

Food Safety and Inspection Service, USDA

§ 354.1

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AUTHORITY: 7 U.S.C. 1622, 1624; 7 CFR 2.17 (g) and (i), 2.55.

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GENERAL

§ 354.1 Definitions.

Unless the context otherwise requires, the following terms shall have the following meaning:

(a) *Act* means the applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U.S.C. 1621 et seq.) or any other act of Congress conferring like authority.

(b) *Acceptable* means suitable for the purpose intended and acceptable to the Service.

(c) *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.

(d) *Applicant* means any interested party who requests any inspection service.

(e) *Area supervisor* means any employee of the Department in charge of rabbit inspection service in a designated geographical area.

(f) *Carcass* means any rabbit carcass.

(g) *Circuit supervisor* or *technical supervisor* means the officer in charge of the rabbit inspection service in a circuit consisting of a group of stations within an area.

(h) *Class* means any subdivision of a product based on essential physical characteristics that differentiate between major groups of the same kind.

(i) *Condition* means any condition, including, but not being limited to, the state of preservation, cleanliness, or soundness, of any product or the processing, handling, or packaging which may affect such product.

(j) *Condition and wholesomeness* means the condition of any product, its healthfulness and fitness for human food.

(k) *Department* means the United States Department of Agriculture.

(l) *Edible product* means any product derived from ready-to-cook domestic rabbits.

(m) *Giblets* means the liver from which the bile sac has been removed and the heart from which the pericardial sac has been removed.

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(n) *Holiday or legal holiday* shall mean the legal public holidays specified by the Congress in paragraph (a) of section 6103, Title 5, of the United States Code.

(o) *Identify* means to apply official identification to products or to containers thereof.

(p) *Inspected and certified or certified* means, with respect to any product, that it has undergone an inspection and was found, at the time of such inspection, to be sound, wholesome, and fit for human food.

(q) *Inspection, inspection service, or inspection of products for condition and wholesomeness* means any inspection by an inspector to determine, in accordance with the regulations in this part, (1) the condition and wholesomeness of rabbits, or (2) the condition and wholesomeness of any edible product at any state of the preparation or packaging thereof in the official plant where inspected and certified, or (3) the condition and wholesomeness of any previously inspected and certified product if such product has not lost its identity as an inspected and certified product.

(r) *Inspection certificate* means a statement, either written or printed, issued by an inspector, pursuant to the regulations in this part, relative to the condition and wholesomeness of products.

(s) *Inspector* means any person who is licensed by the Secretary to investigate and certify, in accordance with the regulations in this part, the condition and wholesomeness of products. An inspector is an employee of the Department or of a State; he may be a graduate veterinarian or a layman.

(t) *Interested party* means any person financially interested in a transaction involving any inspection.

(u) *National supervisor* means (1) the officer in charge of the rabbit inspection service of the Food Safety and Inspection Service, and (2) other officers or employees of the Department designated by the officer in charge of the rabbit inspection service of the Food Safety and Inspection Service.

(v) *Official plant* means one or more buildings or parts thereof, comprising a single plant in which the facilities and methods of operation therein have been approved by the Administrator as suit-

able and adequate for operation under inspection service and in which inspection is carried on in accordance with the regulations in this part.

(w) *Person* means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(x) *Potable water* means water that has been approved by the State health authority as safe for drinking and suitable for food processing.

(y) *Product* means ready-to-cook cooked rabbits, or edible products derived therefrom.

(z) *Rabbit* means any domesticated rabbit, whether live or dead.

(aa) *Rabbit inspection service* means the personnel who are engaged in the administration, application, and direction of rabbit inspection programs and services pursuant to the regulations in this part.

(bb) *Ready-to-cook domestic rabbit* means any rabbit which has been slaughtered for human food, from which the head, blood, skin, feet, and inedible viscera have been removed, that is ready to cook without need of further processing. Ready-to-cook rabbit also means any cut-up or disjointed portion of rabbit or any edible part thereof, as described in this paragraph.

(cc) *Regulations* means the provisions of this entire part as may be in effect at the time inspection is performed.

(dd) *Secretary* means the Secretary 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.

(ee) *Service* means the Food Safety and Inspection Service of the Department.

(ff) *Station supervisor* means any authorized individual who is designated to supervise rabbit inspection service in a large official plant or in a group of several small plants.

§ 354.2 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 of agricultural products under said section. For the purposes of said subsection and the provisions in this part, the terms listed in this section shall have the respective meanings specified:

(a) *Official certificate* means any form of certification, either written or printed, used under this part to certify with respect to the inspection or class or condition of products.

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

(c) *Official mark* means the inspection mark, and any other mark, or any variations in such marks, approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product, stating that the product was inspected, or indicating the condition of the product, or for the purpose of maintaining the identity of products inspected under this part, including, but not limited to, that set forth in § 354.65.

(d) *Official identification* means any symbol, stamp, label, or seal indicating that the product has been officially inspected and/or indicating the class or condition of the product approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product.

(e) *Official device* means a stamping appliance, branding device, stencil, printed label, or any other mechanically or manually operated tool that is approved by the Administrator for the purpose of applying any official mark or other identification to any product or the packaging material thereof.

ADMINISTRATION

§ 354.3 Administration.

The Administrator shall perform, for and under the supervision of the Secretary, such duties as are prescribed in the regulations in this part and as the Secretary may require in the administration of the regulations in this part. The Administrator is authorized to waive for limited periods any particular provisions of the regulations to permit experimentation so that new procedures, equipment, and processing techniques may be tested to facilitate definite improvements and, at the same time, to assure full compliance with the spirit and intent of the regulations. The Food Safety and Inspection Service and its officers and employees shall not be liable in damages through acts of commission or omission in the administration of this part.

BASIS OF SERVICE

§ 354.10 Inspection service.

Any inspection service in accordance with the regulations in this part shall be for condition and wholesomeness.

§ 354.12 Eligibility.

(a) Only rabbits which are processed in official plants in accordance with the regulations in this part may be inspected.

(b) All rabbits that are eviscerated in an official plant where inspection service is maintained shall be inspected for condition and wholesomeness and no dressed rabbits or uninspected products shall be brought into such official plant.

§ 354.13 Supervision.

All inspection service shall be subject to supervision at all times by the station supervisor, circuit supervisor, area supervisor, and national supervisor. Such service shall be rendered where the facilities and conditions are satisfactory for the conduct of the service and the requisite inspectors are available.

§ 354.14 Authority to waive provisions of § 354.12.

The Administrator is authorized to waive the provisions of § 354.12 which