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SUBCHAPTER I—INSPECTION REQUIREMENTS; ADULTERATION AND MISBRANDING

§ 601. Definitions

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 or 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.

(w) The term “amenable species” means—

(1) those species subject to the provisions of this chapter on the day before November 10, 2005;

(2) catfish, as defined by the Secretary; and

(3) any additional species of livestock that the Secretary considers appropriate.

(Mar. 4, 1907, ch. 2907, title I, § 1, as added Pub. L. 90-201, § 2, Dec. 15, 1967, 81 Stat. 584; amended Pub. L. 96-88, title V, § 509(b), Oct. 17, 1979, 93 Stat. 695; Pub. L. 102-571, title I, § 107(14), Oct. 29, 1992, 106 Stat. 4499; Pub. L. 109-97, title VII, § 798(a)(2), Nov. 10, 2005, 119 Stat. 2166; Pub. L. 110-234, title XI, § 11016(b)(1)(A), May 22, 2008, 122 Stat. 1369; Pub. L. 110-246, § 4(a), title XI, § 11016(b)(1)(A), June 18, 2008, 122 Stat. 1664, 2130.)

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 (§ 301 et seq.) of this title. For complete classification of this Act to the Code, see section 301 of this title and Tables.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub.

L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2008—Subsec. (w)(2), (3). Pub. L. 110-246, § 11016(b)(1)(A), added par. (2) and redesignated former par. (2) as (3).

2005—Par. (w). Pub. L. 109-97 added par. (w).

1992—Par. (m)(2)(D). Pub. L. 102-571 substituted “379e” for “376”.

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.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

Pub. L. 110-234, title XI, § 11016(b)(2)(A), May 22, 2008, 122 Stat. 1369, and Pub. L. 110-246, § 4(a), title XI, § 11016(b)(2)(A), June 18, 2008, 122 Stat. 1664, 2131, provided that: “The amendments made by paragraph (1) [enacting sections 606 and 625 of this title, amending this section, and repealing former section 606 of this title] shall not apply until the date on which the Secretary of Agriculture issues final regulations (after providing a period of public comment, including through the conduct of public meetings or hearings, in accordance with chapter 5 of title 5, United States Code) to carry out such amendments.”

[Pub. L. 110-234 and Pub. L. 110-246 enacted identical provisions. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246, set out as a note under section 8701 of Title 7, Agriculture.]

EFFECTIVE DATE OF 2005 AMENDMENT

Pub. L. 109-97, title VII, § 798(b), Nov. 10, 2005, 119 Stat. 2166, provided that: “The amendments made by subsection (a) [amending this section and sections 603 to 605, 608, 609, 615, and 617 of this title] shall take effect on the day after the effective date of section 794 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 [section 794 of Pub. L. 109-97, 119 Stat. 2164, effective 120 days after Nov. 10, 2005].”

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, § 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, § 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-A of this chapter, are designated as the “Federal Meat Inspection Act”.

REGULATIONS

Pub. L. 110-234, title XI, § 11016(b)(2)(B), May 22, 2008, 122 Stat. 1370, and Pub. L. 110-246, § 4(a), title XI, § 11016(b)(2)(B), June 18, 2008, 122 Stat. 1664, 2131, provided that: “Not later than 18 months after the date of the enactment of this Act [June 18, 2008], the Secretary of Agriculture, in consultation with the Commissioner of Food and Drugs, shall issue final regulations to carry out the amendments made by paragraph (1) [enacting sections 606 and 625 of this title, amending this section, and repealing former section 606 of this title].”

[Pub. L. 110-234 and Pub. L. 110-246 enacted identical provisions. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246, set out as a note under section 8701 of Title 7, Agriculture.]

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.”

§ 602. Congressional statement of findings

Meat and meat food products are an important source of the Nation’s total supply of food. They are consumed throughout the Nation and the major portion thereof moves in interstate or foreign commerce. It is essential in the public interest that the health and welfare of consumers be protected by assuring that meat and meat food products distributed to them are wholesome, not adulterated, and properly marked, labeled, and packaged. Unwholesome, adulterated, or misbranded meat or meat food products impair the effective regulation of meat and meat food products in interstate or foreign commerce, are injurious to the public welfare, destroy markets for wholesome, not adulterated, and properly labeled and packaged meat and meat food

products, and result in sundry losses to livestock producers and processors of meat and meat food products, as well as injury to consumers. The unwholesome, adulterated, mislabeled, or deceptively packaged articles can be sold at lower prices and compete unfairly with the wholesome, not adulterated, and properly labeled and packaged articles, to the detriment of consumers and the public generally. It is hereby found that all articles and animals which are regulated under this chapter are either in interstate or foreign commerce or substantially affect such commerce, and that regulation by the Secretary and cooperation by the States and other jurisdictions as contemplated by this chapter are appropriate to prevent and eliminate burdens upon such commerce, to effectively regulate such commerce, and to protect the health and welfare of consumers.

(Mar. 4, 1907, ch. 2907, title I, §2, as added Pub. L. 90-201, §2, Dec. 15, 1967, 81 Stat. 587.)

§ 603. Examination of animals prior to slaughter; use of humane methods

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

For the purpose of preventing the use in commerce of meat and meat food products which are adulterated, the Secretary shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of all amenable species before they shall be allowed to enter into any slaughtering, packing, meat-canning, rendering, or similar establishment, in which they are to be slaughtered and the meat and meat food products thereof are to be used in commerce; and all amenable species found on such inspection to show symptoms of disease shall be set apart and slaughtered separately from all other cattle, sheep, swine, goats, horses, mules, or other equines, and when so slaughtered the carcasses of said cattle, sheep, swine, goats, horses, mules, or other equines shall be subject to a careful examination and inspection, all as provided by the rules and regulations to be prescribed by the Secretary, as provided for in this subchapter.

(b) Humane methods of slaughter

For the purpose of preventing the inhumane slaughtering of livestock, the Secretary shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of the method by which amenable species are slaughtered and handled in connection with slaughter in the slaughtering establishments inspected under this chapter. The Secretary may refuse to provide inspection to a new slaughtering establishment or may cause inspection to be temporarily suspended at a slaughtering establishment if the Secretary finds that any cattle, sheep, swine, goats, horses, mules, or other equines have been slaughtered or handled in connection with slaughter at such establishment by any method not in accordance with the Act of August 27, 1958 (72 Stat. 862; 7 U.S.C. 1901-1906) until the establishment furnishes assurances satisfactory to the Secretary that all slaughtering and handling in connection with

slaughter of livestock shall be in accordance with such a method.

(Mar. 4, 1907, ch. 2907, title I, §3, formerly 1st par., 34 Stat. 1260; renumbered §3 and amended Pub. L. 90-201, §§1, 3, 12(a), (b), Dec. 15, 1967, 81 Stat. 584, 588, 592; Pub. L. 95-445, §2, Oct. 10, 1978, 92 Stat. 1069; Pub. L. 109-97, title VII, §798[(a)](1), Nov. 10, 2005, 119 Stat. 2166.)

REFERENCES IN TEXT

Act of August 27, 1958, referred to in subsec. (b), is Pub. L. 85-765, Aug. 27, 1958, 72 Stat. 862, as amended, which is classified generally to chapter 48 (§1901 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Tables.

Sections 1903 and 1905 of Title 7, included within reference to Act of August 27, 1958, were repealed by Pub. L. 95-445, §5(b), Oct. 10, 1978, 92 Stat. 1069, effective as set forth in section 7 of Pub. L. 95-445, set out as an Effective Date of 1978 Amendment note below.

CODIFICATION

Section was formerly classified to section 71 of this title.

AMENDMENTS

2005—Pub. L. 109-97 substituted “amenable species” for “cattle, sheep, swine, goats, horses, mules, and other equines” wherever appearing.

1978—Pub. L. 95-445 designated existing provisions as subsec. (a) and added subsec. (b).

1967—Pub. L. 90-201, §§3, 12(a), (b), struck out “interstate or foreign” before “commerce” in two places, substituted “Secretary shall” for “Secretary, at his discretion, may”, and struck out “of Agriculture” after “Secretary”, included horses, mules, and other equines, and horses, mules, or other equines in the list of animals, and substituted “adulterated” for “unsound, unhealthful, unwholesome, or otherwise unfit for human food”, respectively.

EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by Pub. L. 109-97 effective the day after 120 days after Nov. 10, 2005, see section 798(b) of Pub. L. 109-97, set out as a note under section 601 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Section 7 of Pub. L. 95-445 provided that: “The provisions of this Act [see Short Title of 1978 Amendment note set out under section 601 of this title] shall become effective one year after the date of enactment [Oct. 10, 1978]. However, such provisions shall not apply to a person, firm, or corporation for such additional period of time, not to exceed eighteen months, as may be determined by the Secretary, if the Secretary, upon application, finds that compliance with the provisions of this Act on its effective date would cause undue hardship on such person, firm, or corporation.”

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-201 effective Dec. 15, 1967, except that with respect to equines (other than horses) and their carcasses and parts thereof, meat, and meat food products thereof, amendment effective upon expiration of sixty days after Dec. 15, 1967, see section 20(b) of Pub. L. 90-201, set out as an Effective Date note under section 601 of this title.

