Food Code 1997 - Electronic Edition Note:

The text of the following reference is too large to practically distribute in this set along with the other references. The Table of Contents of this document is included to reflect the subjects covered in the complete document. In some cases, other materials from the original document, such as a list of Definitions, are included.

If using the Web Browser link feature, clicking on **GPOAccess** will take the Electronic Edition user to the original source of this file for ready on-line reference and full-text download if the user desires. Consult Annex 2 of the Food Code for information about accessing published editions of the Code of Federal Regulations.

[Code of Federal Regulations]
[Title 9, Volume 2, Parts 200 to end]
[Revised as of January 1, 1997]
From the U.S. Government Printing Office via GPO Access
[CITE: 9CFR381]

[Page 441-669]

TITLE 9--ANIMALS AND ANIMAL PRODUCTS

CHAPTER III--FOOD SAFETY AND INSPECTION SERVICE, MEAT AND POULTRY INSPECTION, DEPARTMENT OF AGRICULTURE

PART 381--POULTRY PRODUCTS INSPECTION REGULATIONS

Subpart A--Definitions

Sec.
381.1 Definitions.

Subpart B--Administration; Application of Inspection and Other Requirements

381.3 Administration.
381.4 Inspection in accordance with methods prescribed or approved.
381.5 Publications.
381.6 Establishments requiring inspection.
381.7 Coverage of all poultry and poultry products processed in official establishments.

Subpart C--Exemptions

381.10 Exemptions for specified operations.
381.11 Exemptions based on religious dietary laws.
381.12 Effect of religious dietary laws exemptions on other persons.
381.13 Suspension or termination of exemptions.
381.14 Inspection concerning purportedly exempted operations.
381.15 Exemption from definition of ``poultry product'' of certain human food products containing poultry.

Subpart D--Application for Inspection; Grant or Refusal of Inspection

381.16 How application shall be made.
381.17 Filing of application.
381.18 Authority of applicant.
381.19 Application for inspection; required facilities.
381.20 Survey and grant of inspection.
381.21 Refusal of inspection.
381.22 Conditions for receiving inspection.

Subpart E--Inauguration of Inspection; Official Establishment Numbers; Separation of Establishments and Other Requirements; Withdrawal of Inspection

381.25 Official establishment numbers.
381.26 Separation of establishments.
381.27 Inauguration of service; notification concerning regulations; status of uninspected poultry products.
381.28 Report of violations.
381.29 Suspension or other withdrawal of inspection service.

Subpart F--Assignment and Authorities of Program Employees; Appeals

381.30-381.31 [Reserved]
381.32 Access to establishments.
381.33 Identification.
381.34 Financial interest of inspectors.
381.35 Appeal inspections; how made.

Subpart G--Facilities for Inspection; Overtime and Holiday Service; Billing Establishments

381.36 Facilities required.
381.37 Schedule of operations.
381.38 Overtime and holiday inspection service.
381.39 Bases of billing for overtime and holiday services.

Subpart H--Sanitation

381.45 Minimum standards for sanitation, facilities, and operating procedures in official establishments.
381.46 Buildings.
381.47 Rooms and compartments.
381.48 Floors, walls, ceilings, etc.
381.49 Drainage and plumbing.
381.50 Water supply.
381.51 Lavatories, toilets, and other sanitary facilities.
381.52 Lighting and ventilation.
381.53 Equipment and utensils.
381.54 Accessibility of equipment.
381.55 Restrictions on use of equipment and utensils.
381.56 Maintenance of sanitary conditions and precautions against contamination of poultry products; PCB-containing equipment.
381.57 Cleaning of rooms and compartments.
381.58 Cleaning of equipment and utensils.
381.59 Vermin.
381.60 Use of compounds.
381.61 Cleanliness and hygiene of official establishment personnel.

Subpart I--Operating Procedures

381.65 Operations and procedures, generally.
381.66 Temperatures and chilling and freezing procedures.
381.67 Young chicken slaughter inspection rate maximums under traditional inspection procedure.
381.68 Maximum inspection rates--New turkey inspection system.

