[excerpts] http://law.house.gov/uscsrch.htm

-CITE-

21 USC CHAPTER 12 - MEAT INSPECTION 01/16/96

-EXPCITE-

TITLE 21 - FOOD AND DRUGS

CHAPTER 12 - MEAT INSPECTION

.

-HEAD-

CHAPTER 12 - MEAT INSPECTION

-MISC1-

SUBCHAPTER I - INSPECTION REQUIREMENTS; ADULTERATION AND MISBRANDING

Sec.

601. Definitions.

602. Congressional statement of findings.

603. Inspection of meat and meat food products.

(a) Examination of animals before slaughtering; diseased animals slaughtered separately and carcasses examined.

(b) Humane methods of slaughter.

604. Post mortem examination of carcasses and marking or labeling; destruction of carcasses condemned; reinspection.

605. Examination of carcasses brought into slaughtering or packing establishments, and of meat food products issued from and returned thereto; conditions for entry.

606. Inspectors of meat food products; marks of inspection;

destruction of condemned products; products for export.

607. Labeling, marking, and container requirements.

(a) Labeling receptacles or coverings of meat or meat food products inspected and passed; supervision by inspectors.

(b) Information on articles or containers; legible form.

(c) Labeling: type styles and sizes; definitions and standards of identity or composition; standards of fill of container; consistency of Federal and Federal-State standards.

(d) Sales under false or misleading name, other marking or labeling or in containers of misleading form or size; trade names, and other marking, labeling, and containers approved by Secretary.

(e) Use withholding directive respecting false or misleading marking, labeling, or container; modification of false or misleading matter; hearing; withholding use pending proceedings; finality of Secretary's action; judicial review; application of section 194 of title 7.

608. Sanitary inspection and regulation of slaughtering and packing establishments; rejection of adulterated meat or meat food products.

609. Examination of animals and food products thereof, slaughtered and prepared during nighttime.

610. Prohibited acts.

(a) Slaughtering animals or preparation of articles capable of use as human food.

(b) Humane methods of slaughter.

(c) Sales, transportation, and other transactions.

(d) Adulteration or misbranding.

611. Devices, marks, labels, and certificates; simulations.

(a) Devices to be made under authorization of Secretary.

(b) Other misconduct.

612. Inspection of animals for export.

613. Inspectors of animals for export; certificates of condition.

614. Clearance prohibited to vessel carrying animals for export without inspector's certificate.

615. Inspection of carcasses, meat of which is intended for export.

616. Inspectors of carcasses, etc., meat of which is intended for export; certificates of condition.

617. Clearance prohibited to vessel carrying meat for export without inspector's certificate.

618. Delivery of inspectors' certificates, and of copies.

619. Marking, labeling, or other identification of kinds of animals of articles' derivation; separate establishments for preparation and slaughtering activities.

620. Imports.

(a) Adulteration or misbranding prohibition; compliance with inspection, building construction standards, and other provisions; humane methods of slaughter; treatment as domestic articles subject to this chapter and

food, drug, and cosmetic provisions; marking and labeling; personal consumption exemption.

(b) Terms and conditions for destruction.

(c) Payment of storage, cartage, and labor charges by owner or consignee; liens.

(d) Prohibition.

(e) Reports to Congressional committees.

(f) Inspection and other standards; applicability, enforcement, etc.; certifications.

(g) Administration of animal drugs or antibiotics; terms and conditions; entry order violations.

(h) Reciprocal meat inspection requirement.

621. Inspectors to make examinations provided for; appointment; duties; regulations.

622. Bribery of or gifts to inspectors or other officers and acceptance of gifts.

623. Exemptions from inspection requirements.

(a) Personal slaughtering and custom slaughtering for personal, household, guest, and employee uses.

(b) Territorial exemption; refusal, withdrawal, or modification.

(c) Pizzas containing meat food products.

(d) Adulteration and misbranding provisions applicable to inspection-free articles.

624. Storage and handling regulations; violations; exemption of establishments subject to non-Federal jurisdiction.

SUBCHAPTER II - MEAT PROCESSORS AND RELATED INDUSTRIES

641. Prohibition of subchapter I inspection of articles not

intended for use as human food; denaturation or other identification prior to distribution in commerce; inedible articles.