RELIGIOUS FREEDOM; RITUAL SLAUGHTER

Section 6 of Pub. L. 95-445 provided that: “Nothing in this Act [see Short Title of 1978 Amendment note set out under section 601 of this title] shall be construed to prohibit, abridge, or in any way hinder the religious freedom of any person or group. Notwithstanding any other provision of this Act, in order to protect freedom of religion, ritual slaughter and the handling or other preparation of livestock for ritual slaughter are ex-

empted from the terms of this Act. For the purposes of this section the term ‘ritual slaughter’ means slaughter in accordance with section 2(b) of the Act of August 27, 1958 (72 Stat. 862; 7 U.S.C. 1902(b)).’

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

For the purposes hereinbefore set forth the Secretary shall cause to be made by inspectors appointed for that purpose a post mortem examination and inspection of the carcasses and parts thereof of all amenable species to be prepared at any slaughtering, meat-canning, salting, packing, rendering, or similar establishment in any State, Territory, or the District of Columbia as articles of commerce which are capable of use as human food; and the carcasses and parts thereof of all such animals found to be not adulterated shall be marked, stamped, tagged, or labeled as ‘‘Inspected and passed’’; and said inspectors shall label, mark, stamp, or tag as ‘‘Inspected and condemned’’ all carcasses and parts thereof of animals found to be adulterated; and all carcasses and parts thereof thus inspected and condemned shall be destroyed for food purposes by the said establishment in the presence of an inspector, and the Secretary may remove inspectors from any such establishment which fails to so destroy any such condemned carcass or part thereof, and said inspectors, after said first inspection, shall, when they deem it necessary, reinspect said carcasses or parts thereof to determine whether since the first inspection the same have become adulterated, and if any carcass or any part thereof shall, upon examination and inspection subsequent to the first examination and inspection, be found to be adulterated, it shall be destroyed for food purposes by the said establishment in the presence of an inspector, and the Secretary may remove inspectors from any establishment which fails to so destroy any such condemned carcass or part thereof.

(Mar. 4, 1907, ch. 2907, title I, § 4, formerly 2nd par., 34 Stat. 1260; renumbered § 4 and amended Pub. L. 90–201, §§ 1, 3, 4, 12(a)–(d), Dec. 15, 1967, 81 Stat. 584, 588, 592; Pub. L. 109–97, title VII, § 798(a)(1), Nov. 10, 2005, 119 Stat. 2166.)

CODIFICATION

Section was formerly classified to section 72 of this title.

AMENDMENTS

2005—Pub. L. 109–97 substituted ‘‘amenable species’’ for ‘‘cattle, sheep, swine, goats, horses, mules, and other equines’’.

1967—Pub. L. 90–201, §§ 3, 4, 12(a)–(d), struck out ‘‘interstate or foreign’’ before ‘‘commerce’’ and ‘‘of Agriculture’’ after ‘‘Secretary’’ in three places; struck out ‘‘for human consumption’’ before ‘‘at any slaughtering’’ and ‘‘for transportation or sale’’ after ‘‘District of Columbia’’ and inserted ‘‘which are capable of use as human food’’ after ‘‘commerce’’; included horses, mules, and other equines in the list of animals; substituted ‘‘adulterated’’ for ‘‘unsound, unhealthful, unwholesome, or otherwise unfit for human food’’ after ‘‘Inspected and condemned,’’ all carcasses and parts thereof of animals found to be’’ and before ‘‘, it shall be destroyed’’; substituted ‘‘not adulterated’’ for ‘‘sound, healthful, wholesome, and fit for human food’’; and substituted ‘‘adulterated’’ for ‘‘unsound, unhealthful, unwholesome, or in any way unfit for human food’’ before ‘‘and if any carcass’’, respectively.

EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by Pub. L. 109–97 effective the day after 120 days after Nov. 10, 2005, see section 798(b) of Pub. L. 109–97, set out as a note under section 601 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90–201 effective Dec. 15, 1967, except that with respect to equines (other than horses) and their carcasses and parts thereof, meat, and meat food products thereof, amendment effective upon expiration of sixty days after Dec. 15, 1967, see section 20(b) of Pub. L. 90–201, set out as an Effective Date note under section 601 of this title.

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

The foregoing provisions shall apply to all carcasses or parts of carcasses of amenable species or the meat or meat products thereof which may be brought into any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, and such examination and inspection shall be had before the said carcasses or parts thereof shall be allowed to enter into any department wherein the same are to be treated and prepared for meat food products; and the foregoing provisions shall also apply to all such products, which, after having been issued from any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, shall be returned to the same or to any similar establishment where such inspection is maintained. The Secretary may limit the entry of carcasses, parts of carcasses, meat and meat food products, and other materials into any establishment at which inspection under this subchapter is maintained, under such conditions as he may prescribe to assure that allowing the entry of such articles into such inspected establishments will be consistent with the purposes of this chapter.

(Mar. 4, 1907, ch. 2907, title I, § 5, formerly 3rd par., 34 Stat. 1261; renumbered § 5 and amended Pub. L. 90–201, §§ 1, 5, 12(a), Dec. 15, 1967, 81 Stat. 584, 588, 592; Pub. L. 109–97, title VII, § 798(a)(1), Nov. 10, 2005, 119 Stat. 2166.)

CODIFICATION

Section was formerly classified to section 73 of this title.

AMENDMENTS

2005—Pub. L. 109–97 substituted ‘‘amenable species’’ for ‘‘cattle, sheep, swine, goats, horses, mules, and other equines’’.

1967—Pub. L. 90–201, §§ 5, 12(a), limited entry of articles into establishments under such prescribed conditions as would be consistent with the purpose of this chapter and included horses, mules, and other equines in the list of animals, respectively.

EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by Pub. L. 109–97 effective the day after 120 days after Nov. 10, 2005, see section 798(b) of Pub. L. 109–97, set out as a note under section 601 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90–201 effective Dec. 15, 1967, except that with respect to equines (other than horses) and their carcasses and parts thereof, meat, and meat food products thereof, amendment effective upon expiration of sixty days after Dec. 15, 1967, see section 20(b)

of Pub. L. 90-201, set out as an Effective Date note under section 601 of this title.

§ 606. Inspection and labeling of meat food products

(a) In general

For the purposes hereinbefore set forth the Secretary shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of all meat food products prepared for commerce in any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, and for the purposes of any examination and inspection and inspectors shall have access at all times, by day or night, whether the establishment be operated or not, to every part of said establishment; and said inspectors shall mark, stamp, tag, or label as "Inspected and passed" all such products found to be not adulterated; and said inspectors shall label, mark, stamp, or tag as "Inspected and condemned" all such products found adulterated, and all such condemned meat food products shall be destroyed for food purposes, as hereinbefore provided, and the Secretary may remove inspectors from any establishment which fails to so destroy such condemned meat food products: *Provided*, That subject to the rules and regulations of the Secretary the provisions of this section in regard to preservatives shall not apply to meat food products for export to any foreign country and which are prepared or packed according to the specifications or directions of the foreign purchaser, when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is to be exported; but if said article shall be in fact sold or offered for sale for domestic use or consumption then this proviso shall not exempt said article from the operation of all the other provisions of this chapter.¹

(b) Catfish

In the case of an examination and inspection under subsection (a) of a meat food product derived from catfish, the Secretary shall take into account the conditions under which the catfish is raised and transported to a processing establishment.

(Mar. 4, 1907, ch. 2907, title I, §6, as added Pub. L. 110-234, title XI, §11016(b)(1)(B), May 22, 2008, 122 Stat. 1369, and Pub. L. 110-246, §4(a), title XI, §11016(b)(1)(B), June 18, 2008, 122 Stat. 1664, 2131.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), probably should have been a reference to this Act in the original, meaning the Federal Meat Inspection Act, titles I to V of act Mar. 4, 1907, ch. 2907, as added Dec. 15, 1967, Pub. L. 90-201, 81 Stat. 584, which are classified generally to subchapters I to IV-A of this chapter.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections and repealed former section 6 of act Mar. 4, 1907. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

PRIOR PROVISIONS

A prior section 606, acts Mar. 4, 1907, ch. 2907, title I, §6, formerly 4th par., 34 Stat. 1261; renumbered §6 and

amended Pub. L. 90-201, §§1, 3, 12(e), Dec. 15, 1967, 81 Stat. 584, 588, 592; Pub. L. 99-641, title IV, §403(a), Nov. 10, 1986, 100 Stat. 3567, was formerly classified to section 74 of this title and was repealed by Pub. L. 110-234, title XI, §11016(b)(1)(B), May 22, 2008, 122 Stat. 1369, and Pub. L. 110-246, §4(a), title XI, §11016(b)(1)(B), June 18, 2008, 122 Stat. 1664, 2131. Prior to repeal, section read as follows: "For the purposes hereinbefore set forth the Secretary shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of all meat food products prepared for commerce in any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, and for the purposes of any examination and inspection and inspectors shall have access at all times, by day or night, whether the establishment be operated or not, to every part of said establishment; and said inspectors shall mark, stamp, tag, or label as 'Inspected and passed' all such products found to be not adulterated; and said inspectors shall label, mark, stamp, or tag as 'Inspected and condemned' all such products found adulterated, and all such condemned meat food products shall be destroyed for food purposes, as hereinbefore provided, and the Secretary may remove inspectors from any establishment which fails to so destroy such condemned meat food products: *Provided*, That subject to the rules and regulations of the Secretary the provisions of this section in regard to preservatives shall not apply to meat food products for export to any foreign country and which are prepared or packed according to the specifications or directions of the foreign purchaser, when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is to be exported; but if said article shall be in fact sold or offered for sale for domestic use or consumption then this proviso shall not exempt said article from the operation of all the other provisions of this chapter."

