

date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

#### IMPLEMENTATION OF ELECTRONIC REPORTING SYSTEM

Pub. L. 111-239, §3(b), Sept. 27, 2010, 124 Stat. 2502, provided that: “Not later than one year after the date of enactment of this Act [Sept. 27, 2010], the Secretary of Agriculture shall implement the electronic reporting system required by subsection (d) of section 273 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1637b), as amended by subsection (a). Until the electronic reporting system is implemented, the Secretary shall continue to conduct mandatory dairy product information reporting under the authority of such section, as in effect on the day before the date of enactment of this Act.”

#### SUBCHAPTER IV—COUNTRY OF ORIGIN LABELING

### § 1638. Definitions

In this subchapter:

#### (1) Covered commodity

##### (A) In general

The term “covered commodity” means—

- (i) muscle cuts of lamb and venison;
- (ii) ground lamb and ground venison;
- (iii) farm-raised fish;
- (iv) wild fish;
- (v) a perishable agricultural commodity;
- (vi) peanuts; and<sup>1</sup>
- (vii) meat produced from goats;
- (viii) chicken, in whole and in part;
- (ix) ginseng;
- (x) pecans; and
- (xi) macadamia nuts.

##### (B) Exclusions

The term “covered commodity” does not include an item described in subparagraph (A) if the item is an ingredient in a processed food item.

#### (2) Farm-raised fish

The term “farm-raised fish” includes—

- (A) farm-raised shellfish; and
- (B) fillets, steaks, nuggets, and any other flesh from a farm-raised fish or shellfish.

#### (3) Food service establishment

The term “food service establishment” means a restaurant, cafeteria, lunch room, food stand, saloon, tavern, bar, lounge, or other similar facility operated as an enterprise engaged in the business of selling food to the public.

#### (4) Lamb

The term “lamb” means meat, other than mutton, produced from sheep.

#### (5) Perishable agricultural commodity; retailer

The terms “perishable agricultural commodity” and “retailer” have the meanings given the terms in section 499a(b) of this title.

#### (6) Secretary

The term “Secretary” means the Secretary of Agriculture, acting through the Agricultural Marketing Service.

<sup>1</sup> So in original. The word “and” probably should not appear.

### (7) Wild fish

#### (A) In general

The term “wild fish” means naturally-born or hatchery-raised fish and shellfish harvested in the wild.

#### (B) Inclusions

The term “wild fish” includes a fillet, steak, nugget, and any other flesh from wild fish or shellfish.

#### (C) Exclusions

The term “wild fish” excludes net-pen aquacultural or other farm-raised fish.

(Aug. 14, 1946, ch. 966, title II, §281, as added Pub. L. 107-171, title X, §10816, May 13, 2002, 116 Stat. 533; amended Pub. L. 110-234, title XI, §11002(1), May 22, 2008, 112 Stat. 1351; Pub. L. 110-246, §4(a), title XI, §11002(1), June 18, 2008, 122 Stat. 1664, 2113; Pub. L. 113-79, title XII, §12104(b)(1), Feb. 7, 2014, 128 Stat. 979; Pub. L. 114-113, div. A, title VII, §759(a), Dec. 18, 2015, 129 Stat. 2284.)

#### 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

2015—Pub. L. 114-113 redesignated pars. (2), (3), (4), (5), (6), (8), and (9) as pars. (1), (2), (3), (4), (5), (6), and (7), respectively, in par. (1)(A)(i) struck out references to beef and pork, in par. (1)(A)(ii) struck out references to ground beef and ground pork, and struck out former pars. (1) and (7), which defined “beef” and “pork”, respectively.

2014—Par. (2)(A)(i). Pub. L. 113-79, §12104(b)(1)(A), substituted “pork, and venison” for “and pork”.

Par. (2)(A)(ii). Pub. L. 113-79, §12104(b)(1)(B), substituted “ground pork, and ground venison” for “and ground pork”.

2008—Par. (2)(A)(vii) to (xi). Pub. L. 110-246, §11002(1), added cls. (vii) to (xi).

#### 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, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

### § 1638a. Notice of country of origin

#### (a) In general

##### (1) Requirement

Except as provided in subsection (b), a retailer of a covered commodity shall inform consumers, at the final point of sale of the covered commodity to consumers, of the country of origin of the covered commodity.

##### (2) Designation of country of origin for lamb, chicken, goat, and venison meat

###### (A) United States country of origin

A retailer of a covered commodity that is lamb, chicken, goat, or venison meat may designate the covered commodity as exclusively having a United States country of origin only if the covered commodity is derived from an animal that was—

- (i) exclusively born, raised, and slaughtered in the United States;