

(1) The weight or volume of the sample is equivalent to the composite weight or volume required for a multiple container sample;

(2) The sample is a composite of samples taken from all parts of the batch; and

(3) The sterility test method prescribed for the drug by the regulations in this chapter is "Bacterial membrane filter method" described in § 436.20(e)(1) of this chapter.

**§ 431.10 Certification.**

(a) If it appears to the Commissioner, after such investigation as he considers necessary, that:

(1) The information (including results of tests and assays) and samples required by or pursuant to the regulations in this chapter have been submitted, and the request for certification contains no untrue statement of a material fact; and

(2) The batch complies with the regulations in this chapter and conforms to the applicable standards of identity, strength, quality, and purity prescribed by the regulations in this chapter;

the Commissioner shall certify that such batch is safe and efficacious for use, subject to such conditions on the effectiveness of certificates as are prescribed by § 431.11 and shall issue to the person who requested it a certificate to that effect.

(b) If the Commissioner determines, after such investigation as he considers to be necessary, that the information submitted pursuant to the regulations in this chapter, or the batch covered by such request, does not comply with the requirements set forth in paragraph (a) of this section for the issuance of a certificate, the Commissioner shall refuse to certify such batch and shall give notice thereof to the person who requested certification, stating his reasons for refusal.

(c) All statements, samples, and other information and materials submitted in connection with a request for certification shall be considered to be part of such request.

(d) Compliance of a drug with the standards of identity, strength, quality, and purity prescribed by regulations in this chapter shall be deter-

mined by the tests and methods of assay prescribed for such drug by regulations issued under this chapter.

(e) The regulations in this chapter, prescribing tests and methods of assay for antibiotic and antibiotic-containing drugs, shall not be construed as preventing the Commissioner from using any other test or method of assay in his investigations to determine whether or not:

(1) A request for certification contains any untrue statement of a material fact; or

(2) A certification has been obtained through fraud, or through misrepresentation or concealment of a material fact.

(f) Except as specifically provided by the regulations in this chapter, no provision of any regulation shall be construed as exempting any certifiable antibiotic drug from any applicable provision of the act or any regulation thereunder.

**§ 431.11 Conditions on the effectiveness of certificates.**

(a) A certificate shall not become effective:

(1) If it is obtained through fraud or through misrepresentation or concealment of a material fact;

(2) With respect to any package unless it complies with the packaging requirements, if any, prescribed by the regulations in this chapter which were in effect on the date of the certificate;

(3) With respect to any package unless its label and labeling bear all words, statements, and other information required by the regulations in this chapter; or

(4) With respect to any package of a certifiable antibiotic drug subject to the regulations in this chapter, when it is included in a packaged combination with another drug, unless such other drug complies with the requirements of the regulations in this chapter.

(b) A certificate shall cease to be effective:

(1) With respect to any immediate container after the expiration date, if any, prescribed by the regulations in this chapter;

(2) With respect to any immediate container when it or its seal (if the regulations in this chapter require it to be