Subpart J--Ante Mortem Inspection

381.70 Ante mortem inspection; when required; extent.
381.71 Condemnation on ante mortem inspection.
381.72 Segregation of suspects on ante mortem inspection.
381.73 Quarantine of diseased poultry.
381.74 Poultry suspected of having biological residues.
381.75 Poultry used for research.

Subpart K--Post Mortem Inspection; Disposition of Carcasses and Parts

381.76 Post-mortem inspection, when required; extent; traditional, Streamlined Inspection System (SIS), New Line Speed (NELS) Inspection System and the New Turkey Inspection (NTI) System; rate of inspection.
381.77 Carcasses held for further examination.
381.78 Condemnation of carcasses and parts: separation of poultry suspected of containing biological residues.
381.79 Passing of carcasses and parts.
381.80 General; biological residues.
381.81 Tuberculosis.
381.82 Diseases of the leukosis complex.
381.83 Septicemia or toxemia.
381.84 Airsacculitis.
381.85 Special diseases.
381.86 Inflammatory processes.
381.87 Tumors.
381.88 Parasites.
381.89 Bruises.
381.90 Cadavers.
381.91 Contamination.
381.92 Overscald.
381.93 Decomposition.
381.94 Contamination with Microorganisms; process control verification criteria and testing; pathogen reduction standards.

Subpart L--Handling and Disposal of Condemned or Other Inedible Products at Official Establishments

381.95 Disposal of condemned poultry products.

Subpart M--Official Marks, Devices and Certificates; Export Certificates; Certification Procedures

381.96 Wording and form of the official inspection legend.
381.97 [Reserved]
381.98 Official seal.
381.99 Official retention and rejection tags.
381.100 Official detention tag.
381.101 Official U.S. Condemned mark.
381.102 [Reserved]
381.103 Official poultry condemnation certificates; issuance and form.
381.104 Official export certificates, marks and devices.
381.105 Export certification; marking of containers.
381.106 Form of official export certificate.
381.107 Special procedures as to certification of poultry products for export to certain countries.

381.108 Official poultry inspection certificates; issuance and disposition.
381.109 Form of official poultry inspection certificate.
381.110 Erasures or alterations made on certificates.
381.111 Data to be entered in proper spaces.
381.112 Official mark for maintaining the identity and integrity of samples.

Subpart N--Labeling and Containers

381.115 Containers of inspected and passed poultry products required to be labeled.
381.116 Wording on labels of immediate containers.
381.117 Name of product and other labeling.
381.118 Ingredients statement.
381.119 Declaration of artificial flavoring or coloring.
381.120 Antioxidants; chemical preservatives; and other additives.
381.121 Quantity of contents.
381.121a Quantity of contents labeling.
381.121b Definitions and procedures for determining net weight compliance.
381.121c Scale requirements for accurate weights, repairs, adjustments, and replacement after inspection.
381.121d Scales; testing of.
381.121e Handling of failed product.
381.122 Identification of manufacturer, packer or distributor.
381.123 Official inspection mark; official establishment number.
381.124 Dietary food claims.
381.125 Special handling label requirements.
381.126 Date of packing and date of processing; contents of cans.
381.127 Wording on labels of shipping containers.
381.128 Labels in foreign languages.
381.129 False or misleading labeling or containers.
381.130 False or misleading labeling or containers; orders to withhold from use.
381.131 Preparation of labeling or other devices bearing official inspection marks without advance approval prohibited; exceptions.
381.132 Labeling approval.
381.133 Generically approved labeling.
381.134 Requirement of formulas.
381.135 Irradiated poultry product.
381.136 Affixing of official identification.
381.137 Evidence of labeling and devices approval.
381.138 Unauthorized use or disposition of approved labeling or devices.

[[Page 443]]

381.139 Removal of official identifications.
381.140 Relabeling poultry products.
381.141-381.143 [Reserved]
381.144 Packaging materials.

Subpart O--Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements

381.145 Poultry products and other articles entering or at official establishments; examination and other requirements.
381.146 Sampling at official establishments.
381.147 Restrictions on the use of substances in poultry products.
381.148 Processing and handling requirements for frozen poultry products.
381.149 Irradiation of poultry product to control foodborne pathogens.
381.150 Requirements for the production of poultry breakfast strips, poultry rolls, and certain other poultry products.
381.151 Adulteration of product by polluted water; procedure for handling.
381.152 Preparation in an official establishment of articles not for human food.
381.153 Accreditation of chemistry laboratories.

