



Ohio Administrative Code

Rule 901:3-4-14 Collection of food samples for the purposes of identifying adulteration and misbranding.

Effective: February 12, 2024

(A) A licensor may submit a sample for testing to the Ohio department of agriculture consumer protection laboratory when:

- (1) A food or food additive is the subject of a consumer complaint;
- (2) At the request of a consumer after a physician has isolated an organism from the consumer as the physician's patient;
- (3) A food or food additive is suspected of having caused an illness;
- (4) A food or food additive is suspected of being adulterated or misbranded;
- (5) A food or food additive is subject to verification of food labeling and standards of identity; or
- (6) The director considers a sample analysis necessary or the sample is part of an Ohio department of agriculture food sample monitoring program.

(B) Samples taken for any reason specified in paragraph (A) of this rule, should when possible, be from a non-compromised package and of the same lot, code, or production unit as the food or food additive that is of concern. As used in this rule, "non-compromised" means securely wrapped and packaged as purchased, not opened by the complainant, or otherwise handled in a manner that might result in the discrediting of the sample results.

(C) The licensor shall take reasonable care to ensure that the sample is:

- (1) Not contaminated by the sampling or shipping process;
- (2) Maintained at a temperature that is appropriate to help minimize additional growth of bacteria,



other organisms, and deterioration until received by the laboratory;

(3) Collected, submitted, and shipped in accordance with any guidelines for such sample submission as directed by the consumer protection laboratory; and

(4) For a non-compromised sample a chain of custody is documented. For the purposes of this rule, "chain of custody" means the documentation of the history of the handling of a sample by persons in charge of a sample from the initial sampling to receipt and analysis by the analyzing laboratory.

(D) The Ohio department of agriculture's consumer protection laboratory may charge a licensor a reasonable fee for the analysis of a sample unless the sample is considered to be an official sample as defined in rules promulgated pursuant to section 901.43 of the Revised Code or the fee has been waived by the director.

(E) No person shall refuse to furnish a sample for analysis upon a demand and tender of payment.