642. Recordkeeping requirements.

(a) Classes of persons bound; scope of disclosure; access to places of business; examination of records, facilities, and inventories; copies; samples.

(b) Period of maintenance.

643. Registration of business, name of person, and trade names.

644. Regulation of transactions, transportation, or importation of 4-D animals to prevent use as human food.

645. Federal provisions applicable to State or Territorial business transactions of a local nature and not subject to local authority.

SUBCHAPTER III - FEDERAL AND STATE COOPERATION

661. Federal and State cooperation.

(a) Congressional statement of policy.

(b) Single State agency; subordinate governmental unit as part of State agency.

(c) State meat inspection requirements.

(d) "State" defined.

SUBCHAPTER IV - AUXILIARY PROVISIONS

671. Inspection services; refusal or withdrawal; hearing; business unfitness based upon certain convictions; other provisions for withdrawal of services unaffected; responsible connection with business; finality of Secretary's actions; judicial review; record.

672. Administrative detention; duration; pending judicial proceedings; notification of governmental authorities; release.

673. Seizure and condemnation.

(a) Proceedings in rem; libel of information; jurisdiction; disposal by destruction or sale; proceeds into the Treasury; sales restrictions; bond; court costs and fees, storage, and other expenses against claimants; proceedings in admiralty; jury trial; United States as plaintiff.

(b) Condemnation or seizure under other provisions unaffected.

674. Federal court jurisdiction of enforcement and injunction proceedings and other kinds of cases; limitations of section 607(e) of this title.

675. Assaulting, resisting, or impeding certain persons; murder; protection of such persons.

676. Violations.

(a) Misdemeanors; felonies: intent to defraud and distribution of adulterated articles; good faith.

(b) Minor violations; written notice of warning of criminal and civil proceedings.

677. Other Federal laws applicable for administration and enforcement of chapter; location of inquiries; jurisdiction of Federal courts.

678. Non-Federal jurisdiction of federally regulated matters; prohibition of additional or different requirements for

establishments with inspection services and as to marking, labeling, packaging, and ingredients; recordkeeping and related requirements; concurrent jurisdiction over distribution for human food purposes of adulterated or misbranded and imported articles; other matters.

679. Application of Federal Food, Drug, and Cosmetic Act.

(a) Authorities under food, drug, and cosmetic provisions unaffected.

(b) Enforcement proceedings; detainer authority of representatives of Secretary of Health and Human Services.

680. Authorization of appropriations.

SUBCHAPTER V - MISCELLANEOUS PROVISIONS

691. Reports to Congressional committees.

692. Inspection extended to reindeer.

693. Inspection of dairy products for export.

694. Authorization of appropriations.

695. Payment of cost of meat-inspection service; exception.

-SECREF-

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 321, 392 of this title; title 7 sections 138f, 6519.

Sec. 601. Definitions

-STATUTE-

As used in this chapter, except as otherwise specified, the following terms shall have the meanings stated below:

(a) The term "Secretary" means the Secretary of Agriculture of the United States or his delegate.

(b) The term "firm" means any partnership, association, or other unincorporated business organization.

(c) The term "meat broker" means any person, firm, or corporation engaged in the business of buying or selling carcasses, parts of carcasses, meat, or meat food products of cattle, sheep, swine, goats, horses, mules, or other equines on commission, or otherwise negotiating purchases or sales of such articles other than for his own account or as an employee of another person, firm, or corporation.

(d) The term "renderer" means any person, firm, or corporation engaged in the business of rendering carcasses or parts or products of the carcasses, of cattle, sheep, swine, goats, horses, mules, or other equines, except rendering conducted under inspection or exemption under this subchapter.

(e) The term "animal food manufacturer" means any person, firm, or corporation engaged in the business of manufacturing or processing animal food derived wholly or in part from carcasses, or parts of products of the carcasses, of cattle, sheep, swine, goats, horses, mules, or other equines.

(f) The term "State" means any State of the United States and the Commonwealth of Puerto Rico.

(g) 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.

(h) The term "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.

(i) The term "United States" means the States, the District of Columbia, and the Territories of the United States.