Subpart P--Definitions and Standards of Identity or Composition

381.155 General.
381.156 Poultry meat content standards for certain poultry products.
381.157 Canned boned poultry and baby or geriatric food.
381.158 Poultry dinners (frozen) and pies.
381.159 Poultry rolls.
381.160 (Kind) burgers; (Kind) patties.
381.161 (Kind) A La Kiev.
381.162 ``(Kind) steak or fillet.''
381.163 ``(Kind) baked'' or ``(Kind) roasted.''
381.164 ``(Kind) barbecued.''
381.165 ``(Kind) barbecued prepared with moist heat.''
381.166 Breaded products.
381.167 Other poultry dishes and specialty items.
381.168 Maximum percent of skin in certain poultry products.
381.169 Ready-to-cook poultry products to which solutions are added.
381.170 Standards for kinds and classes, and for cuts of raw poultry.
381.171 Definition and standard for ``Turkey Ham.''
381.173 Mechanically Separated (Kind of Poultry).
381.174 Limitations with respect to use of Mechanically Separated (Kind of Poultry).

Subpart Q--Records, Registration, and Reports

381.175 Records required to be kept.
381.176 Place of maintenance of records.
381.177 Record retention period.
381.178 Access to and inspection of records, facilities and inventory; copying and sampling.
381.179 Registration.
381.180 Information and reports required from official establishment operators.
381.181 Reports by consignees of allegedly adulterated or misbranded products; sale or transportation as violations.
381.182 Reports of inspection work.

Subpart R--Cooperation With States and Territories; Certification of State and Territorial Programs as at Least Equal to Federal Program

381.185 Assistance to State and Territorial programs.
381.186 Cooperation of States and other jurisdictions in Federal programs.

Subpart S--Transportation; Exportation; or Sale of Poultry or Poultry Products

381.189 Provisions inapplicable to specimens for laboratory examination, etc., or to naturally inedible articles.
381.190 Transactions in slaughtered poultry and other poultry products restricted; vehicle sanitation requirements.
381.191 Distribution of inspected products to small lot buyers.
381.192 Penalties inapplicable to carriers.
381.193 Poultry carcasses, etc., not intended for human food.
381.194 Transportation and other transactions concerning dead, dying, disabled, or diseased poultry, and parts of carcasses of poultry that died otherwise than by slaughter.

Subpart T--Imported Poultry Products

381.195 Definitions; requirements for importation into the United States.
381.196 Eligibility of foreign countries for importation of poultry products into the United States.
381.197 Imported products; foreign inspection certificates required.
381.198 Importer to make application for inspection of poultry products offered for entry.
381.199 Inspection of poultry products offered for entry.
381.200 Poultry products offered for entry, retention in customs custody; delivery under bond; movement prior to inspection; handling; facilities and assistance.

381.201 Means of conveyance and equipment used in handling poultry products offered for entry to be maintained in sanitary condition.
381.202 Poultry products offered for entry; reporting of findings to customs; handling of articles refused entry; appeals, how made; denaturing procedures.
381.203 Products offered for entry; charges for storage, cartage, and labor with respect to products which are refused entry.
381.204 Marking of poultry products offered for entry; official import inspection marks and devices.
381.205 Labeling of immediate containers of poultry products offered for entry.
381.206 Labeling of shipping containers of poultry products offered for entry.
381.207 Small importations for consignee's personal use, display, or laboratory analysis.
381.208 Poultry products offered for entry and entered to be handled and transported as domestic; entry into official establishments; transportation.
381.209 Returned United States inspected and marked poultry products: exemption.

Subpart U--Detention; Seizure and Condemnation; Criminal Offenses

381.210 Poultry and other articles subject to administrative detention.
381.211 Method of detention; form of detention tag.
381.212 Notification of detention to the owner of the poultry or other article, or the owner's agent, and person having custody.
381.213 Notification of governmental authorities having jurisdiction over article detained; form of written notification.
381.214 Movement of poultry or other article detained; removal of official marks.
381.215 Poultry or other articles subject to judicial seizure and condemnation.
381.216 Procedure for judicial seizure, condemnation, and disposition.
381.217 Authority for condemnation or seizure under other provisions of law.
381.218 Criminal offenses.

