

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #6

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OFFICE OF THE SECRETARY OF STATE

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE.**

AGENCY: West Virginia Department of Agriculture TITLE NUMBER: 61

AMENDMENT TO AN EXISTING RULE: YES X, NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 16

TITLE OF RULE BEING AMENDED: Rules and Regulations Governing
Meat Inspection

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) SB 637

SECTION 64-9-1-t, PASSED ON March 9, 1991

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON
THE FOLLOWING DATE: July 1, 1991



**TITLE 61
LEGISLATIVE RULES
DEPARTMENT OF AGRICULTURE**

**SERIES 16
REGULATIONS GOVERNING MEAT INSPECTION**

61-16-1. General

1.1 Scope - Revised regulations governing meat inspection are established in order to implement the requirements of Chapter 19, Article 2B "Inspection of Animals, Meat and Meat Products" of the Code of West Virginia, and to maintain and administer an effective State-Federal Cooperative Meat Inspection Program in this State by establishing regulations and requirements which equal those imposed by the applicable provisions of the Federal Meat Inspection Act (34 Stat. 1260) as amended by the Wholesome Meat Act (81 Stat. 584, 21 U.S.C. Sapp., Section 601 et seq.). The following regulations establish general operating rules, procedures, requirements and standards in the West Virginia Department of Agriculture, Meat Inspection Division.

1.2. Authority - Code of West Virginia, Chapter 19, Article 2B.

1.3. Filing Date -

1.4. Effective Date -

1.5. Repeal of former rules and regulations - These regulations repeal and replace in their entirety Regulations Governing Meat Inspection, West Virginia Department of Agriculture, Chapter 19-2B, Series XVI, filed on September 3, 1980, and effective November 10, 1980.

61-16-2. Incorporation by Reference of Federal Meat Inspection Regulations

The Mandatory Meat Inspection Regulations (9 CFR, Parts 301 et seq.) of the United States Department of Agriculture adopted pursuant to the Federal Meat Inspection Act (34 Stat. 1260) as amended by the Wholesome Meat Act (81 Stat. 584, 21 U.S.C. Sapp., Section 601 et seq.) is hereby adopted in its entirety with the exception of the deleted regulations specified in section 3 of these regulations.

61-16-3. Deleted Regulations

The following sections of the Federal regulations governing the mandatory meat inspection (9 CFR, Part 301 et seq.) of the United States Department of Agriculture shall be deleted and shall not become regulations of the West Virginia Department of Agriculture: 302.2; 303.1(c); 303.1(d)(3)(f); 304; 305.2(b); 307.5; 307.6; 312; 316.12; 316.13(c); 317.7; 317.9; 318.8; 321; 322; 327; 329.6; 329.7; 329.8; 329.9; 331; 335.

61-16-4. Definitions

4.1 All terms used in these regulations shall be those as defined in WV Code 19-2B-2, except for the following definitions in 4.2.

4.2. Definitions in the incorporated parts of the Federal regulations governing mandatory meat inspection (9 CRF Part 301 et seq.) of the United States Department of Agriculture are amended to read as follows:

4.2.1. "The Act" means WV Code 19-2B-1 et seq.

4.2.2. "The United States Department of Agriculture" means the West Virginia Department of Agriculture.

4.2.3. "Secretary" means Commissioner of Agriculture.

4.2.4. "Administrator", "Regional Director", and "Area Supervisor" mean the Director, Meat Inspection Division.

4.2.5. "Federal Meat Inspection" and "Program" mean the Meat Inspection Division, West Virginia Department of Agriculture.

4.2.6. "Food Inspector" means meat inspector.

4.2.7. "Food Safety and Inspection Service" means the Meat Inspection Division, West Virginia Department of Agriculture.

4.2.8. "USDA Inspection Legend" means W.Va. Inspection Legend.

4.2.9. "Federally Inspected and Passeded" and "U.S. Inspected and Passed" mean W.Va. Inspected and Passed.

4.2.10. "U.S. Passed for Cooking" means W.Va. Passed for Cooking.

4.2.11. "U.S. Passed for Refrigeration" means W.Va. Passed for Refrigeration.

4.2.12. "U.S. Inspected and Condemned" means W.Va. Inspected and Condemned.

4.2.13. "U.S. Retained" or "U.S. Detained" mean W.Va. Retained.

4.2.14. "U.S. Rejected" means W.Va. Rejected.

4.2.15. "U.S. Suspect" means W.Va. Suspect.

4.2.16. "U.S. Condemned" means W.Va. Condemned.

4.2.17. "U.S. Government Seals" means W.Va. Department of Agriculture seals.

4.3. Whenever an official form is designated by federal regulation, the appropriate West Virginia form will be substituted.

61-16-5. The United States Department of Agriculture's Guidelines and Procedures Applicable to the West Virginia Department of Agriculture.

The following publications prepared and approved by the United States Department of Agriculture shall be applicable to the West Virginia Department of Agriculture:

(1) "U.S. Inspected Meat and Poultry Packing Plants: A Guide to Construction and Layout", Agriculture Handbook 570 (January, 1986)

(2) "The Meat and Poultry Inspection Manual" (December, 1979, with updates through December 1990)

(3) "Sanitation Handbook for Meat and Poultry Inspectors" (July 1982)

(4) "Accepted Meat and Poultry Equipment", MPI-2 (July 1990)

(5) "List of Propriety Substances and Nonfood Compounds", Miscellaneous Publication Number 1419 (March 1990)

(6) "Standards and Labeling Policy Book" (January 1986, with updates through December 1990)

(7) Food Safety and Inspection Service's Directives

61-16-6. Licensing

6.1. Application for License and Inspection - Every commercial slaughterer, custom slaughterer, commercial processor, custom processor or distributor is required to obtain a license from the Commissioner.

6.1.1. Before the license is issued and inspection granted, each person who intends to conduct operations at an establishment subject to the Code, whether tenant, subsidiary, or landlord, shall make application therefor to the Commissioner for license and inspection.

6.1.2. Every application under this section shall be made on an official form furnished by the Commissioner and shall be completed to include all information requested. Each applicant for inspection shall be held responsible for compliance with the Code and regulations governing meat inspection, when the license is granted. Preparation of product and other operations at the establishment for which the license is granted may be conducted only by the applicant named in the application.

6.1.3. In cases of ownership or location change, a new application shall be made.

6.2. Drawings and Specifications to be Furnished

6.2.1. Each applicant for the license shall submit to the Director, Meat Inspection Division:

6.2.1.1. Three (3) sets of complete drawings containing the floor plans of the establishment for which inspection is requested, showing the locations of principal pieces of equipment, floor drains, principal drainage lines, handwashing basins and hose connections for cleanup purposes; a plot plan showing limits of the establishment's premises, locations in outline of buildings on the premises, cardinal points of the compass, and roads and railroads serving the establishment; and a room schedule showing the finish of walls, floors, and ceilings of all rooms in the establishment;

6.2.1.2. Three (3) sets of specifications which shall include statements describing water supply, plumbing, drainage, refrigeration, equipment, lighting, and operations to be performed at the establishment.

6.2.1.3. A certificate from the local health authority certifying the water potability at the establishment and approval of the sewage disposal system of the establishment.

61-16-7. Official Inspection Marks and Devices.

7.1. General-The inspection marks and devices, prescribed or referenced in this section shall be official marks and devices, for purposes of the Code, and shall be used in accordance with the provisions of this section and the regulations governing meat inspection from the USDA as incorporated herein.

7.2. The inspection legend to identify inspected and passed products of cattle, sheep, swine and goats - The inspection legend to be applied to W.Va. inspected and passed carcasses and parts of carcasses of cattle, sheep, swine and goats, meat food products in animal casings, and other products approved by the Director, Meat Inspection Division, shall be in the appropriate form as hereinafter specified.

7.2.1. For application on sheep carcasses, the loins and ribs of pork, beef tails, and the smaller varieties of sausage and meat food products in animal casings, the inspection legend is as shown below:



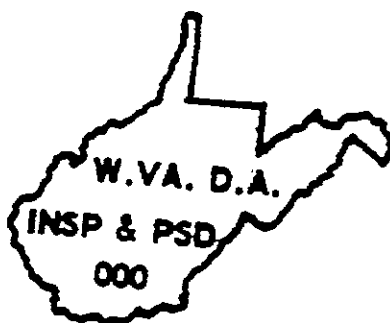
The size of the inspection legend shall be 7/8" x 1".

7.2.2. For application to calf and goat carcasses and on the larger varieties of sausage and meat food products in animal casings, the inspection legend is as shown below:



The size of the inspection legend shall be 1 1/4" x 1 3/8".

7.2.3. For application to beef and hog carcasses, primal cuts therefrom, beef livers, beef tongues, beef hearts, and smoked meats not in casings, and for application to burlap, muslin, cheesecloth, heavy paper or other acceptable material that encloses carcasses or parts of carcasses, the inspection legend is as shown below:



The size of the inspection legend shall be 1 7/8" x 2"

7.3. Inspection legends and labels.

7.3.1. The inspection legend required to be shown on all labels for inspected and passed products of cattle, sheep, swine, and goats shall be in the form as shown in paragraph 7.2.3, except that it need not be of the size illustrated, provided that it is of a sufficient size and of such color as to be conspicuously displayed and readily legible and the same proportions of letter size and boldness are maintained.