EFFECTIVE DATE

Enactment of this section and repeal of former section 6 of act Mar. 4, 1907, and Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of Title 7, Agriculture.

Section and repeal of former section 6 of act Mar. 4, 1907, inapplicable until date on which the Secretary of Agriculture issues final regulations to carry out amendments by Pub. L. 110-246, §11016(b)(1), see section 11016(b)(2)(A) of Pub. L. 110-246, set out as an Effective Date of 2008 Amendment note under section 601 of this title.

§ 607. Labeling, marking, and container requirements

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

When any meat or meat food product prepared for commerce which has been inspected as hereinbefore provided and marked "Inspected and passed" shall be placed or packed in any can, pot, tin, canvas, or other receptacle or covering in any establishment where inspection under the provisions of this chapter is maintained, the person, firm, or corporation preparing said product shall cause a label to be attached to said can, pot, tin, canvas, or other receptacle or covering, under the supervision of an inspector, which label shall state that the contents thereof have been "inspected and passed" under the provisions of this chapter; and no inspection and examination of meat or meat food products deposited or inclosed in cans, tins, pots, canvas, or other receptacle or covering in any establish-

¹ See References in Text note below.

ment where inspection under the provisions of this chapter is maintained shall be deemed to be complete until such meat or meat food products have been sealed or inclosed in said can, tin, pot, canvas, or other receptacle or covering under the supervision of an inspector.

(b) Information on articles or containers; legible form

All carcasses, parts of carcasses, meat and meat food products inspected at any establishment under the authority of this subchapter and found to be not adulterated, shall at the time they leave the establishment bear, in distinctly legible form, directly thereon or on their containers, as the Secretary may require, the information required under paragraph (n) of section 601 of this title.

(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

The Secretary, whenever he determines such action is necessary for the protection of the public, may prescribe: (1) the styles and sizes of type to be used with respect to material required to be incorporated in labeling to avoid false or misleading labeling in marketing and labeling any articles or animals subject to this subchapter or subchapter II of this chapter; (2) definitions and standards of identity or composition for articles subject to this subchapter and standards of fill of container for such articles not inconsistent with any such standards established under the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 301 et seq.], and there shall be consultation between the Secretary and the Secretary of Health and Human Services prior to the issuance of such standards under either Act relating to articles subject to this chapter to avoid inconsistency in such standards and possible impairment of the coordinated effective administration of these Acts. There shall also be consultation between the Secretary and an appropriate advisory committee provided for in section 661 of this title, prior to the issuance of such standards under this chapter, to avoid, insofar as feasible, inconsistency between Federal and 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

No article subject to this subchapter shall be sold or offered for sale by any person, firm, or corporation, in commerce, under any name or other marking or labeling which is false or misleading, or in any container of a misleading form or size, but established trade names and other marking and labeling and containers which are not false or misleading and which are approved by the Secretary are permitted.

(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

If the Secretary has reason to believe that any marking or labeling or the size or form of any

container in use or proposed for use with respect to any article subject to this subchapter is false or misleading in any particular, he may direct that such use be withheld unless the marking, labeling, or container is modified in such manner as he may prescribe so that it will not be false or misleading. If the person, firm, or corporation using or proposing to use the marking, labeling or container does not accept the determination of the Secretary, such person, firm, or corporation may request a hearing, but the use of the marking, labeling, or container shall, if the Secretary so directs, be withheld pending hearing and final determination by the Secretary. Any such determination by the Secretary shall be conclusive unless, within thirty days after receipt of notice of such final determination, the person, firm, or corporation adversely affected thereby appeals to the United States court of appeals for the circuit in which such person, firm, or corporation has its principal place of business or to the United States Court of Appeals for the District of Columbia Circuit. The provisions of section 194 of title 7 shall be applicable to appeals taken under this section.

(f) Lamb and mutton

The Secretary, consistent with United States international obligations, shall establish standards for the labeling of sheep carcasses, parts of sheep carcasses, sheepmeat, and sheepmeat food products.

(Mar. 4, 1907, ch. 2907, title I, §7, formerly 5th par., 34 Stat. 1262; renumbered §7 and amended Pub. L. 90-201, §§1, 3(a), 6, Dec. 15, 1967, 81 Stat. 584, 588; Pub. L. 96-88, title V, §509(b), Oct. 17, 1979, 93 Stat. 695; Pub. L. 104-127, title II, §279, Apr. 4, 1996, 110 Stat. 979.)

REFERENCES IN TEXT

The Federal Food, Drug, and Cosmetic Act, referred to in subsec. (c)(2), is act June 25, 1938, ch. 675, 52 Stat. 1040, as amended, which is classified generally to chapter 9 (§301 et seq.) of this title. For complete classification of this Act to the Code, see section 301 of this title and Tables.

Either Act and these Acts, referred to in subsec. (c)(2), mean the Federal Meat Inspection Act and the Federal Food, Drug, and Cosmetic Act. The Federal Meat Inspection Act is act Mar. 4, 1907, ch. 2907, titles I to IV, as added Dec. 15, 1967, Pub. L. 90-201, 81 Stat. 584, and amended, which are classified generally to subchapters I to IV (§601 et seq.), respectively, of this chapter. For complete classification of this Act to the Code, see Short Title note under section 601 of this title and Tables.

CODIFICATION

Section was formerly classified to section 75 of this title.

AMENDMENTS

1996—Subsec. (f). Pub. L. 104-127 added subsec. (f).

1967—Subsec. (a). Pub. L. 90-201, §§3(a), 6(a), (b), struck out “interstate or foreign” before “commerce” and provisions prohibiting sales of meat or meat food products in interstate or foreign commerce under any false or deceptive names and permitting trade names or names which are usual to such products and are not false and deceptive and are approved by the Secretary of Agriculture, now incorporated in subsec. (d), and designated remaining provisions as subsecs. (a), respectively.

Subsecs. (b) to (e). Pub. L. 90-201, §6(c), added subsecs. (b) to (e).

CHANGE OF NAME

“Secretary of Health and Human Services” substituted for “Secretary of Health, Education, and Welfare” in subsec. (c)(2) pursuant to section 509(b) of Pub. L. 96-88, which is classified to section 3508(b) of Title 20, Education.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-201 effective Dec. 15, 1967, except that with respect to equines (other than horses) and their carcasses and parts thereof, meat, and meat food products thereof, amendment effective upon expiration of sixty days after Dec. 15, 1967, see section 20(b) of Pub. L. 90-201, set out as an Effective Date note under section 601 of this title.

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

The Secretary shall cause to be made, by experts in sanitation or by other competent inspectors, such inspection of all slaughtering, meat canning, salting, packing, rendering, or similar establishments in which amenable species are slaughtered and the meat and meat food products thereof are prepared for commerce as may be necessary to inform himself concerning the sanitary conditions of the same, and to prescribe the rules and regulations of sanitation under which such establishments shall be maintained; and where the sanitary conditions of any such establishment are such that the meat or meat food products are rendered adulterated, he shall refuse to allow said meat or meat food products to be labeled, marked, stamped or tagged as “inspected and passed.”

(Mar. 4, 1907, ch. 2907, title I, §8, formerly 6th par., 34 Stat. 1262; renumbered §8 and amended Pub. L. 90-201, §§1, 3, 12(a), (f), Dec. 15, 1967, 81 Stat. 584, 588, 592; Pub. L. 109-97, title VII, §798[(a)](1), Nov. 10, 2005, 119 Stat. 2166.)

CODIFICATION

Section was formerly classified to section 76 of this title.

AMENDMENTS

2005—Pub. L. 109-97 substituted “amenable species” for “cattle, sheep, swine, goats, horses, mules, and other equines”.

1967—Pub. L. 90-201, §§3, 12(a), (f), struck out “interstate or foreign” before “commerce” and “of Agriculture” after “Secretary”, included horses, mules, and other equines in the list of animals, and substituted “adulterated” for “unclean, unsound, unhealthful, unwholesome, or otherwise unfit for human food”, respectively.

EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by Pub. L. 109-97 effective the day after 120 days after Nov. 10, 2005, see section 798(b) of Pub. L. 109-97, set out as a note under section 601 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-201 effective Dec. 15, 1967, except that with respect to equines (other than horses) and their carcasses and parts thereof, meat, and meat food products thereof, amendment effective upon expiration of sixty days after Dec. 15, 1967, see section 20(b) of Pub. L. 90-201, set out as an Effective Date note under section 601 of this title.

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

The Secretary shall cause an examination and inspection of all amenable species, and the food products thereof, slaughtered and prepared in the establishments hereinbefore described for the purposes of commerce to be made during the nighttime as well as during the daytime when the slaughtering of said amenable species, or the preparation of said food products is conducted during the nighttime.

(Mar. 4, 1907, ch. 2907, title I, §9, formerly 7th par., 34 Stat. 1262; renumbered §9 and amended Pub. L. 90-201, §§1, 3, 12(a), Dec. 15, 1967, 81 Stat. 584, 588, 592; Pub. L. 99-641, title IV, §403(d)(1), Nov. 10, 1986, 100 Stat. 3570; Pub. L. 109-97, title VII, §798[(a)](1), Nov. 10, 2005, 119 Stat. 2166.)