(j) The term "meat food product" means any product capable of use as human food which is made wholly or in part from any meat or other portion of the carcass of any cattle, sheep, swine, or goats, excepting products which contain meat or other portions of such carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry, and which are exempted from definition as a meat food product by the Secretary under such conditions as he may prescribe to assure that the meat or other portions of such carcasses contained in such product are not adulterated and that such products are not represented as meat food products. This term as applied to food products of equines shall have a meaning comparable to that provided in this paragraph with respect to cattle, sheep, swine, and goats.

(k) The term "capable of use as human food" shall apply to any carcass, or part or product of a carcass, of any animal, unless it is denatured or otherwise identified as required by regulations prescribed by the Secretary to deter its use as human food, or it is naturally inedible by humans.

(l) The term "prepared" means slaughtered, canned, salted, rendered, boned, cut up, or otherwise manufactured or processed.

(m) The term "adulterated" shall apply to any carcass, part thereof, meat or meat food product under one or more of the following circumstances:

(1) 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;

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

(B) if it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 346a of this title,

(C) if it bears or contains any food additive which is unsafe within the meaning of section 348 of this title,

(D) if it bears or contains any color additive which is unsafe within the meaning of section 379e of this title: Provided, That an article which is not adulterated under clause (B), (C), or (D) shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive in or on such article is prohibited by regulations of the Secretary in establishments at which inspection is maintained under this subchapter;

(3) 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;

(4) 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;

(5) if it is, in whole or in part, the product of an animal which has died otherwise than by slaughter;

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

(7) 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 348 of this title;

(8) 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; or

(9) if it is margarine containing animal fat and any of the raw material used therein consisted in whole or in part of any filthy, putrid, or decomposed substance.

(n) The term "misbranded" shall apply to any carcass, part thereof, meat or meat food product under one or more of the following circumstances:

(1) if its labeling is false or misleading in any particular;

(2) if it is offered for sale under the name of another food;

(3) 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;

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

(5) 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: Provided, That under clause (B) of this subparagraph (5), reasonable variations may be permitted, and exemptions as to small packages may be established, by regulations prescribed by the Secretary;

(6) if any word, statement, or other information required by or under authority of this chapter to appear on the label or other labeling is not prominently placed thereon with such conspicuousness (as compared with other 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;

(7) if it purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by regulations of the Secretary under section 607 of this title 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;

(8) 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 under section 607 of this title, and it 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;

(9) if it is not subject to the provisions of subparagraph (7), 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 such ingredient; except that spices, flavorings, and colorings may, when authorized by the Secretary, be designated as spices, flavorings, and colorings without naming each: Provided, That to the extent that compliance with the requirements of clause (B) of this subparagraph (9) is impracticable, or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the Secretary;

(10) if it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the Secretary, after consultation with the Secretary of Health and Human Services, determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers as to its value for such uses;

(11) if it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact: Provided, That, to the extent that compliance with the requirements of this subparagraph (11) is

impracticable, exemptions shall be established by regulations promulgated by the Secretary; or

(12) if it fails to bear, directly thereon or on its container, as the Secretary may by regulations prescribe, the inspection legend and, unrestricted by any of the foregoing, such other information as the Secretary may require in such 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.

(o) The term "label" means a display of written, printed, or graphic matter upon the immediate container (not including package liners) of any article.

(p) The term "labeling" means all labels and other written, printed, or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying such article.

(q) The term "Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.)" means the Act so entitled, approved June 25, 1938 (52 Stat. 1040), and Acts amendatory thereof or supplementary thereto.

(r) The terms "pesticide chemical," "food additive," "color additive," and "raw agricultural commodity" shall have the same meanings for purposes of this chapter as under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(s) The term "official mark" means the official inspection legend or any other symbol prescribed by regulations of the Secretary to identify the status of any article or animal under this chapter.

(t) The term "official inspection legend" means any symbol

prescribed by regulations of the Secretary showing that an article was inspected and passed in accordance with this chapter.

(u) The term "official certificate" means any certificate prescribed by regulations of the Secretary for issuance by an inspector or other person performing official functions under this chapter.

(v) The term "official device" means any device prescribed or authorized by the Secretary for use in applying any official mark.

-SOURCE-

(Mar. 4, 1907, ch. 2907, title I, Sec. 1, as added Dec. 15, 1967, Pub. L. 90-201, Sec. 2, 81 Stat. 584; amended Oct. 17, 1979, Pub. L. 96-88, title V, Sec. 509(b), 93 Stat. 695; Oct. 29, 1992, Pub. L. 102-571, title I, Sec. 107(14), 106 Stat. 4499.)