7.3.2. The inspection legend shall be applied on labels by mechanical means and shall not be applied by a hand stamp.

7.3.3. The inspection legend described in paragraph 7.3.1 of this section may also be used on shipping containers, band labels, artificial casings, and other articles with the approval of the Director, Meat Inspection Division.

7.4. Any brand, stamp, label, or other device approved by the Director, Meat Inspection Division, and bearing any inspection legend presented in this section shall be an official device for purposes of the Code.

7.5. Custom stamps and devices to identify custom slaughtered animals or custom prepared product.

7.5.1. An establishment licensed for custom slaughter or custom processing operations shall identify all custom carcasses, carcass parts, and custom meats with:

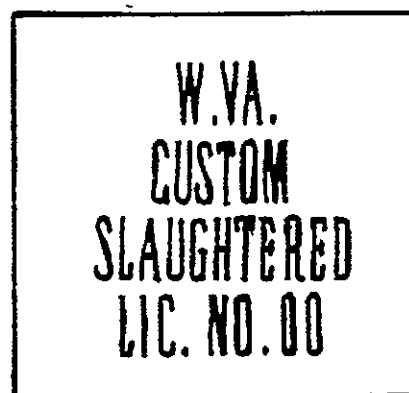
7.5.1.1. A custom stamp as provided for in paragraph 7.4.2 of these regulations and with words "NOT FOR SALE" at least three-eighths of an inch in height. The custom stamp and the words "NOT FOR SALE" shall be applied immediately after slaughter, or upon receipt at the establishment.

7.5.1.2. A tag made from a material that is nontoxic and waterproof, immediately after slaughter, or upon receipt at the establishment, that identifies the name of the owner or a number which identifies the owner of the meat: Provided, that the tag may be omitted if the identification number is legibly applied directly on the meat by an approved marking pencil.

7.5.1.3. A stamp or legible printing or pressure sensitive tape with words "NOT FOR SALE" on all custom wrapped or packaged meats immediately after final preparation. All custom meat must remain so identified while on the establishment's premises.

7.5.1.4. A stamp, legible printing or pressure sensitive tape or tag attached with words "NOT FOR SALE" on closed containers when utilized for packing unwrapped, wrapped, or packaged custom meats. All custom meat must remain so identified immediately after packing the containers and while on the establishment's premises.

7.5.2. The official custom stamp (brass faced) required to identify carcass or parts of carcasses of custom slaughter animals is as shown below:



The size of the stamp shall be 2"x 2" with letters 3/8" in height

61-16-8. Articles, Livestock or Animal Subject to Seizure and Condemnation.

8.1 Any carcass, part of a carcass, meat or meat food product, or any dead, dying, disabled, or diseased livestock or animal, that is being transported in intrastate commerce or is otherwise subject to WV Code 19-2B-6 and 10, or is held for sale in West Virginia after such transportation is subject to seizure and condemnation under these Sections of the heretofore cited statute if such article, livestock or animal:

8.1.1. Is or has been prepared, sold, transported or otherwise distributed or offered or received for distribution in violation of the Code; or

8.1.2. Is capable of use as human food and is adulterated or misbranded; or

8.1.3. In any other way is in violation of the provisions of the Code.

8.2. Procedure for seizure and condemnation - Any carcass, part of a carcass, meat or meat food product, or any dead, dying, disabled, or diseased livestock or animal subject to seizure and condemnation under this Section may be proceeded against and seized and condemned, and disposed of at any time, by the authority of the Commissioner as specified in WV Code 19-2B-6 and 10. The Commissioner may order and direct the person having custody or possession of such carcass, part of a carcass, meat or meat product or livestock, or article, or the licensee of the establishment in which it is found, to be responsible for the disposition thereof; as well as any necessary storage, handling, or other incidentals related thereto.

8.3. Authority for condemnation or seizure under other provisions of the Code - The provisions of this Section relating to seizure, condemnation, and disposition of articles, livestock, or animals do not derogate from authority for condemnation or seizure conferred by other provisions of the Law, or other laws.

61-16-9. Overtime and Holiday Inspection Service

9.1. The management of a licensed establishment shall reimburse the Department for the cost of inspection service furnished on any holiday as specified in subsection 9.3 of this Section, or for providing inspection for more than eight (8) hours on any day or more than forty (40) hours in any administrative workweek Saturday through Friday.

9.2. When a licensed establishment requires inspection service on a holiday or for more than eight (8) hours on any other day, it shall request the veterinary supervisor to furnish inspection during such period. The request shall be made at least seven (7) days before the holiday and at least two (2) days in advance of planned overtime.

9.3. Holidays shall be those specified in WV Code 2-2-1 et seq.

9.4. The Commissioner shall determine from time to time the rate for overtime and holiday services.

WEST VIRGINIA
Rules and Regulations
Governing
Chapter 19, Article 2-B
MEAT INSPECTION



West Virginia Department Of Agriculture
R. R. Douglass, Commissioner
Charleston, WV 25305

CONTENTS

	<u>Pages</u>
<u>SECTION 1</u> - General.....	1
§ 1.01 Scope.....	1
§ 1.02 Authority.....	1
§ 1.03 Effective Date.....	1
§ 1.04 Filing Date.....	1
§ 1.05 Interpretations.....	1
 <u>SECTION 2</u> - Definitions.....	 2
§ 2.01 Meaning of Terms.....	2
§ 2.02 Definitions.....	2
(a) Law.....	2
(b) Department.....	2
(c) Department Employees.....	2
(d) Commissioner.....	2
(e) Program.....	2
(f) State Inspection.....	2
(g) Director.....	2
(h) Contract Veterinarian.....	2
(i) Veterinary Supervisor.....	2
(j) Department Inspector.....	3
(k) Department Employee.....	3
(l) Supervision.....	3
(m) Official Certificate.....	3
(n) Official Inspection Mark.....	3
(o) Inspection Legend.....	3
(p) Meat Label.....	3

(q) Misbranded.....	3-4
(r) Product.....	4
(s) Container and Package.....	4-5
(t) Immediate Container or True Container.....	5
(u) Shipping Container or Outside Container.....	5
(v) Wholesome.....	5
(w) Adulterated.....	5-6
(x) W. Va. Condemned.....	6
(y) W. Va. Inspected and Condemned.....	6
(z) W. Va. Retained.....	6
(aa) W. Va. Suspect.....	6
(bb) W. Va. Inspected and Passed.....	6
(cc) W. Va. Passed for Cooking.....	6
(dd) W. Va. Passed for Refrigeration.....	6-7
(ee) Artificial Flavoring.....	7
(ff) Artificial Coloring.....	7
(gg) Chemical Preservatives.....	7
(hh) Biological Residue.....	7
(ii) Livestock.....	7
(jj) Animals.....	7
(kk) Carcass.....	7
(ll) Meat.....	7
(mm) Meat Food Product.....	7
(nn) Meat By-Product.....	7
(oo) Product.....	8
(pp) Edible.....	8
(qq) Inedible.....	8

SECTION 2 - Cont'dPages

(rr)	Prepared.....	8
(ss)	4-D Animal.....	8
(tt)	Dead Livestock.....	8
(uu)	Dying, Diseased, or Disabled Livestock.....	8
(vv)	Denature.....	8
(ww)	Decharacterization.....	8
(xx)	Person.....	8
(yy)	Firm.....	8
(zz)	Licensee.....	8
(aaa)	Official Establishment.....	9
(bbb)	Commercial Slaughterer.....	9
(ccc)	Custom Slaughterer.....	9
(ddd)	Commercial Processor.....	9
(eee)	Custom Processor.....	9
(fff)	Distributor.....	9
(ggg)	Commercial Outlet.....	9
(hhh)	Commercial Dealer.....	9
(iii)	Processor.....	9
(jjj)	Further Processing.....	10
(kkk)	Meat Broker.....	10
(lll)	Animal Food Manufacturer.....	10
(mmm)	Animal Food.....	10
(nnn)	Renderer.....	10
(ooo)	Intrastate Commerce.....	10
(ppp)	Region.....	10

<u>SECTION 3 - Scope of Inspection and Licensing.....</u>	11
---	----

SECTION 3 - Cont'd

Pages

§ 3.01	Establishments Requiring Inspection.....	11
§ 3.02	Establishments Requiring Licensing; license fees.....	11
§ 3.03	Animals and Products Entering Inspected Establishments.	11
(a)	Animals.....	11
(b)	Horse, Mule, Other Equine, or etc.....	12
(c)	Poultry and Poultry Products.....	12
(d)	Game Animals and Custom Animals.....	12

<u>SECTION 4</u>	<u>- Application for License and Inspection; Exclusions; Exemptions.....</u>	<u>13</u>
§ 4.01	Application for License and Inspection.....	13
(a)	Application Requirement.....	13
(b)	Application Form and Requirement for Resubmission.....	13
(c)	Expiration of License.....	13
§ 4.02	Exclusions.....	13
(a)	Federal Establishments.....	13
(b)	Slaughterhouses or Processing Plants.....	13
(1)	Foreign Meat Plants and Their Products.....	13
(2)	Talmdge-Aiken Plants and Their Products.....	13
§ 4.03	Exemptions.....	13
(a)	Exemptions for Inspection of Animals and Preparation of Product.....	13
(1)	Commercial Dealers - Retail and Public Eating Places.....	13
(2)	Farm Slaughter and Custom Slaughter.....	14
(3)	Antemortem and Postmortem Inspections of Custom Animals.....	14
(4)	Other Exemptions and Requirements Approved by Commissioner.....	14
(i)	Traditional Operations in Retail Stores and Restaurants or Public Eating Places.....	14