CODIFICATION

Section was formerly classified to section 77 of this title.

AMENDMENTS

2005—Pub. L. 109-97 substituted “amenable species” for “cattle, sheep, swine, goats, horses, mules, and other equines” in two places.

1986—Pub. L. 99-641 temporarily inserted “, except as provided in section 606 of this title,” after first reference to “other equines, and”. See Effective and Termination Dates of 1986 Amendment note below.

1967—Pub. L. 90-201, §§3, 12(a), struck out “interstate or foreign” before “commerce” and “of Agriculture” after “Secretary” and included horses, mules, and other equines in the list of animals, respectively.

EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by Pub. L. 109-97 effective the day after 120 days after Nov. 10, 2005, see section 798(b) of Pub. L. 109-97, set out as a note under section 601 of this title.

EFFECTIVE AND TERMINATION DATES OF 1986 AMENDMENT

Section 403(d)(1) of Pub. L. 99-641 provided that the amendment made by that section is effective only during the 6-year period beginning Nov. 10, 1986.

Pub. L. 99-641, title IV, §408, Nov. 10, 1986, 100 Stat. 3571, provided that:

“(a) GENERAL EFFECTIVE DATE.—Except as provided in subsection (b) of this section, this title and the amendments made by this title [amending this section and sections 606, 621, 671, and 676 of this title and enacting provisions set out as notes under this section and sections 606, 621, 671, and 676 of this title] shall become effective on the date of the enactment of this Act [Nov. 10, 1986].

“(b) TEMPORARY APPLICATION OF EXISTING LAW.—Sections 6, 9, and 21 of the Federal Meat Inspection Act (21 U.S.C. 606, 609, and 621), as in effect immediately before the date of the enactment of this Act [Nov. 10, 1986], shall apply with respect to establishments until the Secretary of Agriculture first issues rules and regulations to implement the amendments made by section 403(a) [amending section 606 of this title].”

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-201 effective Dec. 15, 1967, except that with respect to equines (other than horses) and their carcasses and parts thereof, meat, and meat food products thereof, amendment effective upon expiration of sixty days after Dec. 15, 1967, see section 20(b) of Pub. L. 90-201, set out as an Effective Date note under section 601 of this title.

SAVINGS PROVISION

Section 404 of Pub. L. 99-641 provided that: “The expiration date provisions of section 403 [enacting provi-

sions set out as notes under this section and sections 606, 621, 671, and 676 of this title] shall not have the effect of releasing or extinguishing any penalty, forfeiture, or liability incurred under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), as amended by section 403 [amending this section and sections 606, 621, 671, and 676 of this title], or under the rules or regulations issued under such Act.”

INSPECTION SERVICES FOR ESTABLISHMENTS NOT PARTICIPATING IN TOTAL PLANT QUALITY-CONTROL PROGRAM

Section 403(e) of Pub. L. 99-641 provided that: “The amendments made by this section [amending this section and sections 606, 621, 671, and 676 of this title] shall not be construed to authorize the Secretary of Agriculture to refuse to provide inspection under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) at an establishment solely because such establishment does not participate in a total plant quality-control program.”

§ 610. Prohibited acts

No person, firm, or corporation shall, with respect to any cattle, sheep, swine, goats, horses, mules, or other equines, or any carcasses, parts of carcasses, meat or meat food products of any such animals—

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

slaughter any such animals or prepare any such articles which are capable of use as human food at any establishment preparing any such articles for commerce, except in compliance with the requirements of this chapter;

(b) Humane methods of slaughter

slaughter or handle in connection with slaughter any such animals in any manner not in accordance with the Act of August 27, 1958 (72 Stat. 862; 7 U.S.C. 1901-1906);

(c) Sales, transportation, and other transactions

sell, transport, offer for sale or transportation, or receive for transportation, in commerce, (1) any such articles which (A) are capable of use as human food and (B) are adulterated or misbranded at the time of such sale, transportation, offer for sale or transportation, or receipt for transportation; or (2) any articles required to be inspected under this subchapter unless they have been so inspected and passed;

(d) Adulteration or misbranding

do, with respect to any such articles which are capable of use as human food, any act while they are being transported in commerce or held for sale after such transportation, which is intended to cause or has the effect of causing such articles to be adulterated or misbranded.

(Mar. 4, 1907, ch. 2907, title I, § 10, formerly 8th par., 34 Stat. 1262; renumbered § 10 and amended Pub. L. 90-201, §§ 1, 7, Dec. 15, 1967, 81 Stat. 584, 589; Pub. L. 95-445, § 3, Oct. 10, 1978, 92 Stat. 1069.)

REFERENCES IN TEXT

Act of August 27, 1958, referred to in subsec. (b), is Pub. L. 85-765, Aug. 27, 1958, 72 Stat. 862, as amended, which is classified generally to chapter 48 (§ 1901 et seq.)

of Title 7, Agriculture. For complete classification of this Act to the Code, see Tables.

Sections 1903 and 1905 of Title 7, included within reference to Act of August 27, 1958, were repealed by Pub. L. 95-445, § 5(b), Oct. 10, 1978, 92 Stat. 1069, effective as set forth in section 7 of Pub. L. 95-445, set out as an Effective Date of 1978 Amendment note under section 603 of this title.

CODIFICATION

Section was formerly classified to section 78 of this title.

AMENDMENTS

1978—Subsecs. (b) to (d). Pub. L. 95-445 added subsec. (b) and redesignated former subsecs. (b) and (c) as (c) and (d), respectively.

1967—Pub. L. 90-201, § 7, included the list of animals and prohibited, except in compliance with requirements of this chapter, slaughtering animals or preparation of articles capable of use as human food, sales, transportation, and other transactions, and acts of adulteration or misbranding, incorporating in subsec. (b)(2) existing prohibition on distributions in interstate or foreign commerce of noninspected articles.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-445 effective one year after Oct. 10, 1978, and an additional eighteen month period thereafter in hardship cases, see section 7 of Pub. L. 95-445, set out as an Effective Date of 1978 Amendment note under section 603 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-201 effective Dec. 15, 1967, except that subsecs. (b)(1) and (c) of this section effective upon expiration of sixty days after Dec. 15, 1967, see section 20(a) of Pub. L. 90-201, set out as an Effective Date note under section 601 of this title.

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

(a) Devices to be made under authorization of Secretary

No brand manufacturer, printer, or other person, firm, or corporation shall cast, print, lithograph, or otherwise make any device containing any official mark or simulation thereof, or any label bearing any such mark or simulation, or any form of official certificate or simulation thereof, except as authorized by the Secretary.

(b) Other misconduct

No person, firm, or corporation shall—

(1) forge any official device, mark, or certificate;

(2) without authorization from the Secretary use any official device, mark, or certificate, or simulation thereof, or alter, detach, deface, or destroy any official device, mark, or certificate;

(3) contrary to the regulations prescribed by the Secretary, fail to use, or to detach, deface, or destroy any official device, mark, or certificate;

(4) knowingly possess, without promptly notifying the Secretary or his representative, any official device or any counterfeit, simulated, forged, or improperly altered official certificate or any device or label or any carcass of any animal, or part or product thereof, bearing any counterfeit, simulated, forged, or improperly altered official mark;

(5) knowingly make any false statement in any shipper's certificate or other nonofficial

or official certificate provided for in the regulations prescribed by the Secretary; or

(6) knowingly represent that any article has been inspected and passed, or exempted, under this chapter when, in fact, it has, respectively, not been so inspected and passed, or exempted.

(Mar. 4, 1907, ch. 2907, title I, §11, formerly 9th par., 34 Stat. 1263; renumbered §11 and amended Pub. L. 90-201, §§1, 8, Dec. 15, 1967, 81 Stat. 584, 589.)

CODIFICATION

Section was formerly classified to section 79 of this title.

AMENDMENTS

1967—Pub. L. 90-201, §8, clarified application to brand manufacturers and printers of existing prohibition against counterfeiting official marks, labels or certificates, the provisions with respect to forgery, unauthorized use or failure to use official marks, or similar items, and similar offenses, and existing prohibitions with respect to false statements in official or nonofficial certificates, and added restriction upon possession of official devices, or devices, labels, meat, or other articles bearing counterfeit official marks, counterfeit official certificates, or similar items, and prohibition against false representations.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-201 effective Dec. 15, 1967, except that with respect to equines (other than horses) and their carcasses and parts thereof, meat, and meat food products thereof, amendment effective upon expiration of sixty days after Dec. 15, 1967, see section 20(b) of Pub. L. 90-201, set out as an Effective Date note under section 601 of this title.

§ 612. Notification

Any establishment subject to inspection under this chapter that believes, or has reason to believe, that an adulterated or misbranded meat or meat food product received by or originating from the establishment has entered into commerce shall promptly notify the Secretary with regard to the type, amount, origin, and destination of the meat or meat food product.

