

Regulatory Alert: FDA Steps Up FSVP Enforcement Activity
Determining Whether Your Company is an FSVP Importer for Products is Critical
Many Food Retailers Have Been Named as FSVP Importer Without Their Knowledge
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In recent weeks the U.S. Food and Drug Administration (FDA) has significantly increased enforcement activity for Foreign Supplier Verification Program (FSVP) compliance. U.S. Food Imports LLC (USFI) has assisted a number of our clients with inspections over the past several weeks using our FSMA Cloud® and FDA Cloud® software applications (we note that all of our clients' inspections have resulted in No Action Indicated (NAI) classifications (the best outcome)).

USFI has encountered a number of retailers who have been named as the FSVP importer for food shipments without their knowledge.

It is imperative that your company determines the products in which it has been named as the FSVP importer. Violations of FSVP regulations are punishable with substantial civil and criminal penalties and importers who fail to comply with the FSVP rule may receive warning letters and be placed on import alert.

Three key ways of tracking whether your company potentially could be the FSVP importer of products include:

- 1. Check the FSVP importer list published by FDA. The list is available [here](#) and updated quarterly. Please note that for many retailers there are several variations of corporate names/entities listed so check the listing carefully.**
- 2. Submit a Freedom of Information Act request to FDA for information on entries in which your company/companies have been named as the FSVP importer. FDA will provide you with a spreadsheet detailing the entry line, arrival date, port of entry, FDA product code, foreign manufacturer and person who filed the entry, among other data points.**
- 3. Register and open an ACE (Automated Commercial Environment) account with U.S. Customs and Border Protection (CBP). ACE accounts provide up to date information on customs entries in which your company/companies have been named as the importer of record. Although being named as the importer of record does not**

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necessarily mean you are the FSVP importer, it is useful for determining other regulatory liability for food imports (as well as imports of non-food items). The importer of record for a shipment is also likely to be the FSVP importer.

- 4. Search the CBP bill of lading database for oceangoing shipments. The CBP bill of lading database indicates shippers, product descriptions and consignees among other things. It is available by subscribing to private services only. Companies named as the consignee for food shipments are likely to have FSVP liability for such shipments.**

U.S. Food Imports LLC can assist you in obtaining this information.

U.S. Food Imports LLC provides foreign supplier verification services and other food import solutions. Our proprietary FSMA Cloud[®] and FDA Cloud[®] software ensures efficient FSVP compliance for you and your suppliers. Please contact Erik Lieberman at elieberman@usfoodimports.com or (202)765-1800 if you have questions or would like additional information.