Subpart V--Special Provisions for Designated States and Territories; Criteria and Procedure for Designating Establishments With Operations Which Would Clearly Endanger the Public Health; Disposition of Poultry Products Therein

381.220 Definition of ``State''.
381.221 Designation of States under paragraph 5(c) of the Act.
381.222 States designated under paragraph 5(c) of the Act; application of regulations.
381.223 Control and disposition of nonfederally inspected poultry products in States designated under paragraph 5(c) of the Act.
381.224 Designation of States under section 11 of the Act; application of sections of the Act and the regulations.
381.225 Criteria and procedure for designating establishments with operations which would clearly endanger the public health; disposition of poultry products therein.

Subpart W--Rules of Practice Governing Proceedings Under the Poultry Products Inspection Act

General

381.230 Scope and applicability of rules of practice.

Supplemental Rules of Practice

381.231 Refusal or withdrawal of inspection service under section 18(a) of the Act.
381.232 Withdrawal of inspection service for failure of an establishment to destroy any condemned carcass or part thereof or any condemned poultry product.
381.233 Withholding use of marking, labeling or containers from use under section 8 of the Poultry Products Inspection Act.
381.234 Refusal or withdrawal of inspection service under the Poultry Products Inspection Act for failure to comply with requirements as to premises, facilities, equipment, or the operation thereof.

Rules Applicable to the Suspension of the Assignment of Inspectors for

Threats to Forcibly Assault or Forcible Assault, Intimidation or Interference With Any Inspection Service Employee

381.235 Notification to operator of establishment of incident.
381.236 Procedure upon failure of operator of establishment to take action required by Sec. 381.29 of the regulations.

Subpart X--Canning and Canned Products

381.300 Definitions.
381.301 Containers and closures.
381.302 Thermal processing.
381.303 Critical factors and the application of the process schedule.
381.304 Operations in the thermal processing area.
381.305 Equipment and procedures for heat processing systems.
381.306 Processing and production records.
381.307 Record review and maintenance.
381.308 Deviations in processing.
381.309 Finished product inspection.

[[Page 445]]

381.310 Personnel and training.
381.311 Recall procedure.

Subpart Y--Nutrition Labeling

381.400 Nutrition labeling of poultry products.
381.401 [Reserved]
381.402 Location of nutrition information.
381.403-381.407 [Reserved]
381.408 Labeling of poultry products with number of servings.
381.409 Nutrition label content.
381.410-381.411 [Reserved]
381.412 Reference amounts customarily consumed per eating occasion.
381.413 Nutrient content claims; general principles.
381.414-381.442 [Reserved]
381.443 Significant participation for voluntary nutrition labeling.
381.444 Identification of major cuts of poultry products.
381.445 Guidelines for voluntary nutrition labeling of single-ingredient, raw products.
381.446-381.453 [Reserved]
381.454 Nutrient content claims for ``good source,'' ``high,'' and ``more''.
381.455 [Reserved]
381.456 Nutrient content claims for ``light'' or ``lite''.
381.457-381.459 [Reserved]
381.460 Nutrient content claims for calorie content.
381.461 Nutrient content claims for the sodium content.
381.462 Nutrient content claims for fat, fatty acids, and cholesterol content.
381.463 Nutrient content claims for ``healthy.''
381.464-381.468 [Reserved]
381.469 Labeling applications for nutrient content claims.
381.470-381.479 [Reserved]
381.480 Label statements relating to usefulness in reducing or

maintaining body weight.
381.481-381.499 [Reserved]
381.500 Exemption from nutrition labeling.

Authority: 7 U.S.C. 138f, 450; 21 U.S.C. 451-470; 7 CFR 2.18, 2.53.

Source: 37 FR 9706, May 16, 1972, unless otherwise noted.

Subpart A--Definitions

Sec. 381.1 Definitions.

(a) For the purposes of the regulations in this part, unless otherwise required by the context, the singular form shall also import the plural and the masculine form shall also import the feminine, and vice versa.