(Mar. 4, 1907, ch. 2907, title I, §12, as added Pub. L. 110-234, title XI, §11017(a), May 22, 2008, 122 Stat. 1370, and Pub. L. 110-246, §4(a), title XI, §11017(a), June 18, 2008, 122 Stat. 1664, 2132.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

PRIOR PROVISIONS

A prior section 612, acts Mar. 4, 1907, ch. 2907, title I, §12, formerly 10th par., 34 Stat. 1263; renumbered §12 and amended Pub. L. 90-201, §§1, 3(b), 12(a), Dec. 15, 1967, 81 Stat. 584, 588, 592, related to inspection of animals for export, prior to repeal by Pub. L. 107-171, title X, §10418(a)(19), May 13, 2002, 116 Stat. 508. Section was formerly classified to section 80 of this title.

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of Title 7, Agriculture.

§ 613. Plans and reassessments

The Secretary shall require that each establishment subject to inspection under this chapter shall, at a minimum—

(1) prepare and maintain current procedures for the recall of all meat or meat food products produced and shipped by the establishment;

(2) document each reassessment of the process control plans of the establishment; and

(3) upon request, make the procedures and reassessed process control plans available to inspectors appointed by the Secretary for review and copying.

(Mar. 4, 1907, ch. 2907, title I, §13, as added Pub. L. 110-234, title XI, §11017(a), May 22, 2008, 122 Stat. 1370, and Pub. L. 110-246, §4(a), title XI, §11017(a), June 18, 2008, 122 Stat. 1664, 2132.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

PRIOR PROVISIONS

A prior section 613, acts Mar. 4, 1907, ch. 2907, title I, §13, formerly 11th par., 34 Stat. 1263; renumbered §13 and amended Pub. L. 90-201, §§1, 3(b), 12(a), Dec. 15, 1967, 81 Stat. 584, 588, 592, related to inspectors of animals for export and certificates of condition, prior to repeal by Pub. L. 107-171, title X, §10418(a)(19), May 13, 2002, 116 Stat. 508. Section was formerly classified to section 81 of this title.

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of Title 7, Agriculture.

§ 614. Repealed. Pub. L. 107-171, title X, § 10418(a)(19), May 13, 2002, 116 Stat. 508

Section, acts Mar. 4, 1907, ch. 2907, title I, §14, formerly 12th par., 34 Stat. 1263; renumbered §14 and amended Pub. L. 90-201, §§1, 3(b), 12(a), Dec. 15, 1967, 81 Stat. 584, 588, 592, prohibited clearance to vessel carrying animals for export without inspector's certificate. Section was formerly classified to section 82 of this title.

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

The Secretary shall also cause to be made a careful inspection of the carcasses and parts thereof of all amenable species, the meat of which, fresh, salted, canned, corned, packed, cured, or otherwise prepared, is intended and offered for export to any foreign country, at such times and places and in such manner as he may deem proper.

(Mar. 4, 1907, ch. 2907, title I, §15, formerly 13th par., 34 Stat. 1263; renumbered §15 and amended Pub. L. 90-201, §§1, 3(b), 12(a), Dec. 15, 1967, 81 Stat. 584, 588, 592; Pub. L. 109-97, title VII, §798(a)(1), Nov. 10, 2005, 119 Stat. 2166.)

CODIFICATION

Section was formerly classified to section 83 of this title.

AMENDMENTS

2005—Pub. L. 109-97 substituted “amenable species” for “cattle, sheep, swine, goats, horses, mules, and other equines”.

1967—Pub. L. 90-201, §§3(b), 12(a), struck out “of Agriculture” after “Secretary” and included horses, mules, and other equines in the list of animals, respectively.

EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by Pub. L. 109-97 effective the day after 120 days after Nov. 10, 2005, see section 798(b) of Pub. L. 109-97, set out as a note under section 601 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-201 effective Dec. 15, 1967, except that with respect to equines (other than horses) and their carcasses and parts thereof, meat, and meat food products thereof, amendment effective upon expiration of sixty days after Dec. 15, 1967, see section 20(b) of Pub. L. 90-201, set out as an Effective Date note under section 601 of this title.

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

For the purpose of section 615 of this title the Secretary may appoint inspectors who shall be authorized to give an official certificate stating the condition in which said cattle, sheep, swine, goats, horses, mules, or other equines, and the meat thereof, are found.

(Mar. 4, 1907, ch. 2907, title I, §16, formerly 14th par., 34 Stat. 1263; renumbered §16 and amended Pub. L. 90-201, §§1, 3(b), 12(a), Dec. 15, 1967, 81 Stat. 584, 588, 592.)

CODIFICATION

Section was formerly classified to section 84 of this title.

AMENDMENTS

1967—Pub. L. 90-201, §§3(b), 12(a), struck out “of Agriculture” after “Secretary”, and included horses, mules, or other equines in the list of animals.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-201 effective Dec. 15, 1967, except that with respect to equines (other than horses) and their carcasses and parts thereof, meat, and meat food products thereof, amendment effective upon expiration of sixty days after Dec. 15, 1967, see section 20(b) of Pub. L. 90-201, set out as an Effective Date note under section 601 of this title.

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

No clearance shall be given to any vessel having on board any fresh, salted, canned, corned, or packed beef, mutton, pork, goat or equine meat for export to and sale in a foreign country from any port in the United States, until the owner or shipper thereof shall obtain from an inspector appointed under the provisions of this chapter a certificate that the said amenable species were sound and healthy at the time of inspection, and that their meat is sound and wholesome, unless the Secretary shall have waived the requirements of such certificate for the country to which said amenable species or meats are to be exported.

(Mar. 4, 1907, ch. 2907, title I, §17, formerly 15th par., 34 Stat. 1263; renumbered §17 and amended

Pub. L. 90-201, §§1, 3(b), 12(a), (g), Dec. 15, 1967, 81 Stat. 584, 588, 592; Pub. L. 109-97, title VII, §798(a)(1), Nov. 10, 2005, 119 Stat. 2166.)

CODIFICATION

Section was formerly classified to section 85 of this title.

AMENDMENTS

2005—Pub. L. 109-97 substituted “amenable species” for “cattle, sheep, swine, goats, horses, mules, and other equines” in two places.

1967—Pub. L. 90-201, §§3(b), 12(a), (g), struck out “of Agriculture” after “Secretary”, included horses, mules, and other equines in the list of animals, and substituted “goat or equine meat” for “or goat meat, being the meat of animals killed after March 4, 1907, or except as hereinbefore provided”, respectively.

EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by Pub. L. 109-97 effective the day after 120 days after Nov. 10, 2005, see section 798(b) of Pub. L. 109-97, set out as a note under section 601 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-201 effective Dec. 15, 1967, except that with respect to equines (other than horses) and their carcasses and parts thereof, meat, and meat food products thereof, amendment effective upon expiration of sixty days after Dec. 15, 1967, see section 20(b) of Pub. L. 90-201, set out as an Effective Date note under section 601 of this title.

§ 618. Delivery of inspectors’ certificates, and of copies

The inspectors provided for under this subchapter shall be authorized to give official certificates of the condition of the carcasses and products of amenable species; and one copy of every certificate granted under the provisions of this chapter shall be filed in the Department of Agriculture, another copy shall be delivered to the owner or shipper, and when the amenable species, or their carcasses and products are sent abroad, a third copy shall be delivered to the chief officer of the vessel on which the shipment shall be made.

(Mar. 4, 1907, ch. 2907, title I, §18, formerly 16th par., 34 Stat. 1263; renumbered §18 and amended Pub. L. 90-201, §§1, 12(a), (h), Dec. 15, 1967, 81 Stat. 584, 592; Pub. L. 107-171, title X, §10418(b)(4), May 13, 2002, 116 Stat. 508; Pub. L. 109-97, title VII, §798(a)(1), Nov. 10, 2005, 119 Stat. 2166.)

CODIFICATION

“Provided for under this subchapter” was in the original “provided for herein”.

Section was formerly classified to section 86 of this title.

AMENDMENTS

2005—Pub. L. 109-97 substituted “amenable species” for “cattle, sheep, swine, goats, horses, mules, and other equines” in two places.

2002—Pub. L. 107-171 substituted “of the carcasses and products of cattle, sheep, swine, goats, horses, mules, and other equines” for “of the cattle, sheep, swine, goats, horses, mules, and other equines, their carcasses and products as described in this subchapter”.

1967—Pub. L. 90-201, §12(a), (h), included horses, mules, and other equines in the list of animals and struck out “sound and wholesome” before “conditions”, respectively.

EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by Pub. L. 109-97 effective the day after 120 days after Nov. 10, 2005, see section 798(b) of Pub. L. 109-97, set out as a note under section 601 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-201 effective Dec. 15, 1967, except that with respect to equines (other than horses) and their carcasses and parts thereof, meat, and meat food products thereof, amendment effective upon expiration of sixty days after Dec. 15, 1967, see section 20(b) of Pub. L. 90-201, set out as an Effective Date note under section 601 of this title.

§ 619. Marking, labeling, or other identification to show kinds of animals from which derived; separate establishments for preparation and slaughtering activities

No person, firm, or corporation shall sell, transport, offer for sale or transportation, or receive for transportation, in commerce, any carcasses of species designated by regulations in effect on the day before November 10, 2005, or parts of such carcasses, or the meat or meat food products thereof, unless they are plainly and conspicuously marked or labeled or otherwise identified as required by regulations prescribed by the Secretary to show the kinds of animals from which they were derived. When required by the Secretary, with respect to establishments at which inspection is maintained under this subchapter, such animals and their carcasses, parts thereof, meat and meat food products shall be prepared in establishments separate from those in which other amenable species are slaughtered or their carcasses, parts thereof, meat or meat food products are prepared.

