

merce, (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.)

**Editorial Notes**

**REFERENCES IN TEXT**

Act of August 27, 1958, referred to in subsec. (b), is Pub. L. 85-765, Aug. 27, 1958, 72 Stat. 862, 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Sections 1903 and 1905 of Title 7, included within reference to Act of August 27, 1958, were repealed by Pub.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.

**Statutory Notes and Related Subsidiaries**

**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, litho-

graph, 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.)

**Editorial Notes**

**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.

**Statutory Notes and Related Subsidiaries**

**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 be-

lieve, 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.)

#### Editorial Notes

##### 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.

#### Statutory Notes and Related Subsidiaries

##### 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.)

#### Editorial Notes

##### 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.

#### Statutory Notes and Related Subsidiaries

##### 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.)

#### Editorial Notes

##### 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.

#### Statutory Notes and Related Subsidiaries

##### 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.