(b) For the purposes of such regulations, unless otherwise required by the context, the following terms shall be construed, respectively, to mean:

(1) Acceptable. ``Acceptable'' means suitable for the purpose intended and acceptable to the Administrator.

(2) Act. ``Act'' means the Poultry Products Inspection Act (71 Stat. 441, as amended by the Wholesome Poultry Products Act, 82 Stat. 791; 21 U.S.C. 451 et seq.).

(3) Administrator. ``Administrator'' means the Administrator of the Food Safety and Inspection Service of the Department or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated the authority to act in his stead.

(4) Adulterated. ``Adulterated'' applies to any poultry product under one or more of the following circumstances:

(i) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

(ii)(a) If it bears or contains (by reason of administration of any substance to the live poultry or otherwise) any added poisonous or added deleterious substance (other than one which is a pesticide chemical in or on a raw agricultural commodity; a food additive; or a color additive) which may, in the judgment of the Administrator, make such article unfit for human food;

(b) If it is, in whole or part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act;

(c) If it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act;

(d) If it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug, and Cosmetic Act:

Provided, That an article which is not otherwise deemed adulterated under paragraphs (b)(4)(ii) (b), (c), or (d) of

this section shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive in or on such article is prohibited by the regulations in this part in official establishments;

(iii) If it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;

(iv) If it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

(v) If it is, in whole or in part, the product of any poultry which has died otherwise than by slaughter;

(vi) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

(vii) If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act; or

(viii) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

(5) Animal food manufacturer. ``Animal Food Manufacturer'' means any person engaged in the business of manufacturing or processing animal food.

(6) Applicant. ``Applicant'' means any person who requests inspection service, exemption, or other authorization under the regulations.

(7) Biological residue. ``Biological Residue'' means any substance, including metabolites, remaining in poultry at the time of slaughter or in any of its tissues after slaughter, as the result of treatment or exposure of the live poultry to a pesticide, organic compound, metallic or other inorganic compound, hormone, hormone-like substance, growth promoter, antibiotic, anthelmintic, tranquilizer, or other agent that leaves a residue.

(8) Capable of use as human food. The term ``capable of use as human food'' applies to any carcass, or part or product of a carcass of any poultry, unless it is denatured or otherwise identified as required by the regulations, or it is naturally inedible by humans.

(9) Carcass. This term means all parts, including viscera, of any slaughtered poultry.

(10) Commerce. ``Commerce'' means commerce between any State, any territory, or the District of Columbia, and any place outside thereof; or within any territory not organized with a legislative body, or the District of Columbia.

(11) Consumer package. ``Consumer package'' means any container in which a poultry product is enclosed for the purpose of display and sale to household consumers.

(12) Container. The term ``container'' includes any box, can, tin, cloth, plastic, or any other receptacle, wrapper, or cover.

(13) Department. ``Department'' means the United States Department

of Agriculture.

(14)-(15) [Reserved]

(16) Edible. This term means that an article is intended for use as human food.

(17) Egg Products Inspection Act. ``Egg Products Inspection Act'' means the Act so entitled, approved December 29, 1970 (84 Stat. 1620, 21 U.S.C. 1031 et seq.).

(18) Federal Food, Drug, and Cosmetic Act. ``Federal Food, Drug, and Cosmetic Act'' means the Act so entitled, approved June 25, 1938 (52 Stat. 1040), and acts amendatory thereof or supplementary thereto (21 U.S.C. 301 et seq.).

(19) Federal Meat Inspection Act. ``Federal Meat Inspection Act'' means the Act so entitled, approved March 4, 1907, 34 Stat. 1260, as amended by the Wholesome Meat Act, 81 Stat. 584 (21 U.S.C. 601 et seq.).

(20) Free from protruding pinfeathers. ``Free from protruding pinfeathers'' means that the carcass is free from protruding pinfeathers which are visible to an inspector during an examination of the carcass at normal operating

[[Page 447]]

speeds. However, a carcass may be considered as being free from protruding pinfeathers if it has a generally clean appearance (especially on the breast), and if not more than an occasional protruding pinfeather is in evidence during a more careful examination of the carcass.