(Mar. 4, 1907, ch. 2907, title I, §19, formerly 17th par., 34 Stat. 1264; renumbered §19 and amended Pub. L. 90-201, §§1, 9, Dec. 15, 1967, 81 Stat. 584, 590; Pub. L. 109-97, title VII, §798(a)(3), Nov. 10, 2005, 119 Stat. 2166.)

CODIFICATION

Section was formerly classified to section 87 of this title.

AMENDMENTS

2005—Pub. L. 109-97 substituted “species designated by regulations in effect on the day before November 10, 2005,” for “horses, mules, or other equines” and “other amenable species” for “cattle, sheep, swine, or goats”.

1967—Pub. L. 90-201, §9, substituted provisions for marking, labeling, or other identification of kinds of animals whence the articles are derived and for separate establishments for preparation and slaughtering activities for prohibition against transportation or sale of meat or meat food products without complying with inspection provisions. See section 610(b) of this title.

EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by Pub. L. 109-97 effective the day after 120 days after Nov. 10, 2005, see section 798(b) of Pub. L. 109-97, set out as a note under section 601 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-201 effective Dec. 15, 1967, except that with respect to equines (other than horses) and their carcasses and parts thereof, meat, and meat food products thereof, amendment effective upon expiration, of sixty days after Dec. 15, 1967, see section 20(b) of Pub. L. 90-201, set out as an Effective Date note under section 601 of this title.

§ 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

No carcasses, parts of carcasses, meat or meat food products of cattle, sheep, swine, goats, horses, mules, or other equines which are capable of use as human food, shall be imported into the United States if such articles are adulterated or misbranded and unless they comply with all the inspection, building, construction standards, and all other provisions of this chapter and regulations issued thereunder applicable to such articles in commerce within the United States. No such carcasses, parts of carcasses, meat or meat food products shall be imported into the United States unless the livestock from which they were produced was slaughtered and handled in connection with slaughter in accordance with the Act of August 27, 1958 (72 Stat. 862; 7 U.S.C. 1901-1906). All such imported articles shall, upon entry into the United States, be deemed and treated as domestic articles subject to the other provisions of this chapter and the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 301 et seq.]: *Provided*, That they shall be marked and labeled as required by such regulations for imported articles: *Provided further*, That nothing in this section shall apply to any individual who purchases meat or meat products outside the United States for his own consumption except that the total amount of such meat or meat products shall not exceed fifty pounds.

(b) Terms and conditions for destruction

The Secretary may prescribe the terms and conditions for the destruction of all such articles which are imported contrary to this section, unless (1) they are exported by the consignee within the time fixed therefor by the Secretary, or (2) in the case of articles which are not in compliance with the chapter solely because of misbranding, such articles are brought into compliance with the chapter under supervision of authorized representatives of the Secretary.

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

All charges for storage, cartage, and labor with respect to any article which is imported contrary to this section shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against such article and any other article thereafter imported under this chapter by or for such owner or consignee.

(d) Prohibition

The knowing importation of any article contrary to this section is prohibited.

(e) Omitted

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

Notwithstanding any other provision of law, all carcasses, parts of carcasses, meat, and meat

food products of cattle, sheep, swine, goats, horses, mules, or other equines, capable of use as human food, offered for importation into the United States shall be subject to the inspection, sanitary, quality, species verification, and residue standards applied to products produced in the United States. Any such imported meat articles that do not meet such standards shall not be permitted entry into the United States. The Secretary shall enforce this provision through (1) the imposition of random inspections for such species verification and for residues, and (2) random sampling and testing of internal organs and fat of the carcasses for residues at the point of slaughter by the exporting country in accordance with methods approved by the Secretary. Each foreign country from which such meat articles are offered for importation into the United States shall obtain a certification issued by the Secretary stating that the country maintains a program using reliable analytical methods to ensure compliance with the United States standards for residues in such meat articles. No such meat article shall be permitted entry into the United States from a country for which the Secretary has not issued such certification. The Secretary shall periodically review such certifications and shall revoke any certification if the Secretary determines that the country involved is not maintaining a program that uses reliable analytical methods to ensure compliance with United States standards for residues in such meat articles. The consideration of any application for a certification under this subsection and the review of any such certification, by the Secretary, shall include the inspection of individual establishments to ensure that the inspection program of the foreign country involved is meeting such United States standards.

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

The Secretary may prescribe terms and conditions under which amenable species that have been administered an animal drug or antibiotic banned for use in the United States may be imported for slaughter and human consumption. No person shall enter amenable species into the United States in violation of any order issued under this subsection by the Secretary.

(h) Reciprocal meat inspection requirement

(1) As used in this subsection:

(A) The term “meat articles” means carcasses, meat and meat food products of cattle, sheep, swine, goats, horses, mules, or other equines, that are capable of use as human food.

(B) The term “standards” means inspection, building construction, sanitary, quality, species verification, residue, and other standards that are applicable to meat articles.

(2) On request of the Committee on Agriculture or the Committee on Ways and Means of the House of Representatives or the Committee on Agriculture, Nutrition, and Forestry or the Committee on Finance of the Senate, or at the initiative of the Secretary, the Secretary shall, as soon as practicable, determine whether a particular foreign country applies standards for the

importation of meat articles from the United States that are not related to public health concerns about end-product quality that can be substantiated by reliable analytical methods.

(3) If the Secretary determines that a foreign country applies standards described in paragraph (2)—

(A) the Secretary shall consult with the United States Trade Representative; and

(B) within 30 days after the determination of the Secretary under paragraph (2), the Secretary and the United States Trade Representative shall recommend to the President whether action should be taken under paragraph (4).

(4) Within 30 days after receiving a recommendation for action under paragraph (3), the President shall, if and for such time as the President considers appropriate, prohibit imports into the United States of any meat articles produced in such foreign country unless it is determined that the meat articles produced in that country meet the standards applicable to meat articles in commerce within the United States.

(5) The action authorized under paragraph (4) may be used instead of, or in addition to, any other action taken under any other law.

(Mar. 4, 1907, ch. 2907, title I, § 20, formerly 18th par., 34 Stat. 1264; renumbered § 20 and amended Pub. L. 90-201, §§ 1, 10, Dec. 15, 1967, 81 Stat. 584, 590; Pub. L. 95-445, § 4, Oct. 10, 1978, 92 Stat. 1069; Pub. L. 97-98, title XI, § 1122, Dec. 22, 1981, 95 Stat. 1273; Pub. L. 99-198, title XVII, § 1702, Dec. 23, 1985, 99 Stat. 1634; Pub. L. 100-418, title IV, § 4604, Aug. 23, 1988, 102 Stat. 1408; Pub. L. 103-182, title III, § 361(f), Dec. 8, 1993, 107 Stat. 2124; Pub. L. 103-437, § 8(2), Nov. 2, 1994, 108 Stat. 4588; Pub. L. 103-465, title IV, § 431(l), Dec. 8, 1994, 108 Stat. 4970; Pub. L. 109-97, title VII, § 798[(a)](1), Nov. 10, 2005, 119 Stat. 2166.)

REFERENCES IN TEXT

Act of August 27, 1958, referred to in subsec. (a), is Pub. L. 85-765, Aug. 27, 1958, 72 Stat. 862, as amended, which is classified generally to chapter 48 (§ 1901 et seq.) of Title 7, Agriculture. Sections 1903 and 1905 of Title 7, included within reference to Act of August 27, 1958, were repealed by Pub. L. 95-445, § 5(b), Oct. 10, 1978, 92 Stat. 1069, effective as set forth in section 7 of Pub. L. 95-445, set out as an Effective Date of 1978 Amendment note under section 603 of this title. For complete classification of this Act to the Code, see Tables.

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

CODIFICATION

Subsec. (e) of this section, which required the Secretary to submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a comprehensive and detailed written annual report on the administration of this section, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 46 of House Document No. 103-7.

Section was formerly classified to section 88 of this title.

AMENDMENTS

2005—Subsec. (g). Pub. L. 109-97 substituted “amenable species” for “cattle, sheep, swine, goats, horses, mules, and other equines” in two places.

1994—Subsec. (e). Pub. L. 103-437 substituted “Agriculture, Nutrition, and Forestry” for “Agriculture and Forestry” in introductory provisions.

Subsec. (e)(1)(A), (B). Pub. L. 103-465, § 431(l)(1), amended subpars. (A) and (B) generally. Prior to amendment, subpars. (A) and (B) read as follows:

“(A) Subject to subparagraphs (B) and (C), a certification by the Secretary that foreign plants in Canada and Mexico that export carcasses or meat or meat products referred to in subsection (a) of this section have complied with paragraph (2) or with requirements that are equivalent to United States requirements with regard to all inspection and building construction standards, and all other provisions of this chapter and regulations issued under this chapter.

“(B) Subject to subparagraph (C), the Secretary may treat as equivalent to a United States requirement a requirement described in subparagraph (A) if the exporting country provides the Secretary with scientific evidence or other information, in accordance with risk assessment methodologies agreed to by the Secretary and the exporting country, to demonstrate that the requirement or standard of the exporting country achieves the level of protection that the Secretary considers appropriate.”

