



Iowa Corn Processors
Quality Products From Maize

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Glidden, Iowa 51443
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LETTER OF CONTINUING GUARANTEE

Revised: 01/21

Iowa Corn Processors (“Supplier”), located at 20481 Sycamore Ave., Glidden, IA 51443, hereby certifies to the purchaser that:

The articles comprising each shipment or other delivery made hereafter (the “Products”) are guaranteed as of the date of such shipment or other delivery, to be on such date, to the extent applicable: (1) not adulterated or misbranded within the meaning of Federal Food, Drug and Cosmetic Act; (2) not an article which, under the provisions of section 404, 505, or 512 of the Act, may not be introduced into interstate commerce; and (3) not in violation of the regulations of any other governmental authority.

Notwithstanding the foregoing guarantees, representations and warranties in this letter of continuing guarantee, the purchaser acknowledges, agrees and accepts that the Products supplied are raw agricultural products that have not been treated or subject to any kill step or other control process by Supplier, and the Products are not intended for ready-to-eat consumption. The Products will be processed by the purchaser as determined solely by the purchaser. The purchaser (and not Supplier) shall be responsible for the merchantability, fitness and intended use of the food products the purchaser produces which incorporate the Products, including the use of a kill step and other HACCP and related safety controls that the purchaser uses in the production of its products for sale to consumers.

Provision 21 CFR 117.136 in the Preventive Controls for Human Food rule of the Food Safety and Modernization Act (FSMA) states that if a manufacturing or processing facility has identified a hazard requiring a preventive control, but does not implement a preventive control within their process than the manufacturing or processing facility must disclose the presence of the hazards that have not been controlled and receive a corresponding written assurance that the hazards will be controlled at some point downstream by a commercial customer, proved the facility. Supplier hereby discloses that corn and other grains and nutrients are raw agricultural products, and because of the natural environment and growing conditions under which they are grown there can be naturally occurring microbial pathogens present.

The undersigned agrees to indemnify the receiver for any damages or liabilities incurred by it, which are directly attributable to the undersigned’s actions in breach of the above guarantee.

THE REPRESENTATIONS, WARRANTIES AND GUARANTEES IN THIS LETTER OF CONTINUING GUARANTEE ARE SUBJECT IN ALL RESPECTS TO THE TERMS AND CONDITIONS OF THE SUPPLY AGREEMENT, INCLUDING WITHOUT LIMITATION THE WARRANTY DISCLAIMERS, LIMITATIONS OF LIABILITY, INDEMNIFICATION, GOVERNING LAW, JURISDICTION, VENUE AND DISPUTE RESOLUTION PROVISIONS OF THE SUPPLY AGREEMENT.

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