

CPG Sec. 100.500 - Common Carrier as a Relabeler, Repacker, Reprocessor, etc.

BACKGROUND:

A transportation company asked for information concerning the responsibility of a common carrier in connection with the relabeling of merchandise which, for one reason or another, had come into its possession.

The proviso in section 703 of the Federal Food, Drug, and Cosmetic Act, grants immunity from prosecution to carriers by reason of their receipt, carriage, holding, or delivery of products subject to the Act in their usual course of business as carriers. The immunity does not extend to operations or functions which are outside the normal duties of a carrier.

POLICY:

A carrier acting otherwise than as specified in section 703 incurs the same responsibility as anyone else who labels, repacks, or reprocesses goods, whether or not the carrier has any ownership interest in the goods.

Issued: 10/26/76

Revised: 10/1/80, 8/31/89

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