Subsec. (e)(2) to (7). Pub. L. 103-465, § 431(l)(2), (3), redesignated pars. (3) to (7) as (2) to (6), respectively, and struck out former par. (2) which read as follows: “A certification by the Secretary that, except as provided in paragraph (1), foreign plants that export carcasses or meat or meat products referred to in subsection (a) of this section have complied with requirements that are at least equal to all inspection and building construction standards and all other provisions of this chapter and regulations issued under this chapter.”

1993—Subsec. (e). Pub. L. 103-182, § 361(f)(1), substituted “not be limited to the following:” for “not be limited to—” in introductory provisions.

Subsec. (e)(1) to (7). Pub. L. 103-182, § 361(f)(2)–(7), added pars. (1) and (2), struck out former par. (1), redesignated pars. (2) to (6) as (3) to (7), respectively, substituted “The” for “the” at beginning of each par., substituted period for semicolon at end of pars. (3) to (5), and substituted period for “; and” at end of par. (6). Prior to amendment, former par. (1) read as follows: “a certification by the Secretary that foreign plants exporting carcasses or meat or meat products referred to in subsection (a) of this section have complied with requirements at least equal to all the inspection, building construction standards, and all other provisions of this chapter and regulations issued thereunder;”

1988—Subsec. (e)(6). Pub. L. 100-418, § 4604(b), added par. (6).

Subsec. (h). Pub. L. 100-418, § 4604(a), added subsec. (h).

1985—Subsec. (f). Pub. L. 99-198, § 1702(a), struck out provision which had made this subsection effective six months after Dec. 22, 1981, and inserted provisions requiring that each foreign country from which meat articles are offered for importation into the United States obtain a certification issued by the Secretary stating that the country maintains a program using reliable analytical methods to ensure compliance with the United States standards for residues in such meat articles, that no meat article be permitted entry into the United States from a country for which the Secretary has not issued such certification, that the Secretary periodically review such certifications and revoke any certification if the Secretary determines that the country involved is not maintaining a program that uses reliable analytical methods to ensure compliance with United States standards for residues in such meat articles, and that the consideration of any application for a certification under this subsection and the review of any such certification, by the Secretary, in-

clude the inspection of individual establishments to ensure that the inspection program of the foreign country involved is meeting such United States standards.

Subsec. (g). Pub. L. 99-198, § 1702(b), added subsec. (g).

1981—Subsec. (f). Pub. L. 97-98 added subsec. (f).

1978—Subsec. (a). Pub. L. 95-445 prohibited imports which do not comply with humane methods of slaughter.

1967—Pub. L. 90-201, § 10, substituted imported articles provisions for penalty provisions deeming offenses as misdemeanors and punishable by fine of \$10,000 or imprisonment for two years or both. See section 676(a) of this title.

EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by Pub. L. 109-97 effective the day after 120 days after Nov. 10, 2005, see section 798(b) of Pub. L. 109-97, set out as a note under section 601 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-465 effective, except as otherwise provided, on the date of entry into force of the World Trade Organization Agreement with respect to the United States [Jan. 1, 1995], see section 451 of Pub. L. 103-465, set out as an Effective Date note under section 3601 of Title 19, Customs Duties.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of Title 7, Agriculture.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-445 effective one year after Oct. 10, 1978, and an additional eighteen-month period thereafter in hardship cases, see section 7 of Pub. L. 95-445, set out as a note under section 603 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-201 effective upon expiration of sixty days after Dec. 15, 1967, see section 20(a) of Pub. L. 90-201, set out as an Effective Date note under section 601 of this title.

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

The Secretary shall appoint from time to time inspectors to make examination and inspection of all amenable species, inspection of which is hereby provided for and of all carcasses and parts thereof, and of all meats and meat food products thereof, and of the sanitary conditions of all establishments in which such meat and meat food products hereinbefore described are prepared; and said inspectors shall refuse to stamp, mark, tag, or label any carcass or any part thereof, or meat food product therefrom, prepared in any establishment hereinbefore mentioned, until the same shall have actually been inspected and found to be not adulterated; and shall perform such other duties as are provided by this chapter and by the rules and regulations to be prescribed by said Secretary; and said Secretary shall, from time to time, make such rules and regulations as are necessary for the efficient execution of the provisions of this chapter, and all inspections and examinations made under this chapter, shall be such and made in such manner as described in the rules and regulations prescribed by said Secretary not inconsistent with provisions of this chapter.

(Mar. 4, 1907, ch. 2907, title I, § 21, formerly 19th par., 34 Stat. 1264; renumbered § 21 and amended Pub. L. 90-201, §§ 1, 3(b), 12(a), (i), Dec. 15, 1967, 81

Stat. 584, 588, 592, 593; Pub. L. 99-641, title IV, § 403(d)(2), Nov. 10, 1986, 100 Stat. 3570; Pub. L. 109-97, title VII, § 798(a)(1), Nov. 10, 2005, 119 Stat. 2166.)

CODIFICATION

Section was formerly classified to section 89 of this title.

AMENDMENTS

2005—Pub. L. 109-97 substituted “amenable species” for “cattle, sheep, swine, goats, horses, mules, and other equines”.

1986—Pub. L. 99-641 temporarily substituted “thereof, and of meat food products” for “and meat food products”, which substitution was made for the first such reference as the probable intent of Congress. See Effective and Termination Dates of 1986 Amendment note below.

1967—Pub. L. 90-201, §§ 3(b), 12(a), (i), struck out “of Agriculture” after “Secretary” in four places, included horses, mules, and other equines in the list of animals, and substituted “not adulterated” for “sound, healthful, wholesome, and fit for human food, and to contain no dyes, chemicals, preservatives, or ingredients which render such meat food product unsound, unhealthful, unwholesome, or unfit for human food; and to have been prepared under proper sanitary conditions, hereinbefore provided for”, respectively.

EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by Pub. L. 109-97 effective the day after 120 days after Nov. 10, 2005, see section 798(b) of Pub. L. 109-97, set out as a note under section 601 of this title.

EFFECTIVE AND TERMINATION DATES OF 1986 AMENDMENT

Section 403(d)(2) of Pub. L. 99-641 provided that the amendment made by that section is effective only during the 6-year period beginning on Nov. 10, 1986.

Amendment by Pub. L. 99-641 effective Nov. 10, 1986, except that this section as in effect immediately before Nov. 10, 1986, applies with respect to establishments until the Secretary of Agriculture first issues rules and regulations to implement the amendments made by section 403(a) of Pub. L. 99-641 to section 606 of this title, see section 408 of Pub. L. 99-641, set out as a note under section 609 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-201 effective Dec. 15, 1967, except that with respect to equines (other than horses) and their carcasses and parts thereof, meat, and meat food products thereof, amendment effective upon expiration of sixty days after Dec. 15, 1967, see section 20(b) of Pub. L. 90-201, set out as an Effective Date note under section 601 of this title.

CONSTRUCTION AND EFFECT OF AMENDMENTS BY PUB. L. 99-641

For provisions relating to construction and effect of temporary amendments by section 403 of Pub. L. 99-641, see sections 403(e) and 404 of Pub. L. 99-641, set out as notes entitled “Inspection Services for Establishments Not Participating in Total Plant Quality-Control Program” and “Savings Provision”, respectively, under section 609 of this title.

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

Any person, firm, or corporation, or any agent or employee of any person, firm, or corporation, who shall give, pay, or offer, directly or indirectly, to any inspector, deputy inspector, chief inspector, or any other officer or employee of the United States authorized to perform any of

the duties prescribed by this chapter or by the rules and regulations of the Secretary any money or other thing of value, with intent to influence said inspector, deputy inspector, chief inspector, or other officer or employee of the United States in the discharge of any duty provided for in this chapter, shall be deemed guilty of a felony, and, upon conviction thereof, shall be punished by a fine not less than \$5,000 nor more than \$10,000 and by imprisonment not less than one year nor more than three years; and any inspector, deputy inspector, chief inspector, or other officer or employee of the United States authorized to perform any of the duties prescribed by this chapter who shall accept any money, gift, or other thing of value from any person, firm, or corporation, or officers, agents, or employees thereof, given with intent to influence his official action, or who shall receive or accept from any person, firm, or corporation engaged in commerce any gift, money, or other thing of value, given with any purpose or intent whatsoever, shall be deemed guilty of a felony and shall, upon conviction thereof, be summarily discharged from office and shall be punished by a fine not less than \$1,000 nor more than \$10,000 and by imprisonment not less than one year nor more than three years.

(Mar. 4, 1907, ch. 2907, title I, § 22, formerly 20th par., 34 Stat. 1264; renumbered § 22 and amended Pub. L. 90-201, §§ 1, 3, Dec. 15, 1967, 81 Stat. 584, 588.)

CODIFICATION

Section was formerly classified to section 90 of this title.

AMENDMENTS

1967—Pub. L. 90-201, § 3, struck out “interstate or foreign” before “commerce” and “of Agriculture” after “Secretary”.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-201 effective Dec. 15, 1967, except that with respect to equines (other than horses) and their carcasses and parts thereof, meat, and meat food products thereof, amendment effective upon expiration of sixty days after Dec. 15, 1967, see section 20(b) of Pub. L. 90-201, set out as an Effective Date note under section 601 of this title.