(ii) Purposes of Requirements for Traditional Operations.....	14
(a) Types of Traditional Operations.....	14
(1) Cutting Up, Slicing, and Trimming Operations.....	14
(2) Grinding and Freezing Operations.....	14
(3) Curing, Cooking, Smoking, etc.....*	14
(4) Bulk Shipments.....	15
(5) Wrapping or Rewrapping.....	15
(b) Normal Retail Quantity Defined.....	15
(c) Retail Sales and Limitations.....*	15
(d) Restaurant Exemption Requirements and Limitations; Caterer.....	15
(e) Other Retail-Type Places of Business.....	15
(f) Consumer.....	16
(g) Adulteration Misbranding Provisions and Trichina Controls.....	16
(iii) Exemptions for Custom Product Inspections and Requirements for Custom Operations.....	16
(a) Exemption Requirements.....	16
(b) Custom Operators Handling Products for Sale..	16
(c) Identification of Custom Products.....	16
(d) Tag Identification Requirements.....	16
(e) Carcass, Quarters, or Wholesale Cuts Identification Requirement.....	17
(f) Marking Requirements for Wrappers or Packages Containing Custom Products.....	17
(g) Marking Requirements for Containers Containing Custom Products.....	17
(1) Lettering Requirement.....	17
(2) Establishment Number Identification.....	17
(h) Misbranding Custom Products.....	17

* Page Change Effective 11/10/80*

SECTION 4- Cont'dPages

(i) Preparation, Handling, and Adulteration.....	18
(j) Records Pertaining to Custom Operations.....	18
(k) Denaturing or Other Controls.....	18
(iv) Wild Game in Retail and Custom Establishments.....	18
(v) Modification of Custom Requirement by Commissioner.....	18
(b) Licensing of Public Institutions' Facilities.....	18

<u>SECTION 5 - Establishment Numbers; Inauguration of Inspection; Withdrawal of Inspection; Reports of Violations.....</u>	19
--	----

§ 5.01 Establishment Official Numbers; Subsidiaries and Tenants....	19
(a) Assignment of Establishment Number.....	19
(b) Two or More Establishments Assigned Same Establishment Number.....	19
(c) Granting Inspection to Subsidiaries and Tenants Located in an Official Establishment.....	19
§ 5.02 Separation of Official Establishments.....	19
(a) Unofficial Establishment and Poultry Products Processing Establishment.....	19
(b) Living Quarters in Official Establishments.....	19
(c) Retail Meat Business in an Official Establishment.....	19
§ 5.03 Sanitation and Adequate Facilities.....	20
§ 5.04 Inauguration of Inspection.....	20
(Sanitary Requirements; Product Not Marked in Compliance; Veterinary Supervisor Requirements)	
§ 5.05 Suspension of Inspection; Statement of Policy.....	20
(a) Sanitary Conditions, Failure to Condemn Products, and Authority for Suspension.....	20
(b) Acts of Assault, Resistance, Opposition, Impediment, Intimidation, or Interference With A Department Employee; Length of Suspension.....	20
§ 5.06 Reports of Violations.....	20

	<u>Pages</u>	
<u>SECTION 6</u> - Assignment and Authorities of Department Employees.....	21	
§ 6.01 Designation of Veterinary Supervisor and Assistants.....	21	
§ 6.02 Department Employees to Have Access to Establishments.....	21	
§ 6.03 Official Identification of Inspectors..... (Name Plate - Badge - West Virginia Identification Card)	21	
§ 6.04 Assignment of Department Employees Where Members of Family Employed; Soliciting Employment; Procuring Product From Official Establishments.....	21	
§ 6.05 Appeals.....	22	
<u>SECTION 7</u> - Facilities for Inspection.....	23	
§ 7.01 Facilities for Department Employees.....	23	
§ 7.02 Other Facilities and Conditions to be Provided by Establishment.....	23	
(a) Pens, Equipment, and Assistants.....	23	
(b) Lighting and Heat.....	23	
(c) Racks, Receptacles, or Other Devices for Retaining.....	23	
(d) Tables, Benches, and Other Equipment.....	24	
(e) Watertight Metal Trucks or Receptacles for Diseased Carcasses and Parts.....	24	
(f) Facilities for Cleaning Hands and Sterilizing.....	24	
(g) Facilities for Conducting Final Inspections.....	24	
(h) Retention Rooms, Cages, or Other Compartments.....	24	
(i) Facilities for Disposal of Condemned Articles - Tanks and Other Rendering Equipment, Sealing and Denaturing Materials.....	24	
(j) Docks and Receiving Rooms.....	25	
(k) Lockers for Brands, Official Devices, etc.....	25	
(l) Sanitary Facilities.....	25	
§ 7.03 Department to Furnish Inspection Implements and Inspectors to Maintain Hands and Implements in Sanitary Condition.....	25	
§ 7.04 Hours of Operations of Official Establishments.....	25	

§ 7.05	Designation of Days and Hours of Operation by Veterinary Supervisor.....	25
<u>SECTION 8 - Construction and Sanitation.....</u>		26
§ 8.01	Drawings and Specifications to be Furnished in Advance of Construction.....	27
§ 8.02	Examination and Specifications for Equipment and Sanitation Prior to Granting a License and Inspection.....	27
§ 8.03	Establishments; Sanitary Condition; Requirements.....	27-30
§ 8.04	Sanitary Facilities and Accommodations; Specific Requirements.....	30
§ 8.05	Equipment to be Easily Cleaned; That for Inedible Products to be so Marked.....	30
§ 8.06	Scabbards for Knives.....	30
§ 8.07	Rooms, Compartments, etc., to be Clean and Sanitary.....	30-31
§ 8.08	Operations, Procedures, Rooms, Clothing, Utensils, etc., to be Clean and Sanitary.....	31
§ 8.09	Protective Handling of Products.....	32
§ 8.10	Slack Barrels and Similar Containers and Means of Conveyance Used for Product; Paper in Contact With Product..	32
§ 8.11	Burlap Wrapping for Meat.....	32
§ 8.12	Second-Hand Tubs, Barrels, Other Containers, Tank Cars, Trucks, and Trailer Trucks; Inspection and Cleaning.....	32
§ 8.13	Inedible Operating and Storage Rooms; Outer Premises, Docks, Driveways, Approaches, Pens, Alleys, etc.; Fly-Breeding Material; Other Conditions.....	33
§ 8.14	Tagging Insanitary Equipment, Utensils, Rooms, or Compartments.....	33
§ 8.15	Facilities Requirements for Small Existing Meat Establishments.....	33
§ 8.16	(Reserved)	33
§ 8.17	Midshift Cleanups.....	33-34

	<u>Pages</u>
<u>SECTION 9</u> - Employment of Diseased Persons.....	35
<u>SECTION 10</u> - Antemortem Inspection.....	36
§ 10.01 Antemortem Inspection in Pens of Official Establishments....	37
§ 10.02 Animals Suspected of Being Diseased or Affected With Certain Conditions; Identifying Suspects; Disposition on Postmortem Inspection or Otherwise.....	37-39
§ 10.03 Dead, Dying, Disabled, or Diseased and Similar Animals.....	39-40
§ 10.04 Animals Showing Symptoms of Certain Metabolic, Toxic, Nervous, or Circulatory Disturbances, Nutritional Imbalances, or Infectious or Parasitic Diseases.....	40
§ 10.05 Swine; Disposal Because of Hog Cholera; Swine Injected With Hog Cholera Virus.....	40
§ 10.06 Epithelioma of the Eye.....	41
§ 10.07 Animals Affected With Anthrax; Cleaning and Disinfection of Infected Livestock Pens and Driveways.....	42
§ 10.08 Cattle Affected With Anasarca and Generalized Edema.....	42
§ 10.09 Swine Erysipelas.....	42
§ 10.10 Onset of Parturition.....	42
§ 10.11 Vaccine Livestock.....	42
§ 10.12 Emergency Slaughter; Inspection Prior To.....	42
§ 10.13 Disposition of Condemned Animals.....	42
§ 10.14 Brucellosis-Reactor Goats.....	43
§ 10.15 Vesicular Diseases.....	43
§ 10.16 Livestock Suspected of Having Biological Residues.....**	43-45
§ 10.17 Animals Used for Research.....*	45-46
§ 10.18 Official Marks and Devices for Purposes of Antemortem Inspection.....	46-47
<u>SECTION 11</u> - Postmortem Inspection.....	48
§ 11.01 Extent and Time of Postmortem Inspection.....	49

