

(d) Any substance, other than a "dietary ingredient" within the meaning of section 201(ff) of the Federal Food, Drug, and Cosmetic Act (the Act), the intended use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristics of the dietary ingredient or dietary supplement must be:

(1) Authorized for use as a food additive under section 409 of the Act; or

(2) Authorized by a prior sanction consistent with § 170.3(l) of this chapter; or

(3) If used as a color additive, subject to a listing that, by the terms of that listing, includes the use in a dietary supplement; or

(4) Generally recognized as safe (GRAS) for use in a dietary ingredient or dietary supplement. Any claim that a substance is GRAS, other than a dietary ingredient within the meaning of section 201(ff) of the Act, must be supported by a citation to the agency's regulations or by an explanation for why there is general recognition of safety of the use of the substance in a dietary ingredient or dietary supplement; and

(5) Must comply with all other applicable statutory and regulatory requirements under the Act.

(e) You must establish a specification for any point, step, or stage in the manufacturing process where control is necessary to prevent adulteration. Specifications must be established for:

(1) The identity, purity, quality, strength, and composition of components, dietary ingredients, or dietary supplements that you receive;

(2) The in-process controls in the master manufacturing record where control is necessary to ensure the identity, purity, quality, strength, and composition of dietary ingredients or dietary supplements;

(3) The identity, purity, quality, strength, and composition of the dietary ingredient or dietary supplement that you manufacture; and

(4) The dietary ingredient or dietary supplement labels and the packaging that may come in contact with dietary ingredients and dietary supplements. The packaging must be safe and suitable for its intended use and comply with all other applicable statutory and regulatory requirements under the Act and must not be reactive or absorptive so as to affect the safety of the dietary ingredient and dietary supplement.

(f) You must monitor the in-process control points, steps, or stages to ensure that specifications established under paragraph (e) of this section are met and to detect any unanticipated occurrence that may result in adulteration;

(g) You must ensure, through testing or examination, that each specification that you established under paragraph (e) of this section is met. Specific testing requirements are as follows:

(1) You must test each finished batch of the dietary ingredient or dietary supplement produced before releasing for distribution to determine whether established specifications for identity, purity, quality, strength, and composition are met, provided that there are scientifically valid analytical methods available to conduct such testing.

(2) For any specification for identity, purity, quality, strength, or composition for which you document cannot be tested on the finished batch of a dietary ingredient or dietary supplement, because there is no scientifically valid analytical method available for such testing, then you must:

(i) Perform testing on each shipment lot of components, dietary ingredients or dietary supplements received to determine whether such specification is met; and

(ii) Perform testing in-process in accordance with the master manufacturing record where control is necessary to ensure the identity, purity, quality, strength, and composition of dietary ingredients or dietary supplements; and

(3) Your quality control unit must determine when finished batch testing cannot be completed for any specification on the identity, purity, quality, strength, and composition of dietary ingredients or dietary supplements.

(h) You must use an appropriate test or examination to determine whether your specifications are met. An appropriate test is one that is a scientifically valid analytical method.

(i) You must:

(1) Establish corrective action plans for use when an established specification is not met;

(2) Review the results of the monitoring required by this section and conduct a material review of any component, dietary ingredient, dietary supplement, packaging or label for which you establish a specification that is not met, or any unanticipated occurrence that adulterates or could result in adulteration of the component, dietary ingredient, dietary supplement, packaging, or label; and

(3) Make a material disposition decision for any component, dietary ingredient, dietary supplement, packaging, or label:

(i) If a component, dietary ingredient, dietary supplement, packaging, or label fails to meet specifications;

(ii) If any step established in the master manufacturing record is not completed;

(iii) If there is any unanticipated occurrence during the manufacturing operations that adulterates or may lead to adulteration of the component, dietary ingredient, dietary supplement, packaging, or label;

(iv) If calibration of an instrument or control suggests a problem that may have caused batches of a dietary ingredient or dietary supplement to become adulterated; or

(v) If a dietary ingredient or dietary supplement is returned.

(4) For any deviation or unanticipated occurrence which resulted in or could lead to adulteration of the component, dietary ingredient, dietary supplement, packaging, or label:

(i) You must reject the component, dietary ingredient, dietary supplement, packaging, or label, unless the quality control unit determines that in-process adjustments are possible to correct the deviation or occurrence;

(ii) You must not reprocess a rejected component, dietary ingredient, or dietary supplement unless approved by the quality control unit; and

(iii) You must not reprocess any component, dietary ingredient or dietary supplement if it is rejected because of contamination with microorganisms or other contaminants, such as heavy metals;

(5) Have your quality control unit review and approve any material review and disposition decision described in paragraphs (i)(2) and (i)(3) of this section.

(j) The person who conducts the material review and makes the disposition decision must, at the time of performance, document every material review and disposition decision in paragraph (i) of this section. The documentation must be included in the appropriate batch production record and must:

(1) Identify the specific deviation from the specification or the unanticipated occurrence;

(2) Describe your investigation into the cause of the deviation from the specification or the unanticipated occurrence;

(3) Evaluate whether or not the deviation from the specification or unanticipated occurrence has resulted in or could lead to adulteration;

(4) Identify the action(s) taken to correct and prevent a recurrence of the deviation or the unanticipated occurrence; and

(5) Discuss what you did with the component, dietary ingredient, dietary supplement, packaging, or label.