§ 623. Exemptions from inspection requirements

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

The provisions of this subchapter requiring inspection of the slaughter of animals and the preparation of the carcasses, parts thereof, meat and meat food products at establishments conducting such operations for commerce shall not apply to the slaughtering by any person of animals of his own raising, and the preparation by him and transportation in commerce of the carcasses, parts thereof, meat and meat food products of such animals exclusively for use by him and members of his household and his nonpaying guests and employees; nor to the custom slaughter by any person, firm, or corporation of cattle, sheep, swine or goats delivered by the owner thereof for such slaughter, and the preparation by such slaughterer and transportation in com-

merce of the carcasses, parts thereof, meat and meat food products of such animals, exclusively for use, in the household of such owner, by him and members of his household and his nonpaying guests and employees; nor to the custom preparation by any person, firm, or corporation of carcasses, parts thereof, meat or meat food products, derived from the slaughter by any person of cattle, sheep, swine, or goats of his own raising, or from game animals, delivered by the owner thereof for such custom preparation, and transportation in commerce of such custom prepared articles, exclusively for use in the household of such owner, by him and members of his household and his nonpaying guests and employees: *Provided*, That in cases where such person, firm, or corporation engages in such custom operations at an establishment at which inspection under this subchapter is maintained, the Secretary may exempt from such inspection at such establishment any animals slaughtered or any meat or meat food products otherwise prepared on such custom basis: *Provided further*, That custom operations at any establishment shall be exempt from inspection requirements as provided by this section only if the establishment complies with regulations which the Secretary is hereby authorized to promulgate to assure that any carcasses, parts thereof, meat or meat food products wherever handled on a custom basis, or any containers or packages containing such articles, are separated at all times from carcasses, parts thereof, meat or meat food products prepared for sale, and that all such articles prepared on a custom basis, or any containers or packages containing such articles, are plainly marked "Not for Sale" immediately after being prepared and kept so identified until delivered to the owner and that the establishment conducting the custom operation is maintained and operated in a sanitary manner.

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

The Secretary may, under such sanitary conditions as he may by regulations prescribe, exempt from the inspection requirements of this subchapter the slaughter of animals, and the preparation of carcasses, parts thereof, meat and meat food products, by any person, firm, or corporation in any Territory not organized with a legislative body solely for distribution within such Territory when the Secretary determines that it is impracticable to provide such inspection within the limits of funds appropriated for administration of this chapter and that such exemption will otherwise facilitate enforcement of this chapter. The Secretary may refuse, withdraw, or modify any exemption under this subsection in his discretion whenever he determines such action is necessary to effectuate the purposes of this chapter.

(c) Pizzas containing meat food products

(1) Under such terms and conditions as the Secretary shall prescribe through rules and regulations issued under section 624 of this title that may be necessary to ensure food safety and protect public health such as special handling procedures, the Secretary shall exempt pizzas containing a meat food product from the inspection requirements of this chapter if—

(A) the meat food product components of the pizzas have been prepared, inspected, and passed in a cured or cooked form as ready-to-eat in compliance with the requirements of this chapter; and

(B) the pizzas are to be served in public or private nonprofit institutions.

(2) The Secretary may withdraw or modify any exemption under this subsection whenever the Secretary determines such action is necessary to ensure food safety and to protect public health. The Secretary may reinstate or further modify any exemption withdrawn or modified under this subsection.

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

The adulteration and misbranding provisions of this subchapter, other than the requirement of the inspection legend, shall apply to articles which are exempted from inspection or not required to be inspected under this section.

(Mar. 4, 1907, ch. 2907, title I, §23, formerly 21st, 22nd pars., 34 Stat. 1265; June 29, 1938, ch. 810, 52 Stat. 1235; renumbered §23 and amended Pub. L. 90-201, §§1, 11, Dec. 15, 1967, 81 Stat. 584, 591; Pub. L. 91-342, July 18, 1970, 84 Stat. 438; Pub. L. 102-237, title X, §1016(a), Dec. 13, 1991, 105 Stat. 1902.)

CODIFICATION

Section was formerly classified to sections 91 and 92 of this title.

AMENDMENTS

1991—Subsecs. (c), (d). Pub. L. 102-237 added subsec. (c) and redesignated former subsec. (c) as (d).

1970—Subsec. (a). Pub. L. 91-342 changed proviso so as to permit custom slaughterers to conduct a separate inspected meat business, continued the exemption for owners to slaughter and process their own animals for their own use, authorized the Secretary to exempt custom slaughtering and processing performed by an inspected establishment, and required that custom slaughtered articles be clearly marked "not for sale".

1967—Pub. L. 90-201, §11, substituted provisions for personal, custom, and territorial slaughtering exemptions and for application of adulteration and misbranding provisions to inspection-free articles for farmer definition and retail butcher and retail dealer exemption provisions.

1938—Act June 29, 1948, amended section generally.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-201 effective upon expiration of sixty days after Dec. 15, 1967, see section 20(c) of Pub. L. 90-201, set out as an Effective Date note under section 601 of this title.

REGULATIONS

Secretary to issue final rules no later than Aug. 1, 1992, to implement exemption authorized by subsec. (c) of this section, see section 1016(c) of Pub. L. 102-237, set out as a note under section 464 of this title.

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

The Secretary may by regulations prescribe conditions under which carcasses, parts of carcasses, meat, and meat food products of cattle, sheep, swine, goats, horses, mules, or other equines, capable of use as human food, shall be

stored or otherwise handled by any person, firm, or corporation engaged in the business of buying, selling, freezing, storing, or transporting, in or for commerce, or importing, such articles, whenever the Secretary deems such action necessary to assure that such articles will not be adulterated or misbranded when delivered to the consumer. Violation of any such regulation is prohibited. However, such regulations shall not apply to the storage or handling of such articles at any retail store or other establishment in any State or organized Territory that would be subject to this section only because of purchases in commerce, if the storage and handling of such articles at such establishment is regulated under the laws of the State or Territory in which such establishment is located, in a manner which the Secretary, after consultation with the appropriate advisory committee provided for in section 661 of this title, determines is adequate to effectuate the purposes of this section.

(Mar. 4, 1907, ch. 2907, title I, §24, as added Pub. L. 90-201, §13, Dec. 15, 1967, 81 Stat. 593.)

§ 625. Inapplicability of certain requirements to catfish

Notwithstanding any other provision of this chapter, the requirements of sections 603, 604, 605, 610(b), and 623 of this title shall not apply to catfish.

(Mar. 4, 1907, ch. 2907, title I, §25, as added Pub. L. 110-234, title XI, §11016(b)(1)(C), May 22, 2008, 122 Stat. 1369, and Pub. L. 110-246, §4(a), title XI, §11016(b)(1)(C), June 18, 2008, 122 Stat. 1664, 2131.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of Title 7, Agriculture.

Section inapplicable until date on which the Secretary of Agriculture issues final regulations to carry out amendments by Pub. L. 110-246, §11016(b)(1), see section 11016(b)(2)(A) of Pub. L. 110-246, set out as an Effective Date of 2008 Amendment note under section 601 of this title.

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

Inspection shall not be provided under subchapter I of this chapter at any establishment for the slaughter of cattle, sheep, swine, goats, horses, mules, or other equines, or the preparation of any carcasses or parts or products of such animals, which are not intended for use as human food, but such articles shall, prior to their offer for sale or transportation in commerce, unless naturally inedible by humans, be denatured or otherwise identified as prescribed by regulations of the Secretary to deter their

use for human food. No person, firm, or corporation shall buy, sell, transport, or offer for sale or transportation, or receive for transportation, in commerce, or import, any carcasses, parts thereof, meat or meat food products of any such animals, which are not intended for use as human food unless they are denatured or otherwise identified as required by the regulations of the Secretary or are naturally inedible by humans.

(Mar. 4, 1907, ch. 2907, title II, §201, as added Pub. L. 90-201, §14, Dec. 15, 1967, 81 Stat. 593.)

EFFECTIVE DATE

Subchapter effective Dec. 15, 1967, see section 20 of Pub. L. 90-201, set out as a note under section 601 of this title.

§ 642. Recordkeeping requirements

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

The following classes of persons, firms, and corporations shall keep such records as will fully and correctly disclose all transactions involved in their businesses; and all persons, firms, and corporations subject to such requirements shall, at all reasonable times upon notice by a duly authorized representative of the Secretary, afford such representative access to their places of business and opportunity to examine the facilities, inventory, and records thereof, to copy all such records, and to take reasonable samples of their inventory upon payment of the fair market value therefor—

(1) Any persons, firms, or corporations that engage, for commerce, in the business of slaughtering any cattle, sheep, swine, goats, horses, mules, or other equines, or preparing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, of any such animals, for use as human food or animal food;

(2) Any persons, firms, or corporations that engage in the business of buying or selling (as meat brokers, wholesalers or otherwise), or transporting in commerce, or storing in or for commerce, or importing, any carcasses, or parts or products of carcasses, of any such animals;

(3) Any persons, firms, or corporations that engage in business, in or for commerce, as renderers, or engage in the business of buying, selling, or transporting, in commerce, or importing, any dead, dying, disabled, or diseased cattle, sheep, swine, goats, horses, mules, or other equines, or parts of the carcasses of any such animals that died otherwise than by slaughter.

(b) Period of maintenance

Any record required to be maintained by this section shall be maintained for such period of time as the Secretary may by regulations prescribe.

(Mar. 4, 1907, ch. 2907, title II, §202, as added Pub. L. 90-201, §14, Dec. 15, 1967, 81 Stat. 593.)

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

No person, firm, or corporation shall engage in business, in or for commerce, as a meat broker,