Page Change Effective 5/10/72

Page Change Effective 11/10/80

§ 11.02	Identification of Carcass With Certain Severed Parts Thereof and With Animal From Which Derived.....	49-50
§ 11.03	Carcasses and Parts in Certain Instances to be Retained.....	50
§ 11.04	Identification of Carcasses and Parts; Tagging.....	50
§ 11.05	Condemned Carcasses and Parts to be so Marked; Tanking; Separation.....	50
§ 11.06	Carcasses and Parts Passed for Cooking; Marking.....	51
§ 11.07	Removal of Spermatie Cords, Pizzles, and Preputial Diverticuli.....	51
§ 11.08	Passing and Marking of Carcasses and Parts.....	51
§ 11.09	Anthrax; Carcasses Not to be Eviscerated; Disposition of Affected Carcasses; Hides, Hoofs, Horns, Hair, Viscera and Contents, and Fat; Handling of Blood and Scalding Vat Water; General Cleanup and Disinfection.....	51-53
§ 11.10	Carcasses With Skin or Hide on; Cleaning Before Evisceration, Removal of Larvae of Hypodermæ, External Parasites, and Other Pathological Skin Conditions.....	53
§ 11.11	Cleaning of Hog Carcasses Before Incising.....	53
§ 11.12	Sternum to be Split; Abdominal and Thoracic Viscera to be Removed.....	53
§ 11.13	Carcasses or Parts Thereof Not to be Inflated; Transferring Caul or Other Fat.....	53
§ 11.14	Handling of Bruised Parts.....	53
§ 11.15	Hyperimmune Swine Held Before Entering Official Establishments.....	53
§ 11.16	Disposition of Lungs.....	54
§ 11.17	Inspection of Mammary Glands.....	54
§ 11.18	Contamination of Carcasses, Organs, or Other Parts.....	54
§ 11.19	Inspection of Kidneys.....	55

	<u>Pages</u>
<u>SECTION 12</u> - Disposal of Diseased or Otherwise Adulterated Carcasses and Parts.....	56
§ 12.01 Disposal of Diseased or Otherwise Adulterated Carcasses and Parts; General.....	56
§ 12.02 Tuberculosis.....*	58-60
§ 12.03 Hog Cholera.....*	60-61
§ 12.04 Carcasses of Swine Injected With Hog Cholera Virus.....	61
§ 12.05 Swine Erysipelas.....	61
§ 12.06 Diamond-Skin Disease.....	61
§ 12.07 Arthritis.....	61
§ 12.08 Cattle Carcasses Affected With Anasarca or Generalized Edema.....	62
§ 12.09 Actinomycosis and Actinobacillosis.....	62
§ 12.10 Anaplasmosis, Anthrax, Babesiosis, Bacillary Hemoglobinuria in Cattle, Blackleg, Bluetongue in Sheep, Hemorrhagic Septicemia, Icterohematuria in Sheep, Infectious Bovine Rhinotracheitis, Leptospirosis, Malignant Epizootic Catarrh, Toxic Encephalomyelitis (Forage Poisoning), Acute Influenza, and Unhealed Vaccine Lesions.....	62
§ 12.11 Neoplasms.....	63
§ 12.12 Epithelioma of the Eye.....	63
§ 12.13 Pigmentary Conditions; Melanosis, Xanthosis, Ochromosis, etc.....	64
§ 12.14 Abrasions, Bruises, Abscesses, Pus, etc.....	64
§ 12.15 Brucellosis.....	64
§ 12.16 Carcasses so Infected That Consumption of the Meat May Cause Food Poisoning.....	64
§ 12.17 Necrobacillosis, Pyemia, and Septicemia.....	65
§ 12.18 Caseous Lymphadenitis.....	65
§ 12.19 Icterus.....	66
§ 12.20 Sexual Odor of Swine.....	66

Page Change Effective 5/10/72

SECTION 12 - Cont'dPages

§ 12.21	Mange or Scab.....	66
§ 12.22	Hogs Affected With Urticaria, Tinea Tonsurans, Demodex Folliculorum, or Erythema.....	66
§ 12.23	Tapeworm Cysts (Cysticercus Bovis) in Cattle.....	66-67
§ 12.24	Tapeworm Cysts in Hogs.....	67
§ 12.25	Parasites Not Transmissible to Man; Tapeworm Cysts in Sheep; Hydatid Cysts; Flukes; Gid Bladder-Worms.....	67-68
§ 12.26	Emaciation.....	68
§ 12.27	Injured Animals Slaughtered at Unusual Hours.....	68
§ 12.28	Carcasses of Young Calves, Pigs, Kids, and Lambs.....	68-69
§ 12.29	Unborn and Stillborn Animals.....	69
§ 12.30	Animals Suffocated and Hogs Scalded Alive.....	69
§ 12.31	Livers Affected With Carotenosis; Livers Designated as "Telangiectatic," "Sawdust," "Spotted".....	69
§ 12.32	Vesicular Diseases.....	70
§ 12.33	Listeriosis.....	70
§ 12.34	Anemia.....	70
§ 12.35	Muscular Inflammation, Degeneration, or Infiltration.....	70
§ 12.36	Coccidioidal Granuloma.....	70
§ 12.37	Odors; Foreign and Urine.....	71
§ 12.38	Meat and Meat By-Products From Animals Which Have Been Exposed to Radiation.....	71
§ 12.39	Biological Residues.....	71

SECTION 13 - Official Marks, Devices, and Certificates..... 72

§ 13.01	General.....	72
§ 13.02	Official Marks and Devices to Identify Inspected and Passed Products of Cattle, Sheep, Swine, or Goats.....	73

(a)	Official Inspection Legend for Carcasses, Parts of Carcasses, and Other Products.....	73
(b)	(1) Official Inspection Legend on Labels.....	73
	(2) Official Mark Applied by Mechanical Means.....	73
	(3) Official Inspection Legend on Shipping Containers, Band Labels, Artificial Casings, etc.....	73
(c)	Commissioner's Approval of Official Devices for Purposes of Law.....	73
§ 13.03	Official Marks and Devices to Identify Custom Slaughtered or Prepared Product.....	73
(a)	Official Custom Stamp for Custom Slaughtered Carcasses and Parts of Carcasses.....	73
(b)	Other Marks, Devices, and Methods to Identify Custom Product.....	73
§ 13.04	Official Antemortem Inspection Marks and Devices.....	73
§ 13.05	Official Seals for Transportation of Products.....	73
§ 13.06	Official Marks and Devices in Connection With Postmortem Inspection and Identification of Adulterated Products and Insanitary Equipment and Facilities.....	73
(a)	Official Marks.....	74
	(1) Retain Tag for Carcasses and Parts of Carcasses.....	74
	(2) Retain Tag for Products and Articles.....	74
	(3) Rejected Tag.....	74
	(4) Passed for Cooking Brand.....	74
	(5) Inspected and Condemned Mark.....	74
(b)	Commissioner's Approval of Tags, Brands, Stamps, Labels, etc. for Purposes of Law.....	74
§ 13.07	(Reserved).....	74
§ 13.08	(Reserved)	74
§ 13.09	(Reserved)	74
§ 13.10	Illustrations 1, 2, and 3.....	75

§ 13.11	Illustrations 4 and 5.....	76
 <u>SECTION 14 - Handling and Disposal of Condemned or Other Inedible Products at Official Establishments.....</u>		
§ 14.01	Disposition of Condemned Products at Official Establishments Having Tanking Facilities; Sealing of Tanks.....	78
(a)	Tanking Condemned Carcasses, Parts of Carcasses, and Other Products.....	78
(1)	Procedures for Tanking.....	78
(2)	Pretanking Preparation by Use of Crushers or Hashers...	78
(b)	Seals on Tanks; Rendered Fat and Samples.....	78
(c)	Disposal Other Than by Tanking.....	78
§ 14.02	Tanking and Other Facilities for Inedible Products to be Separate From Edible Product Facilities.....	78
§ 14.03	Disposition of condemned products at official establishments having no tanking facilities.....	79
(a)	Incineration or Denatured.....	79
(b)	Anthrax Condemnation Procedures.....	79
§ 14.04	Suppression of Odors in Preparing Inedible Products.....	79
§ 14.05	Inedible Rendered Fats Prepared at Official Establishments..	79
§ 14.06	Inedible Fats From Outside Official Establishment.....	79
§ 14.07	Carcasses of Animals Condemned on Antemortem Inspection Not to Pass Through Edible Product Areas.....	80
§ 14.08	Dead Animal Carcasses.....	80
(a)	Restrictions for Receipt at Official Establishment.....	80
(b)	Restrictions for Entering an Edible Product Room or Compartment in an Official Establishment.....	80
§ 14.09	Specimens for Educational, Research, or Other Nonfood Purposes; Permits for, Required.....	80
§ 14.10	*Livers Condemned Because of Parasitic Infestation and for Other Causes; Conditions for Disposal for Purposes Other Than Human Food.....	80

SECTION 14 - Cont'dPages

(a)	Liver Fluke Infestation.....	81
(b)	Liver Condemned Due to Hydatids or Fringed Tapeworms.....	81
(c)	Other Parasitic Infestations.....	81
(d)	Liver Condemned for Telangiectasis, Angioma, "Sawdust" Condition, Cirrhosis, or Other Nonmalignant Change, Benign Abscesses, or Contamination, etc.....	81
(e)	Container Markings and Certification.....	81
§ 14.11	Handling of Certain Condemned Products for Purposes Other Than Human Food..... (Anasarca, Ocular Squamous Cell Carcinoma, Emaciation, Eosinophilic Myositis, Immaturity, Nonseptic Bruises and Injuries, Sarcosporidiosis, Unborn Calves, and to Products Such as Paunches and Udders)	81

<u>SECTION 15</u>	- Rendering or Other Disposal of Carcasses and Parts Passed for Cooking.....*	82
-------------------	---	----