(21) Giblets. ``Giblets'' means the liver from which the bile sac has been removed, the heart from which the pericardial sac has been removed, and the gizzard from which the lining and contents have been removed: Provided, That each such organ has been properly trimmed and washed.

(22) Immediate container. ``Immediate container'' includes any consumer package; or any other container in which poultry products, not consumer packaged, are packed.

(23) Inedible. This term means any carcass or any part of a carcass that is either naturally inedible by humans or is rendered unfit for human food by reason of adulteration or denaturing.

(24) Inspected for wholesomeness. This term means that the poultry product so identified has been inspected and was found at the time of such inspection to be not adulterated.

(25) Inspection. ``Inspection'' means any inspection required by the regulations to determine whether any poultry or poultry products comply with the requirements of the Act and the regulations.

(26) Inspection Service. ``Inspection Service'' means the organizational unit within the Department having the responsibility for carrying out the provisions of the Act.

(27)(i) Inspection Service employee. This term refers to any employee of the Inspection Service who is authorized to perform any function under the regulations.

(ii) Inspection Service supervisor. This term refers to any employee of the Inspection Service who is delegated authority to exercise supervision over certain phases of the inspection program at a designated level.<SUP>1

1Information identifying the employees who have been delegated such

authority at various levels may be obtained from an inspector or from the Administrator, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

---

(28)(i) Inspector. ``Inspector'' means (a) an employee or official of the U.S. Government authorized by the Administrator to inspect poultry and poultry products under the authority of this Act, or (b) any employee or official of the government of any State or Territory or the District of Columbia authorized by the Administrator to inspect poultry and poultry products under the authority of this Act, under an agreement entered into between the Administrator and the appropriate State or other agency.

(ii) Inspector in Charge. This term means the inspector primarily responsible for the conduct of inspection at any particular official establishment.

(29) Label. This term applies to any display of written, printed, or graphic matter upon any article or the immediate container (not including package liners) of any article.

(30) Labeling. This term applies to all labels and other written, printed, or graphic matter (i) upon any article or any of its containers or wrappers, or (ii) accompanying such article.

(31) Misbranded. This term applies to any poultry product under one or more of the following circumstances:

(i) If its labeling is false or misleading in any particular;

(ii) If it is offered for sale under the name of another food;

(iii) If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word ``imitation'' and immediately thereafter, the name of the food imitated;

(iv) If its container is so made, formed, or filled as to be misleading;

(v) If in a package or other container, unless it bears a label showing:

(a) The name and place of business of the manufacturer, packer, or distributor; and

(b) An accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; except as otherwise provided in Sec. 381.121(a) with respect to the quantity of contents;

(vi) If any word, statement, or other information required by or under authority of the Act to appear on the label or other labeling is not prominently placed thereon with such conspicuousness (as compared with other

[[Page 448]]

words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(vii) If it purports to be or is represented as a food for which a definition and standard of identity or composition is prescribed by the regulations in subpart P of this part unless:

(a) It conforms to such definition and standard, and

(b) Its label bears the name of the food specified in the definition and standard, and insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food.

(viii) If it purports to be or is represented as a food for which a standard or standards of fill of container have been prescribed by regulations of the Secretary,<SUP>2 and falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard;

<SUP>2No such standards are currently in effect. However, Sec. 381.129 prohibits the use of false or misleading containers.

(ix) If it is not subject to the provisions of paragraph (b)(31)(vii) of this section, unless its label bears:

(a) The common or usual name of the food, if any there be, and

(b) In case it is fabricated from two or more ingredients, the common or usual name of each ingredient, except as otherwise provided in Sec. 381.118(c);

(x) If it purports to be or is represented for special dietary uses, unless the label bears such information concerning its vitamin, mineral, and other dietary properties as is required by Sec. 381.124;

(xi) If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears a label stating that fact; except as otherwise provided in Sec. 381.119, or

(xii) If it fails to bear, directly thereon or on its containers, when required by Sec. 381.123, the official inspection legend and the official establishment number of the establishment where the product was processed; and unrestricted by any of the foregoing; such other information as the Administrator may require in the regulations to assure that it will not have false or misleading labeling and that the public will be informed of the manner of handling required to maintain the article in a wholesome condition.

