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AUTHORITY: 7 U.S.C. 1621-1627.

SOURCE: 42 FR 53921, Oct. 4, 1977, unless otherwise noted. Redesignated at 46 FR 63203, Dec. 31, 1981.

### Subpart A—Regulations

#### DEFINITIONS

##### § 54.1 Meaning of words.

Words used in this subpart in the singular form shall be deemed to import the plural, and vice versa, as the case may demand. For the purposes of such regulations, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

*Administrator.* The Administrator of the Agricultural Marketing Service, or any officer or employee of the Agricultural Marketing Service to whom authority has heretofore been delegated or to whom authority may hereafter be delegated, to act in his stead.

*Agricultural Marketing Service.* The Agricultural Marketing Service of the Department.

*Animals.* Cattle, sheep, swine, or goats.

*Applicant.* Any person who has applied for service under the regulations.

*Branch.* The Meat Grading Branch of the Division.

*Carcass.* The commercially prepared or dressed body of any animal intended for human food.

*Carcass Data Service.* The service established and conducted under the regulations to provide producers and other interested persons with data on carcass characteristics.

*Certification service.* The service established and conducted under the regulations for the determination and certification or other identification of the compliance of products with specifications.

*Chief.* The Chief of the Branch, or any officer or employee of the Branch to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

*Class.* A subdivision of a product based on essential physical characteristics that differentiate between major groups of the same kind of species.

*Compliance.* Conformity of a product to the specifications under which the product was purchased or sold, with particular reference to the quality, cleanliness, state of refrigeration, method of processing, and trim of products.

*Contract verification service.* A program allowing institutions or other large purchasers of commodity products to have those products compared to contractual requirements.

*Cooperative agreement.* A cooperative agreement between the Agricultural Marketing Service and another Federal agency or a State agency, or other agency, organization or person as specified in the Agricultural Marketing Act of 1946, as amended, for conducting the service.

*Department.* The United States Department of Agriculture.

*Director.* The Director of the Division, or any officer or employee of the Division to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

*Division.* The Meat Quality Division of the Agricultural Marketing Service.

*Fabricating.* Cutting into wholesale or retail cuts, dicing or grinding.

*Federal Meat Inspection.* The meat inspection system conducted under the Federal Meat Inspection Act as amended by the Wholesome Meat Act (21 U.S.C. 601 *et seq.*) and the regulations thereunder (9 CFR chapter III, subchapter A).

*Financially interested person.* Any person having a financial interest in the products involved, including but not limited to the shipper, receiver, producer, seller, buyer, or carrier of the products.

*Grade.* (1) As a noun, this term means an important commercial subdivision of a product based on certain definite and preference determining factors,

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such as, but not limited to, conformation, finish, and quality in meats.

(2) As a verb, this term means to determine the class, grade, or other quality of a product according to applicable standards for such product.

*Grading Service.* The service established and conducted under the regulations for the determination and certification or other identification of the class, grade, or other quality of products under standards.

*Immediate container.* The carton, can, pot, tin, casing, wrapper, or other receptacle or covering constituting the basic unit in which products are directly contained or wrapped when packed in the customary manner for delivery to the meat trade or to consumers.

*Institutional Meat Purchase Specifications.* Specifications describing various meat cuts, meat products, and meat food products derived from all livestock species, commonly abbreviated "IMPS", and intended for use by any meat procuring activity. For labeling purposes, only product certified by the Meat Grading and Certification Branch may contain the letters "IMPS" on the product label.

*Legal Holiday.* Those days designated as legal public holidays in title 5, United States Code, section 6103(a).

*Livestock.* Bovine, ovine, porcine.

*Meat.* The edible part of the muscle of an animal, which is skeletal, or which is found in the tongue, in the diaphragm, in the heart, or in the esophagus, and which is intended for human food, with or without the accompanying and overlying fat and the portions of bone, skin, sinew, nerve, and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing. This term does not include the muscle found in the lips, snout, or ears.

*Meat by-products.* All edible parts (other than meat and prepared meats) intended for human food, derived from one or more animals, and including but not limited to such organs and parts as livers, kidneys, sweetbreads, brains, lungs, spleens, stomachs, tripe, lips, snouts, and ears.

*Meat food products.* Any articles intended for human food (other than

meat, prepared meats, and meat by-products) which are derived or prepared in whole or in substantial and definite part, from any portion of any animal, except such articles as organotherapeutic substances, meat juice, meat extract, and the like, which are only for medicinal purposes and are advertised only to the medical profession.

*Office of grading.* The office of an official grader.