§ 15.01	Carcasses and Parts Passed for Cooking; Rendering into Lard, Rendered Pork Fat, or Tallow.....	82
(a)	Use of Closed Rendering Equipment.....	82
(b)	Open Kettle Rendering.....	82
§ 15.02	Carcasses and Parts Passed for Cooking; Utilization for Food Purposes After Cooking.....	82
§ 15.03	Disposal of Products Passed for Cooking if Not Handled According to This Section..... *	82

<u>SECTION 16</u>	- Marking Products and Their Containers.....	83
-------------------	--	----

§ 16.01	Authorization Required to Make Devices Bearing Official Marks.....	84
§ 16.02	Approval Required for Official Marks.....	84
§ 16.03	Use of Official Marks Prohibited Except Under Supervision of Department Inspectors; Removal of Official Marks, When Required.....	84
§ 16.04	Marking Devices; To be Furnished by Official Establishments; Control Of.....	84-85

Page Change Effective 5/10/72

§ 16.05	Branding Ink; To be Furnished by Official Establishments; Approval by Department; Color.....	85
§ 16.06	Products Not to be Removed From Official Establishments Unless Marked in Accordance With the Regulations.....	85
§ 16.07	Marking Devices Not to be False or Misleading; Style and Size of Lettering; Approval Required.....	85
§ 16.08	Unmarked Inspected Products; Moved Between Official Establishments; Moved in Intrastate Commerce.....	86
§ 16.09	Products to be Marked With Official Marks.....	86
(a)	Carcass.....	86
(b)	Primal Part of a Carcass and Each Liver, Beef Tongue, and Beef Heart.....	86
(c)	Marking Requirements for Beef Livers.....	86
(d)	Inspected and Passed Parts of Carcasses Not Marked With Official Inspection Legend.....	86
§ 16.10	Marking of Meat Food Products With Official Inspection Legend and Ingredient Statement.....	87
(a)	Products in Casings or in Link Form - Ring Variety or Larger.....	87
(b)	Products in Casings or in Link Form - Smaller Varieties.....	87
(c)	Listing Ingredients.....	87
§ 16.11	Special Markings for Certain Meat Food Products.....	87
(a)	Imitation Products.....	87
(b)	Sausage Products Containing Cereal, Vegetable Starch, Starchy Vegetable Flour, Soy Flour, Soy Protein Concentrate, Isolated Soy Protein, Dried Milk, Nonfat Dry Milk, or Calcium Reduced Dried Skim Milk.....	88
(c)	(1) Products in Casing With Artificial Coloring.....	88
	(2) Artificial Coloring on Surface of Product After Casing Removed.....	88
	(3) Coloring on Casing Not Transferable to Product.....	88
(d)	Artificial Smoke Flavoring or Approved Smoke Flavoring Added to a Product.....	88
(e)	Sausage of Smaller Varieties.....	88
(f)	Antioxidant Added to Product.....	88

SECTION 16 - Cont'dPages

(g) Potassium Sorbate or Propylparaben Added to Sausage of Dry Varieties.....	89
§ 16.12 Marking of Outside Containers.....	90
(a) Official Inspection Legend on Container.....	90
(b) Product Enclosed in a Cloth or Other Wrapping.....	90
(c) Barrels.....	90
(d) Product Inspected and Passed for Cooking or Refrigeration or Pork Refrigerated for Trichinae Treatment.....	90
(e) Glands and Organs for Pharmaceutical or Organotherapeutic, or Technical Purposes.....	90
(f) Stencils, Box Dies, Labels, and Brands.....	90
(g) Inedible Livers.....	90
§ 16.13 Marking Tank Cars and Tank Trucks Used in Transportation of Edible Products.....	90
§ 16.14 Marking Outside Containers of Inedible Grease, etc.....	91
(a) Inedible Grease, Inedible Tallow, or Other Inedible Animal Fat, or Mixture of Any Such Articles.....	91
(b) Rendered Animal Fat.....	91
<u>SECTION 17 - Labeling, Marking Devices, and Containers.....</u>	92
§ 17.01 Labels Required; Supervision by Department Employee.....	93
(a) Requirements for Receptacle or Covering.....	93
(1) Exception for Wrappings of Dressed Carcasses and Primal Parts in an Unprocessed State.....	93
(2) Exception for Uncolored Transparent Coverings.....	93
(3) Exception for Animal and Transparent Artificial Casings.....	93
(4) Exception for Stockinettes Used as "Operative Devices".....	93
(5) Exception for Boil-In Bags, Trays of Frozen Dinners, and Pie Pans.....	93
(6) Exception for Containers Passed for Cooking or Refrigeration.....	93

(b)	Exception for Folders and Similar Coverings Made of Paper or Similar Material.....	93
(c)	Product Must Agree With Label and Department Employee Control Labeling.....	93
§ 17.02	Labels: Definition; Required Features.....	93
(a)	Label Definition.....	93-94
(b)	Any Word, Statement, or Other Information Required on Label Must be Prominent.....	94
(c)	Principal Display Panel Requirements.....	94
(1)	Name of Product.....	94
(2)	List of Ingredients.....	94
(3)	Name and Place of Business.....	94
(4)	Net Quantity of Contents.....	94
(5)	Official Inspection Legend With Exception.....	94
(6)	Other Requirements When Applicable.....	94
(d)	Location of Principal Display Panel.....	94
(1)	Rectangular Package.....	95
(2)	Cylindrical or Nearly Cylindrical Container.....	95
(3)	Other Shapes.....	95
(e)	Descriptive Designation for Products With No Common or Usual Name.....	95
(f)	(1) Requirements for Test of Ingredients.....	95
	(2) Ingredient Statement for Frozen Dinners, Entrees, Pizzas, and Similar Products.....	96
	(3) Ingredient Statement on Cylindrical or Nearly Cylindrical Container.....	96
(g)	(1) Name of Preparer, Name of Operator, or Name of Distributor; Place of Business; and Postal Zip Code....	96
	(2) Location on Label for Name and Place of Business.....	96
(h)	(1) Net Quantity of Contents Prominence on Label.....	96
	(2) Quantity of Contents Accuracy and Permitted Variations.....	97

(3)	Location of Quantity of Contents Statement.....	97
(4)	Statement Expressed in Terms of Avoirdupois Weight or Liquid Measure.....	97
(5)	Statement Requirement for Ounces and Pounds, Fluid Ounces and Pint or Quart, or Random Weight Packages....	97
(6)	Type Size for Net Quantity Statement.....	97
(7)	Ratio of Height to Width of Letters for Net Quantity Statement.....	98
(8)	Net Weight Quantity Statement: Separation From Other Principal Display Panel and Restrictions for Qualifying a Unit of Weight, Measure, or Count.....	98
(9)	Exemptions for Quantity of Contents Statement.....	98
(10)	Requirements When Servings are Stated on Label.....	99
(11)	Random Weight Packages (No Fixed Weight Pattern).....	99
(12)	Requirements for a Multiunit Retail Package.....	99
(13)	Shingle Packed Sliced Bacon Cartons Weighing Other Than 8 ounces, 1 Pound, or 2 Pounds.....	99
(i)	(1) Label Requirements for Establishment Number.....	99-100
	(2) Sticker Requirements for Official Inspection Legend....	100
	(3) Requirements for Omission of Establishment Number on Outer Containers Containing Edible Fats.....	100
	(4) Requirements for Omission of Establishment Number on Immediate Containers of Sliced Bacon, Frozen Dinners and Pies, and Similarly Packaged Products.....	100
	(5) Requirements for Omission of Establishment Number on Consumer Size Packages of Sliced Food Products.....	100
	(6) Requirements for Omission of Establishment Number on Consumer Size Containers of Meat Food Products in Aluminum Pans or Trays.....	100
	(7) Requirements for Omission of Establishment Number on Artificial Casings or Bags Enclosing Meat Food Products.....	100
	(8) Requirements for Omission of Establishment Number on Paper Labels of Canned Products.....	101
	(9) Requirements for Inspection Legend and Official Establishment Number on Cylindrical Container.....	101
(j)	Labeling Requirements for Following Products.....	101

(1)	Imitation Products.....	101
(2)	Dietary Products.....	101
(3)	Smoke Flavored Products.....	101
(4)	Artificial Flavored Products.....	101
(5)	Artificial Colored Edible Fat Products.....	101
(6)	Products Placed in Casings Containing Artificial Coloring.....	102
(7)	Products Removed From Casings Containing Artificial Coloring.....	102
(8)	Casings Colored Prior to Its Use as a Covering for Products.....	102
(9)	Product That Bears or Contains Any Other Artificial Coloring.....	102
(10)	Antioxidant Added to Product.....	102
(11)	(Reserved)	102
(12)	Products Containing Any Chemical Preservative.....	102
(13)	Mechanically Processed Product.....	102
(k)	Label Requirements for Products Requiring Special Handling.....	103
§ 17.03	Approval of Abbreviations of Marks of Inspection; Preparation of Marking Devices Bearing Inspection Legend Without Advance Approval Prohibited; Exception.....	104
§ 17.04	Labels to be Approved By Director.....	104
§ 17.05	Veterinary Supervisors to Permit Certain Modifications of Approved Labels.....	105-106
§ 17.06	Approved Labels to be Used Only on Products to Which They are Applicable.....	106
§ 17.07	(Reserved)	106
§ 17.08	False or Misleading Labeling or Practices Generally; Specific Prohibitions and Requirements for Labels and Containers.....	106
(a)	False or Misleading Markings or Labels; False Impression By a Word, Picture, Design, or Device; and Wrappers, Packaging, or Other Containers That are Misleading.....	107