-REFTEXT-

REFERENCES IN TEXT

The Federal Food, Drug, and Cosmetic Act, referred to in pars. (q) and (r), is act June 25, 1938, ch. 675, 52 Stat. 1040, as amended, which is classified generally to chapter 9 (Sec. 301 et seq.) of this title. For complete classification of this Act to the Code, see section 301 of this title and Tables.

-MISC2-

AMENDMENTS

1992 - Subsec. (m)(2)(D). Pub. L. 102-571 substituted "379e" for "376".

-CHANGE-

CHANGE OF NAME

"Secretary of Health and Human Services" substituted for "Secretary of Health, Education, and Welfare" in par. (n)(10)

pursuant to section 509(b) of Pub. L. 96-88, which is classified to section 3508(b) of Title 20, Education.

-MISC4-

EFFECTIVE DATE

Section 20 of Pub. L. 90-201 provided that: "This Act (see Short Title note below) shall become effective upon enactment (Dec. 15, 1967) except as provided in paragraphs (a) through (d):

"(a) The provisions of paragraph (b)(1) and (c) of section 10 and the provisions of section 20 of the Federal Meat Inspection Act, as amended by sections 7 and 10 of this Act (sections 610 and 620 of this title), and the provisions of section 18 of this Act repealing paragraph (b) of section 306 of the Tariff Act of 1930 (section 1306(b) of Title 19, Customs Duties), shall become effective upon the expiration of sixty days after enactment (Dec. 15, 1967), hereof.

"(b) The provisions of title I of the Federal Meat Inspection Act, as amended by this Act (this subchapter), shall become effective with respect to equines (other than horses) and their carcasses and parts thereof, meat, and meat food products thereof upon the expiration of sixty days after enactment (Dec. 15, 1967) hereof.

"(c) Section 11 of this Act, amending section 23, of the Federal Meat Inspection Act (section 623 of this title), shall become effective upon the expiration of sixty days after enactment hereof (Dec. 15, 1967).

"(d) Section 204 of the Federal Meat Inspection Act, as added by section 14 of this Act (section 644 of this title), shall become effective upon the expiration of sixty days after enactment hereof

(Dec. 15, 1967)."

SHORT TITLE OF 1986 AMENDMENT

Pub. L. 99-641, title IV, Sec. 401, Nov. 10, 1986, 100 Stat. 3567, provided that: "This title (amending sections 606, 609, 621, 671, and 676 of this title and enacting provisions set out as notes under sections 606, 609, 621, 671, and 676 of this title) may be cited as the 'Processed Products Inspection Improvement Act of 1986'."

SHORT TITLE OF 1978 AMENDMENT

Pub. L. 95-445, Sec. 1, Oct. 10, 1978, 92 Stat. 1069, provided: "That this Act (amending sections 603, 610, and 620 of this title and sections 1902 and 1904 of Title 7, Agriculture, repealing sections 1903 and 1905 of Title 7, and enacting provisions set out as notes under this section and section 603 of this title) may be cited as the 'Humane Methods of Slaughter Act of 1978'."

SHORT TITLE

Section 1 of Pub. L. 90-201 provided in part: "That this Act (enacting this section and sections 602, 624, 641 to 645, 661, 671 to 680, and 691 of this title, amending sections 603 to 623 of this title, repealing section 96 of this title and section 1306(b) of Title 19, Customs Duties, and enacting provisions set out as notes under this section) may be cited as the 'Wholesome Meat Act'."

Section 1 of Pub. L. 90-201 provided in part that the provisions of act Mar. 4, 1907, as amended, classified to subchapters I to IV of this chapter, are designated as the "Federal Meat Inspection Act".

SEPARABILITY

Section 19 of Pub. L. 90-201 provided that: "If any provision of

this Act or of the amendments made hereby (see Short Title note above) or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and the remaining amendments (see Short Title note above) and of the application of such provision to other persons and circumstances shall not be affected thereby.''

-SECREF-

ACT REFERRED TO IN OTHER SECTIONS

The Wholesome Meat Act is referred to in section 1053 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 607, 673, 676 of this title; title 15 sections 2052, 2602.