(32) Nonfood compounds. Any substance proposed for use in official establishments, the intended use of which will not result, directly or indirectly, in the substance becoming a component or otherwise affecting the characteristics of poultry or poultry products, excluding labeling and packaging materials as covered in subpart N of this part.

(33) Official establishment. ``Official establishment'' means any establishment as determined by the Administrator at which inspection of the slaughter of poultry, or the processing of poultry products, is maintained pursuant to the regulations.

(34) Official mark. This term means any symbol prescribed in subpart M of this part to identify the status of any article or poultry under the Act.

(35) Official inspection legend. This term means the official inspection mark prescribed in Sec. 381.96 or the official poultry identification mark prescribed in Sec. 381.97, showing that an article was inspected for wholesomeness and passed in accordance with the Act.

(36) Official certificate. This term means any certificate prescribed in subpart M of this part relating to poultry or poultry products.

(37) Official device. This term means any label or other device prescribed in subpart M of this part for use in applying any official mark.

(38) Pesticide chemical, food additive, color additive, raw agricultural commodity. These terms shall have the same meanings for the

purposes of the Act and the regulations as under the Federal Food, Drug, and Cosmetic Act.

(39) Potable water. ``Potable water'' means water that has been approved by the State health authority or other agency or laboratory acceptable to the Administrator as safe for drinking and suitable for food processing.

(40) Poultry. ``Poultry'' means any domesticated bird (chickens, turkeys,

[[Page 449]]

ducks, geese, or guineas), whether live or dead.

(41) Poultry product. (i) This term means any poultry carcass or part thereof; or any product which is made wholly or in part from any poultry carcass or part thereof, excepting those exempted from definition as a poultry product in Sec. 381.15. Except where the context requires otherwise (e.g., in paragraph (b)(42) of this section), this term is limited to articles capable of use as human food.

(ii) Poultry food product. This term means any product capable of use as human food which is made in part from any poultry carcass or part thereof, excepting those exempted from definition as a poultry product in Sec. 381.15.

(42) Poultry products broker. ``Poultry products broker'' means any person engaged in the business of buying or selling poultry products on commission, or otherwise negotiating purchases or sales of such articles other than for his own account or as an employee of another person.

(43) Process. Process used as a verb means to conduct any operation or combination of operations, whereby poultry is slaughtered, eviscerated, canned, salted, stuffed, rendered, boned, cut up, or otherwise manufactured or processed. The term ``process'' does not refer to freezing of poultry products, except when freezing is incidental to operations otherwise classed as ``processing'' under this paragraph.

(44) Ready-to-cook poultry. ``Ready-to-cook poultry'' means any slaughtered poultry free from protruding pinfeathers, vestigial feathers (hair or down as the case may be) and from which the head, feet, crop, oil gland, trachea, esophagus, entrails, mature reproductive organs, and lungs have been removed, and in the case of certain mature poultry, as defined in Sec. 381.170(a) (1)(vi), (vii) and (2)(iv), the kidneys have been removed in accordance with the requirements of Sec. 381.65(d), and with or without the giblets, and which is suitable for cooking without need of further processing. Ready-to-cook poultry also means any cut-up or disjointed portion of poultry or other parts of poultry such as reproductive organs, head, or feet that are suitable for cooking without need of further processing.

(45) Regulations. ``Regulations'' means the provisions of this entire part.

(46) Renderer. ``Renderer'' means any person engaged in the business of rendering carcasses, or parts or products of the carcasses, of poultry, except rendering conducted under inspection or exemption pursuant to the regulations.

(47) Secretary. ``Secretary'' means the Secretary of Agriculture of the United States or his delegate.

(48) Shipping container. ``Shipping container'' means any container used or intended for use in packaging the product packed in an immediate container.

(49) Slaughter. ``Slaughter'' means the act of killing poultry for

human food.

(50) State. Except as otherwise provided in Sec. 381.220 ``State'' means any State of the United States and the Commonwealth of Puerto Rico.

(51)(i) Supervision. This term means the controls, as prescribed in instructions to Inspection Service employees, to be exercised by them over particular operations to insure that such operations are conducted in compliance with the Act and the regulations in this part.