(b) Labels and Containers Compliance.....	107
(1) Restrictions on Use of Geographical Terms and Words "Style," "Type," or "Brand".....	107
(2) Restrictions for Terms "Farm" or "Country".....	107
(3) Name and Place of Business on Label.....	107
(4) Restrictions for Use of Terms "Spring Lamb" or "Genuine Spring Lamb".....	107
(5) Restrictions and Requirements for Color, Design, or Kind of Coverings for Products.....	108
(6) Restrictions for Use of Word "Fresh".....	108
(7) Restrictions for Use of Terms Spice, Flavoring, or Coloring.....	108
(8) Meaning of Term "Gelatin" on a Label.....	108
(9) Restrictions for Use of Term "Loaf".....	109
(10) Restrictions for Use of Term "Baked".....	109
(11) Products Brownd by Dipping in Hot Edible Oil or By a Flame.....	109
(12) Restrictions for Use of Term "Meat".....	109
(13) Restrictions for Use of Word "Ham".....	109
(14) Restrictions for Use of Terms "Shankless" and "Hockless".....	109
(15) Restrictions for Use of Terms "Meat Extract" or "Extract of Beef".....	109
(16) Requirements When Cereal, Vegetable Starch, Starch Vegetable Flour, Soy Flour, and Similar Products are Added to Products.....	110
(17) Requirements When Product Enclosed in a Container With Brine, Vinegar, or Agar Jelly.....	110
(18) Meaning of Term "Leaf Lard".....	111
(19) Requirement When Lard or Hardened Lard is Mixed With Rendered Pork Fat or Hardened Rendered Pork Fat...	111
(20) Requirement When Oil, Stearin, etc., Rendered Above 170 F.....	111

(21)	Requirement When Not More Than 20 Percent of Beef Fat, Mutton Fat, Stearin, or Hardened Vegetable Fat Mixed With Lard or With Rendered Pork Fat.....	111
(22)	Requirement for Cooked, Cured, or Pickled Pigs Feet, Pigs Knuckles, and Similar Products.....	111
(23)	Requirement When Monoglycerides, Diglycerides, and/or Polyglycerol Esters of Fatty Acids Added to Rendered Animal Fat and/or Vegetable Fat.....	111
(24)	Requirements for Colored Oleomargarine or Colored Margarine Packed for Retail Sale.....	111
(25)	Requirements for Use of Proteolytic Enzymes.....	112
(26)	Requirement When Dimethylpolysiloxan is Added to Rendered Fats.....	112
(27)	Requirement When Pizzas are Formulated With Crust Containing Calcium Propionate or Sodium Propionate.....	112
(28)	Requirement When Dry Varieties of Sausages are Treated With Potassium Sorbate or Propylparaben.....	112
(29)	Requirements for Identifying Meat of Goats.....	112
§ 17.09	(Reserved)	113
§ 17.10	Reuse of Official Inspection Marks; Reuse of Containers Bearing Official Marks, Labels, etc.....	113
§ 17.11	Labeling, Filling of Containers, Handling of Labeled Products to be Only in Compliance With Regulations.....	113
§ 17.12	Relabeling Products; Requirements.....	113(a)
§ 17.13	Storage and Distribution of Labels and Containers Bearing Official Marks.....	113(a)
§ 17.14	Reporting of Obsolete Labels.....	113(a)
§ 17.15	Authorization Required to Make Labeling or Other Devices Bearing Official Marks.....	114
§ 17.16	(Reserved)*	114
§ 17.17	Interpretation and Statement of Labeling Policy for Cured Products; Special Labeling Requirements Concerning Nitrate and Nitrite.....*	114
§ 17.18	(Reserved)*	115
§ 17.19	Jar Closures Requirements..... *	115

Page Change Effective 11/10/80

	<u>Pages</u>
<u>SECTION 18</u> - Entry Into Official Establishments; Reinspection and Preparation of Products.....	116
§ 18.01 Products and Other Articles Entering Official Establishments.....	117
(a) Product From Official Establishments, Federal Establishments, Foreign Establishments, and Talmadge- Aiken Establishments; Requirements and Restrictions.....	117
(b) Requirements for Poultry or Poultry Products.....	117
(c) Requirements for Articles for Use as an Ingredient.....	117
(d) Requirements for Preparations for Use in Cooking or Retort Water, in Hog Scalding Water, or in Denuding of Tripe.....	117
(e) Requirements for Restricted or Prohibited Dyes, Chemicals, or Other Substances.....	117
(f) Requirement for Isolated Soy Protein.....	117
(g) Requirements for Glands and Organs Used in Preparing Pharmaceutical, Organotherapeutic, or Technical Products; Lungs and Lung Lobes.....	118
(h) Requirements for Carcasses of Game Animals and Custom Carcasses.....	118
(i) Information Requirement for Product or Other Article Entering an Official Establishment.....	118
(j) Director's Requirement for Removal of Any Product, Any Poultry or Poultry Product, or Other Article.....	118
§ 18.02 Reinspection, Retention, and Disposal of Meat Products at Official Establishments.....	118
§ 18.03 Designation of Places of Receipt of Products and Other Articles for Reinspection.....	119
§ 18.04 Preparation of Products to be Officially Supervised; Responsibilities of Official Establishments.....	120
§ 18.05 Requirements Concerning Procedures.....	120
(a) (1) Adulteration, Soundness, and Reinspection of Product...	120
(2) Requirement for Defrosting Frozen Product.....	120
(b) Requirement for Product, Such as Pork Tenderloins, Brains, Sweetbreads, Stew, or Chop Suey Packed in Hermetically Sealed Metal or Glass Containers.....	120

(c)	Requirement for Removing Bones and Parts of Bones.....	120
(d)	Requirement for Heads for Use in Products.....	120
(e)	Requirement for Kidneys for Use in Products.....	120
(f)	Requirement for Cattle Paunches and Hog Stomachs for Use in Products.....	121
(g)	Requirement for Removal of Clotted Blood From Hog Hearts....	121
(h)	Requirement for Beef Rounds, Beef Bungs, Beef Middles, Beef Bladders, Calf Rounds, Hog Bungs, Hog Middles, and Hog Stomachs Used for Containers.....	121
(i)	Casings Infected With Parasites and Weasands Infected With Larvae of Hypoderma Lineatum.....	121
§ 18.06	Requirements Concerning Ingredients and Other Articles Used in Preparation of Products.....	121
(a)	General Requirements.....	121
(b)	(1) Animal Casings.....	121
	(2) Inspection of Casings.....	121
	(3) Treatment of Hog and Sheep Casings.....	121
	(4) Restriction for Detached Spinal Cords.....	122
	(5) Testicles.....	122
	(6) Tonsils.....	122
	(7) Blood.....	122
	(8) Intestines.....	122
	(9) Poultry Products and Egg Products.....	122
	(10) Dry Milk Products.....	122
	(11) Isolated Soy Protein.....	122
	(12) Ingredients Containing Any Pesticide Chemical or Other Residues.....	122
§ 18.07	Approval of Substances for Use in the Preparation of Products.....	122
(a)	Chemical Substance.....	123
(b)	(Reserved)	123
(c)	Substances Permitted in Products.....	124-148

SECTION 18 - Cont'dPages

(d) Substances Not Permitted in Products.....	149
§ 18.08 (Reserved)	149
§ 18.09 Samples of Products, Water, Dyes, Chemicals, etc., to be Taken for Examination.....	149
§ 18.10 Prescribed Treatment of Pork and Products Containing Pork to Destroy Trichinae.....	149
(a) Pork and Products Containing Pork Exempt From Treatment.....	149
(b) Products Requiring Treatment.....	149
(c) Types of Treatment.....	150
(1) Heating.....	150
(2) Refrigerating.....	150-151
(3) Curing.....	151-154
(d) General Instructions.....	155
(e) Treatment for Dry Cured Ham or Dry Cured Pork Shoulder.....	156
§ 18.11 Canning With Heat Processing and Hermetically Sealed Containers; Cleaning Containers; Closure; Code Marking; Heat Processing; Incubation.....	158-160
§ 18.12 Manufacture of Dog Food or Similar Uninspected Article At Official Establishments.....	160
§ 18.13 Mixtures Containing Product But Not Amenable to the Law.....	161
§ 18.14 Adulteration of Products By Flood Water, etc.; Procedure for Handling.....	161
§ 18.15 Tagging Chemicals, Preservatives, Cereals, Spices, etc., "W. Va. Retained".....	162
§ 18.16 Pesticide Chemicals and Other Residues in Products.....	163
§ 18.17 Cooking Requirements for Cooked Beef and Roast Beef.....*	163
§ 18.18 Handling of Certain Material for Mechanical Processing.....*	164

SECTION 19 - Definitions and Standards of Identity or Composition..... 165-168Subpart A - General

§ 19.01 Labeling and Preparation of Standardized Products.....	168
--	-----

Page Change Effective 11/10/80

§ 19.02	Products and nitrates and nitrites.....	168
§ 19.03	(Reserved).....	168
§ 19.04	(Reserved).....	168
§ 19.05	Standards for Mechanically Processed (Species) Product.....	168-169
§ 19.06	Limitations with respect to use of Mechanically Processed (Species) Product.....	170

This page is intended to be left blank.

