanitation Standard Operating Procedures as specified in §§ 416.11–416.12 of this chapter;
4. Sanitary conditions are such that products in the establishment are or would be rendered adulterated;
5. The establishment violated the terms of a regulatory control action;
6. An establishment operator, officer, employee, or agent assaulted, threatened to assault, intimidated, or interfered with an FSIS employee; or
7. The establishment did not destroy a condemned meat or poultry carcass, or part or product thereof, in accordance with part 314 or part 381, subpart L, of this chapter within three days of notification.

(b) FSIS also may impose a suspension without providing the establishment prior notification because the establishment is handling or slaughtering animals inhumanely.