*Official grader.* An employee of the Department or other person authorized by the Department to determine and certify or otherwise identify the class, grade, other quality, or compliance of products under the regulations.

*Person.* Any individual, partnership, corporation, or other legal entity, or Government agency.

*Prepared meats.* The products intended for human food which are obtained by subjecting meat to drying, curing, smoking, cooking, grinding, seasoning, or flavoring, or to any combination of such procedures, and to which no considerable quantity of any substance other than meat or meat by-products has been added.

*Processing.* Drying, curing, smoking, cooking, seasoning, or flavoring or any combination of such processes, with or without fabricating.

*Products.* Meats, prepared meats, meat by-products, or meat food products.

*Quality.* A combination of the inherent properties of a product which determines its relative degree of excellence.

*Quality grade.* A designation based on those characteristics of meat which predict the palatability characteristics of the lean.

*Quality Systems Certification Program.* A multifaceted program allowing all aspects of the livestock industry to have quality systems, or processes within quality systems, verified by AMS agent(s) to effectuate use of such quality systems to meet contractual requirements, or as a marketing tool.

*Service.* Grading service or acceptance service.

*Shipping container.* The receptacle or covering in which one or more immediate containers of products are packed for transportation.

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*Specifications.* Descriptions with respect to the class, grade, other quality, quantity or condition of products, approved by the Administrator, and available for use by the industry regardless of the origin of the descriptions.

*Standards.* The standards of the Department contained in Official United States Standards for Grades of: Carcass Beef; Veal and Calf Carcasses; Lamb, Yearling Mutton, and Mutton Carcasses; and, Pork Carcasses.

*Supervisor of grading.* An official grader or other person designated by the Director or Chief to supervise and maintain uniformity and accuracy of service under the regulations.

*The Act.* The Agricultural Marketing Act of 1946 (Title II of the act of Congress approved August 14, 1946, 60 Stat. 1087, as amended by Pub. L. 272, 84th Cong., 69 Stat. 553, 7 U.S.C. 1621-1627).

*The regulations.* The regulations in this subpart.

*Yield grade.* A designation which reflects the estimated yield of retail cuts that may be obtained from a beef, lamb, yearling mutton, or mutton carcass.

[42 FR 53921, Oct. 4, 1977, as amended at 45 FR 51762, Aug. 5, 1980. Redesignated at 46 FR 63203, Dec. 31, 1981, as amended at 61 FR 11505, Mar. 21, 1996; 63 FR 72102, Dec. 31, 1998]

### **§ 54.2 Designation of official certificates, memoranda, marks, other identifications, and devices for purposes of the Agricultural Marketing Act.**

Subsection 203(h) of the Agricultural Marketing Act of 1946, as amended by Pub. L. 272, 84th Congress, provides criminal penalties for various specified offenses relating to official certificates, memoranda, marks or other identifications, and devices for making such marks or identifications, issued or authorized under section 203 of said act, and certain misrepresentations concerning the inspection or grading of agricultural products under said section. For the purposes of said subsection and the provisions in this part, the terms listed below shall have the respective meanings specified:

(a) *Official certificate* means any form of certification, either written or printed, used under the regulations to cer-

tify with respect to the inspection, class, grade, quality, size, quantity, or condition of products (including the compliance of products with applicable specifications).

(b) *Official memorandum* means any initial record of findings made by an authorized person in the process of grading, determining compliance, inspecting, or sampling pursuant to the regulations, any processing or plant-operation report made by an authorized person in connection with grading, determining compliance, inspecting, or sampling under the regulations, and any report made by an authorized person of services performed pursuant to the regulations.

(c) *Official mark or other official identification* means any form of mark or other identification, including those prescribed in § 54.17; used under the regulations in marking any products, or the immediate or shipping containers thereof, to show inspection class, grade quality, size quantity, or condition of the products (including the compliance of products with applicable specifications), or to maintain the identity of products for which service is provided under the regulations.

(d) *Official device* means any roller, stamp, brand or other device used under the regulations to mark any products or the immediate or shipping containers, thereof, with any official mark or other official identification.

#### ADMINISTRATION

### **§ 54.3 Authority.**

The Chief is charged with the administration, under the general supervision and direction of the Director, of the regulations and the Act insofar as they relate to products.

#### SERVICE

### **§ 54.4 Kind of service.**

(a) Grading service under the regulations shall consist of the determination and certification and other identification, upon request by the applicant, of the class, grade, or other quality of products under applicable standards. Class, grade, and other quality may be determined under said standards for