(ii) Circuit supervisor. This term refers to the official of the Inspection Service who is assigned responsibility for supervising the conduct of inspection at a specific group of official establishments.

(52) Territory. The term ``territory'' means Guam, the Virgin Islands of the United States, American Samoa, and any other territory or possession of the United States, excluding the Canal Zone.

(53) United States. This term means the States, the District of Columbia, and the territories of the United States.

(54) U.S. Detained. This term is applicable to poultry, poultry products, and other articles which are held in official custody in accordance with section 19 of the Act and Sec. 381.210, pending disposal as provided in said section 19.

(55) U.S. Condemned. This term means that the poultry carcass, or part or

product of a poultry carcass, so identified was inspected and found to be adulterated and is condemned.

(56) U.S. Refused Entry. This term means that the slaughtered poultry or other poultry product so identified was presented for inspection for entry into the United States and was found not to comply with the requirements of the Act.

(57) U.S. Rejected. This term means that the equipment or facility so identified is prohibited from being used in the processing of any poultry or poultry product until such equipment or facility is found by an inspector to be sanitary and otherwise eligible for use under the regulations.

(58) U.S. Retained. This term means that the poultry or carcass, or part or product of a carcass, of poultry so identified is held at an official establishment by the inspection service for further determination as to its disposal.

(59) Packaging material. Any cloth, paper, plastic, metal, or other material used to form a container, wrapper, label, or cover for poultry products.

(60) Animal food. Any article intended for use as food for dogs, cats, or other animals, derived wholly, or in part, from carcasses or parts or products of the carcass of poultry, except that the term animal food as used herein does not include (i) processed dry animal food or (ii) livestock or poultry feeds manufactured from processed poultry byproducts (such as poultry byproduct meal, hydrolyzed poultry feathers, and hydrolyzed poultry byproducts aggregate).

(61) Import Field Office (IFO). The office of the supervisor of import inspection activities for a particular importing field area. The areas are as follows:

IFO 1. Boston, MA--Covering the States of Massachusetts, New York (excluding New York City), Connecticut, Rhode Island, Vermont, New Hampshire, and Maine.

IFO 2. New York, NY--Covering the areas of New York City and northern New Jersey.

IFO 3. Philadelphia, PA--Covering the State of Pennsylvania and the area of southern New Jersey.

IFO 4. Baltimore, MD--Covering the States of Maryland, Delaware, West Virginia, Virginia and Kentucky.

IFO 5. Charleston, SC--Covering the States of Tennessee, North Carolina, South Carolina, Georgia, and Florida (excluding south Florida).

IFO 6. Miami, FL--Covering the areas of southern Florida, Puerto Rico and the Virgin Islands.

IFO 7. New Orleans, LA--Covering the States of Louisiana, Mississippi, Alabama, Arkansas, Texas, Oklahoma, Kansas, New Mexico and Colorado.

IFO 8. San Pedro, CA--Covering the States of Hawaii, Arizona, Utah, Nevada, the area of southern California, American Samoa, Guam, and the Northern Marianas.

IFO 9. Tacoma, WA--Covering the States of Washington, Oregon, Idaho, Montana, Wyoming, North Dakota, South Dakota, Alaska, and Nebraska, and the area of northern California.

IFO 10. Detroit, MI--Covering the States of Michigan, Wisconsin, Minnesota, Iowa, Missouri, Illinois, Indiana and Ohio.

(62) Import Supervisor. The official in charge of import inspection activities within each of the import field offices.

(c) For the purposes of the standard for cooked, smoked sausage (Sec. 319.180 of this chapter), the term ``poultry byproduct'' means the skin, fat, gizzard, heart, or liver, or any combination thereof, of any poultry.

[37 FR 9706; May 16, 1972, as amended at 39 FR 4568, Feb. 5, 1974; 40 FR 42338, Sept. 12, 1975; 48 FR 6091, Feb. 10, 1983; 49 FR 2236, Jan. 19, 1984; 49 FR 3643, Jan. 30, 1984; 49 FR 47478, Dec. 5, 1984; 51 FR 37709, Oct. 24, 1986]