

**§ 381.174**

content exceeding 0.235 percent when made from mature chickens or from turkeys as defined in §381.170(a)(1)(vi) and (vii) and (a)(2), respectively, or 0.175 percent when made from other poultry, based on the weight of product that has not been heat treated, as a measure of a bone solids content of not more than 1 percent.

(d) "Mechanically Separated (Kind of Poultry)" may be used in the formulation of poultry products in accordance with §381.174 and meat food products in accordance with subchapter A of this chapter.

(e) Product resulting from the mechanical separation process that fails to meet the bone particle size or calcium content requirements for "Mechanically Separated (Kind of Poultry)" shall be used only in producing poultry extractives, including fats, stocks, and broths and labeled as "Mechanically Separated (Kind of Poultry) for Further Processing."

[60 FR 55983, Nov. 3, 1995]

**§ 381.174 Limitations with respect to use of Mechanically Separated (Kind of Poultry).**

(a) A poultry product required to be prepared from a particular kind of poultry (e.g., chicken) shall not contain "Mechanically Separated (Kind of Poultry)" described in §381.173, that is made from any other kind of poultry (e.g., Mechanically Separated Turkey).

(b) "Mechanically Separated (Kind of Poultry)" described in §381.173 may be used in the formulation of any poultry or meat food product, provided such use conforms with any applicable requirements of the definitions and standards of identity or composition in this subchapter or part 319 of this chapter, and provided that it is identified as "Mechanically Separated (Kind of Poultry)."

[60 FR 55983, Nov. 3, 1995]

**Subpart Q—Records, Registration, and Reports**

**§ 381.175 Records required to be kept.**

(a) Every person within any of the classes specified in paragraph (a) (1), (2), or (3) of this section is required by the Act to keep such records as are

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properly necessary for the effective enforcement of the Act:

(1) Any person that engages in the business of slaughtering any poultry or processing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, of any poultry, for commerce, for use as human food or animal food;

(2) Any person that engages in the business of buying or selling (as a poultry products broker, wholesaler, or otherwise) or transporting, in commerce, or storing in or for commerce, or importing, any carcasses, or parts or products of carcasses, of any poultry;

(3) Any person that engages in business, in or for commerce, as a renderer, or engages in the business of buying, selling, or transporting in commerce, or importing, any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter.

(b) The required records are:

(1) Records, such as bills of sale, invoices, bills of lading, and receiving and shipping papers, giving the following information with respect to each transaction in which any poultry or poultry carcass, or part or product of a poultry carcass, is purchased, sold, shipped, received, transported, or otherwise handled by said person in connection with any business subject to the Act.

(i) The name or description of the poultry or other articles;

(ii) The net weight of the poultry or other articles;

(iii) The number of outside containers;

(iv) The name and address of the buyer of the poultry or other articles sold by such person, and the name and address of the seller of the poultry or other articles purchased by such person;

(v) The name and address of the consignee or receiver (if other than the buyer);

(vi) The method of shipment;

(vii) The date of shipment; and

(viii) The name and address of the carrier.

(2) Guaranties provided by suppliers of packaging materials under §381.144.

(3) Records of canning as required by subpart X of this part 381, of subchapter C, 9 CFR chapter III.

(4) Records of irradiation as required by sections 381.149 of this part.

(5) Records of nutrition labeling as required by subpart Y of this part.

(6) Records of all labeling, along with the product formulation and processing procedures, as prescribed in §§ 381.132 and 381.133.

(Approved by the Office of Management and Budget under control number 0583-0015)

[37 FR 9706, May 16, 1972, as amended at 47 FR 746, Jan. 7, 1982; 49 FR 2236, Jan. 19, 1984; 51 FR 45633, Dec. 19, 1986; 57 FR 43600, Sept. 21, 1992; 58 FR 675, Jan. 6, 1993; 60 FR 67458, Dec. 29, 1995]

**§ 381.176 Place of maintenance of records.**

Every person engaged in any business described in § 381.175(a) shall maintain the records required by § 381.175 at the place of business where such business is conducted, except that, if such person conducts such business at multiple locations, he may maintain such records at his headquarters' office. When not in actual use, all such records shall be kept in a safe place at the prescribed location in accordance with good commercial practices.

**§ 381.177 Record retention period.**

(a) Every record required to be maintained under this subpart shall be retained for a period not to exceed 2 years after December 31 of the year in which the transaction to which the record relates has occurred, and for such further period as the Administrator may require for purposes of any investigation or litigation under the Act, by written notice to the person required to keep such record under this subpart.

(b) Records of canning as required by subpart X of this part 381, subchapter C, 9 CFR chapter III, shall be retained as required in § 381.307; except that records required by § 381.302 (b) and (c) shall be retained as required by those sections.

[37 FR 9706, May 16, 1972, as amended at 51 FR 45633, Dec. 19, 1986]

**§ 381.178 Access to and inspection of records, facilities and inventory; copying and sampling.**

Representatives of the Secretary afforded access to a business specified in § 381.175 of this part (see § 300.6(b)(2) of this chapter) also must be afforded any necessary facilities (other than reproduction equipment) for the examination and copying of records and the examination and sampling of inventory.

[69 FR 255, Jan. 5, 2004]

**§ 381.179 Registration.**

(a) Except as provided in paragraph (c) of this section, every person that engages in business, in or for commerce, as a poultry products broker, renderer, or animal food manufacturer, or engages in business in commerce as a wholesaler of any carcasses, or parts or products of the carcasses, of any poultry, whether intended for human food or other purposes, or engages in the business as a public warehouseman storing any such articles in or for commerce, or engages in the business of buying, selling, or transporting in commerce, or importing, any dead, dying, disabled, or diseased poultry, or parts of the carcasses of any poultry that died otherwise than by slaughter, shall register with the Administrator, giving such information as is required, including his name, and the address of each place of business at which, and all trade names under which he conducts such business. Such persons shall register under this section by filing with the Administrator, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, a form containing such information, within 90 days after the effective date hereof or after such later date as he begins to engage in such business if not engaged therein upon said effective date. All information submitted shall be current and correct. The registration form shall be obtained from District Enforcement Operations, Field Operations, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250 or by calling the District Office.

(b) Whenever any change is made in the name of, or address of any place of business at which, or any trade name