Subpart B - Raw Meat Products

§ 19.15	Miscellaneous Beef Products.....	170
(a)	Chopped Beef, Ground Beef.....	170
(b)	Hamburger.....	170
(c)	Chopped Chuck, Ground Chuck.....	170
(d)	Chopped Round, Ground Round.....	170
(e)	Beef Patties.....	170
(f)	Fabricated Beef Steak.....	171
(g)	Partially Defatted Beef Fatty Tissue.....	171
§ 19.29	Miscellaneous Pork Products.....	171
	(Partially Defatted Pork Fatty Tissue)	

Subpart C - Cooked Meats

§ 19.80	Barbecued Meats.....	171
§ 19.81	Roast Beef Parboiled and Steam Roasted.....	171

Subpart D - Cured Meats, Unsmoked and Smoked

§ 19.100	Corned Beef.....	172
§ 19.101	Corned Beef Brisket.....	172
§ 19.102	Corned Beef Round and Other Corned Beef Cuts.....	172
§ 19.103	Cured Beef Tongue.....	172
§ 19.104	Cured Pork Products, Unsmoked or Smoked.....	172
(a)	Cured, Unsmoked: Boneless Pork Shoulder, Boneless Pork Shoulder Butts, or Pieces of Pork Loin.....	172
(b)	Smoked: Ham, Pork Shoulder, Pork Shoulder Picnic, Pork Shoulder Butt, or Similar Products.....	172
(c)	Cooked and Cured: Ham, Pork Shoulder, Pork Shoulder Picnic, Pork Shoulder Butt, and Pork Loin, or Similar Products.....	173
(d)	Cured, Water Added Products.....	173
(e)	Canned Products: Ham, Pork Shoulder Picnic, or Similar Products.....	173

(f) Pressed Ham, Pressed Ham With Natural Juices, Spiced Ham, and Similar Products.....	173
§ 19.105 Chopped Ham.....	173-174
§ 19.106 Country Hams (or Country Style Hams) and Country Pork Shoulders (or Country Style Pork Shoulders).....	174-175
<u>Subpart E - Fresh Sausage</u>	
§ 19.140 Sausage.....	176
§ 19.141 Fresh Pork Sausage.....	176
§ 19.142 Fresh Beef Sausage.....	177
§ 19.143 Breakfast Sausage.....	177
§ 19.144 Whole Hog Sausage.....	177
<u>Subpart F - Uncooked, Smoked Sausage</u>	
§ 19.160 Smoked Pork Sausage.....	178
<u>Subpart G - Cooked, Smoked Sausage</u>	
§ 19.180 Frankfurter, Wiener, Vienna, Bologna, Garlic Bologna, Knockwurst, and Similar Products.....	178-180
§ 19.181 Cheesefurters and Similar Products.....	180-181
<u>Subpart H - Other Cooked Sausages</u>	
§ 19.200 Liver Sausage and Braunschweiger.....	181
<u>Subpart I - Semi-Dry Fermented Sausage</u>	
(Reserved)	181
<u>Subpart J - Dry Fermented Sausage</u>	
(Reserved)	181
<u>Subpart K - Luncheon Meat, Loaves and Jellied Products</u>	
§ 19.260 Luncheon Meat.....	181
§ 19.261 Meat Loaf.....	181
<u>Subpart L - Cooked, Meat Specialties, Puddings and Nonspecific Loaves</u>	
§ 19.280 Scrapple.....	181-182
§ 19.281 Bockwurst.....	182

Subpart M - Canned, Frozen, or Dehydrated Meat Food Products

§ 19.300 Chili Con Carne.....	183
§ 19.301 Chili Con Carne With Beans.....	183
§ 19.302 Hash.....	183
§ 19.303 Corned Beef Hash.....	183-185
§ 19.304 Meat Stews.....	185
§ 19.305 Tamales.....	185
§ 19.306 Spaghetti With Meat Balls and Sauce, Spaghetti With Meat and Sauce, and Similar Products.....	185
§ 19.307 Spaghetti Sauce With Meat.....	185
§ 19.308 Tripe With Milk.....	185
§ 19.309 Beans With Frankfurters in Sauce, Sauerkraut With Wieners and Juice, and Similar Products.....	186
§ 19.310 Lima Beans With Ham in Sauce, Beans With Ham in Sauce, Beans With Bacon in Sauce, and Similar Products.....	186
§ 19.311 Chow Mein Vegetables With Meat and Chop Suey Vegetables With Meat.....	186
§ 19.312 Pork With Barbecue Sauce and Beef With Barbecue Sauce.....	186
§ 19.313 Beef With Gravy and Gravy With Beef.....	186
<u>Subpart N - Meat Food Entree Products, Pies, and Turnovers</u>	
§ 19.500 Meat Pies..... (Beef Pie, Veal Pie, Pork Pie, etc.)	186

Subpart O - Meat Snacks, Hors d'Oeuvres, Pizza, and Specialty Items

§ 19.600 Pizza..... (Pizza With Meat and Pizza With Sausage)	187
---	-----

Subpart P - Fats, Oils, Shortenings

§ 19.700 Oleomargarine or Margarine.....	187-192
§ 19.701 Mixed Fat Shortening.....	192
§ 19.702 Lard, Leaf Lard.....	192

§ 19.703	Rendered Animal Fat or Mixture Thereof.....	192-193
<u>Subpart Q - Meat Soups, Soup Mixes, Broths, Stocks, Extracts</u>		
§ 19.720	Meat Extract.....	193
§ 19.721	Fluid Extract of Meat.....	193
<u>Subpart R - Meat Salads and Meat Spreads</u>		
§ 19.760	Deviled Ham, Deviled Tongue, and Similar Products.....	193
§ 19.761	Potted Meat Food Product and Deviled Meat Food Product.....	193
§ 19.762	Ham Spread, Tongue Spread, and Similar Products.....	193
<u>Subpart S - Meat Baby Foods</u>		
(Reserved).		
<u>Subpart T - Dietetic Meat Foods</u>		
(Reserved).		
<u>Subpart U - Miscellaneous</u>		
§ 19.880	Breaded Products.....	194
§ 19.881	Liver Meat Food Products.....	194
<u>Subpart V - Combination Meat and Non-Meat Protein Products</u>		
§ 19.900	Combination cured meat cuts.....	194-195
<u>SECTION 20 - Records, Registration, and Reports</u>		196
§ 20.01	Records Required to be Kept.....	197-198
§ 20.02	Place of Maintenance of Records.....	198
§ 20.03	Record Retention Period.....	198
§ 20.04	Access to and Inspection of Records, Facilities, and Inventory; Copying and Sampling.....	198
§ 20.05	Registration.....	198-199
§ 20.06	Information and Reports Required From Official Establishment Operators.....	199
§ 20.07	Reports By Consignees of Allegedly Adulterated or Misbranded Products; Sale or Transportation as Violations.....	199
<u>SECTION 21 - Cooperation With Federal, Other State Programs, and West Virginia State Agencies</u>		200
§ 21.01	Assistance to Federal, Other State Programs, and West Virginia State Agencies.....	200

SECTION 21 - Cont'dPages

§ 21.02 (Reserved) 200

SECTION 22 - Transportation..... 201

§ 22.01 Transportation in Intrastate Commerce Prohibited Without Official Inspection Legend or Certificate; Exclusions or Exceptions..... 202

§ 22.02 Parcel Post and Ferries Deemed Carriers..... 202-203

§ 22.03 (Reserved) 203

§ 22.04 (Reserved) 203

§ 22.05 Unmarked Inspected Product Transported Under Official Seal Between Official Establishments for Further Processing or Preparation; Certificate..... 203-204

§ 22.06 Shipment of Paunches Between Official Establishments Under Official Seal; Certificate..... 204-205

§ 22.07 Shipment of Products Requiring Special Supervision Between Official Establishments Under Official Seal; Certificate.... 205

§ 22.08 Transportation of Certain Undenatured Lungs or Lung Lobes From Official Establishments or in Intrastate Commerce; Provisions and Restrictions..... 206

§ 22.09 (Reserved) 206

§ 22.10 Returned Products: Certificate; Permit; and Other Requirements..... 206-208

§ 22.11 Inedible Articles: Denaturing and Other Means of Identification; Certificate; Exceptions..... 208-210

§ 22.12 (Reserved) 210(a)

§ 22.13 Denaturing and Decharacterizing Procedures..... 210(a)-212

§ 22.14 Certificates; Retention by Carrier..... 212

§ 22.15 (Reserved) 212

§ 22.16 Official Seals; Form, Use, and Breaking..... 212

§ 22.17 Loading or Unloading Products in Sealed Railroad Cars, Trucks, etc., En Route Prohibited; Exception..... 212

§ 22.18 Diverting of Shipments, Breaking of Seals, and Reloading By Carrier in Emergency; Reporting to Director..... 213

§ 22.19	Provisions Inapplicable to Specimens for Laboratory Examination, etc., or to Inedible Articles Not Having Physical Characteristics of Edible Products.....	213
§ 22.20	Transportation and Other Transactions Concerning Dead, Dying, Disabled, or Diseased Livestock and Parts of Carcasses of Livestock That Died Otherwise Than By Slaughter.....	214
§ 22.21	Means of Conveyance in Which Dead, Dying, Disabled, or Diseased Livestock and Parts of Carcasses Thereof Shall be Transported.....	215
<u>SECTION 23 - Imported Products.....</u>		216
§ 23.01	Application of Provisions.....	216
§ 23.02	Eligibility of Foreign Countries for Shipment of Products into West Virginia.....	216
§ 23.03	Imported Products to be Handled and Transported as Domestic; Entry Into Official Establishments.....	216
<u>SECTION 24 - Retention, Seizure and Condemnation; Criminal Offenses...</u>		217
§ 24.01	Article, Livestock, or Animal Subject to Administrative Retention.....	218
§ 24.02	Method of Retention; Form of Retention Tag (Retained Tag)...	218
§ 24.03	Notification of Retention to the Owner of the Article, Livestock, or Animal Retained, or His Agent, or Person Having Custody.....	218
§ 24.04	Notification of Governmental Authorities Having Interstate Jurisdiction Over Article, Livestock, or Animal Retained; Form of Written Notification.....	219
§ 24.05	Movement of Article, Livestock, or Animal Retained; Removal of Official Marks.....	219
§ 24.06	Articles, Livestock, or Animals Subject to Seizure and Condemnation.....	219
§ 24.07	Procedure for Seizure, Condemnation, and Disposition.....	220
§ 24.08	Authority for Condemnation or Seizure Under Other Provisions of Law.....	220
§ 24.09	Criminal Offenses and Prohibitions.....	220

<u>SECTION 25</u>	- Regulations Governing Retail Stores and Public Eating Places in West Virginia.....	221
§	25.01 Applicability of Regulations.....	221
§	25.02 (Reserved)	221
§	25.03 (Reserved)	221
§	25.04 General Requirements.....	221-222
§	25.05 Adul tera tion and Misbranding.....	222-223
§	25.06 Inspec tion Reviews.....	223
§	25.07 Records.....	223
§	25.08 Access to Establishments.....	223
§	25.09 Enforcement and Penal ties.....	223-224

WEST VIRGINIA
RULES AND REGULATIONS GOVERNING MEAT INSPECTION
Chapter 19, Article 2-B

AGRICULTURE

SECTION 1 - GENERAL

Subsections

- 1.01 SCOPE. These regulations established general operating rules and procedures in the Meat Inspection Division.
- 1.02 AUTHORITY. These regulations are issued under authority of Chapter 19, Article 2-B, Code of West Virginia.
- 1.03 EFFECTIVE DATES. These regulations are promulgated and become effective on December 6, 1971. **These regulations further amended with effective dates May 10, 1972; April 22, 1974; and May 2, 1975; October 15, 1977; November 10, 1980.**
- 1.04 FILING DATES. These regulations were filed in the office of the Secretary of State on November 5, 1971. **The filing dates of the amendments to the regulations were April 2, 1972; March 19, 1974; and April 1, 1975; July 7, 1977; September 3, 1980.**
- 1.05 INTERPRETATIONS. The Meat and Poultry Inspection Manual of the Meat and Poultry Inspection Program, Food Safety and Quality Service, United States Department of Agriculture where applicable will be applied in interpreting these regulations.

**Regulation Change Effective May 10, 1972, April 22, 1974, May 7, 1975, October 15, 1977, and November 10, 1980. **

SECTION 2 - DEFINITIONS

Subsections

2.01 Meaning of terms.

2.02 Definitions.

§ 2.01 Meaning of terms.

As used in these regulations, unless otherwise required by the context, the *singular* form shall also import the plural and the masculine form shall also import the feminine, and vice versa.

§ 2.02 Definitions.

(a) "Law" means Article 2-B, Chapter 19, of the Code of West Virginia, relating to the Department of Agriculture, to the inspection, labeling, and disposition of animals, carcasses, meat, meat food products, and meat by-products; to the licensing of commercial slaughterers, custom slaughterers, commercial processors, custom processors, or distributors; and to the inspection of slaughterhouses and processing plants; and providing exclusions, exemptions, prohibitions and penalties.

(b) "Department" means the Department of Agriculture of the State of West Virginia.

(c) "Department Employees" means inspectors and all other individuals employed in the Department who are authorized by the Commissioner to do any work or perform any duty in connection with meat inspection.

(d) "Commissioner" means the Commissioner of Agriculture of the State of West Virginia and his duly authorized representatives.

(e) "Program" means the Meat and Food Safety Program of the West Virginia Department of Agriculture.

(f) "State Inspection" means inspection services conducted by the Department at, or in connection with, establishments required to be licensed by the Meat Inspection Law.

(g) "Director" means the Director of the West Virginia Department of Agriculture, Meat and Food Safety Division or any employee of the Department to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(h) "Contract Veterinarian" means a graduate of a School of Veterinary Medicine accredited by the American Veterinary Medical Association who provides services for the Department under contract.

(i) "Veterinary Supervisor" means a graduate of a School of Veterinary Medicine accredited by the American Veterinary Medical Association, and employed by the Department to inspect and supervise the inspection of animals, carcasses, meat, meat food products, or meat by-products.

Regulation Change Effective 5-10-72

(j) "Department Inspector" means an individual employed by the Department to inspect animals, carcasses, meat, meat food products, or meat by-products under the supervision of a Veterinary Supervisor.

(k) "Department Employee" means Department inspector or the Commissioner's duly authorized representative.

(l) "Supervision" means the controls, as prescribed in instructions to Department employees, to be exercised by them over particular operations to insure that such operations are conducted in compliance with the West Virginia Rules and Regulations.

(m) "Official Certificate" means any certificate prescribed by these regulations for issuance by an inspector or other person performing official functions under the Law.

(n) "Official Inspection Mark" means any symbol prescribed by the Commissioner for the purpose of identifying the inspection status of any article so inspected.

(o) "Inspection Legend" means a mark or a statement on a carcass, meat, meat food product, or meat by-product indicating the same has been inspected and passed in this State under the provisions of the Law.

(p) "Meat Label" means a display of written, printed, or graphic matter on a container indicating the carcass, meat, meat food products, or meat by-products contained therein have been inspected and passed in this State under the provisions of the Law.

(q) "Misbranded" means and 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; ~~and~~

(i) The name and place of business of the manufacturer, packer, or distributor; and

(ii) An accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; except as otherwise provided in Section 17 of these regulations with respect to the quantity of contents;

Regulation Change Effective 5-10-72

§ 2.02 (q)

(6) If any word, statement, or other information required by or under authority of the Law 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 or identity or composition has been prescribed by these regulations in Section 19 unless:

(i) It conforms to such definition and standard; and

(ii) Its label bears the name of the food specified in the definition and standard, and, insofar as may be required by these regulations, the common names of 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 these regulations in Section 19, 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 subject to the provisions of subparagraph (7) of this paragraph unless its label bears:

(i) The common or usual name of the food, if any there be; and

(ii) In case it is fabricated from two or more ingredients, the common or usual name of each such ingredient, except as otherwise provided in Section 17 of these regulations;

(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 is required by these regulations in Section 17;

(11) If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears a label stating that fact; except as otherwise provided by these regulations in Section 17; or

(12) If it fails to bear, directly thereon or on its containers when required by these regulations in Sections 16 and 17, the inspection legend, and, unrestricted by any of the foregoing, such other information as the Commissioner may require 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.

(r) "Product" means any part or all of meat, meat by-product, and meat food product.

(s) "Container" and "Package" shall include but not be limited to any box, can, tin, cloth, plastic, or any other receptacle, wrapper,

or cover.

(t) "Immediate Container or True Container" means the unit, can, pot, tin, canvas, or other receptacle or covering in which any product is customarily shipped.

(u) "Shipping Container or Outside Container" means the box, bag, barrel, crate, or other receptacle or covering enclosing any product packed in one or more immediate or true containers.

(v) "Wholesome" means sound, healthful, clean, and otherwise fit for human consumption.

(w) "Adulterated" means and 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)(i) 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:

(a) a pesticide chemical in or on a raw agricultural commodity;

(b) a food additive; or

(c) a color additive) which may, in the judgement of the Commissioner, make such item unfit for human food;

(ii) 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 the Federal Food, Drug, and Cosmetic Act;

(iii) If it bears or contains any food additive which is unsafe within the meaning of the Federal Food, Drug, and Cosmetic Act;

(iv) If it bears or contains any color additive which is unsafe within the meaning of the Federal Food, Drug, and Cosmetic Act: Provided, That an article which is not adulterated under clause (ii), (iii), or (iv) 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 in establishments at which inspection is maintained;

(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;

§ 2.02 (w)

(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 the Federal Food, Drug, and Cosmetic Act;

(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 therefore; 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;

(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.

(x) "W. Va. Condemned" or abbreviation thereof means the animal so marked has been inspected and found to be in a dying condition or to be affected with any other condition or disease that would require condemnation of its carcass.

(y) "W. Va. Inspected and Condemned" or abbreviation thereof means that the carcass, meat, meat food product, or meat by-product, so marked or so identified, is unwholesome or adulterated and shall be disposed of in the manner prescribed by the Commissioner.

(z) "W. Va. Retained" means that the carcass, meat, meat food product, or meat by-product so identified is held for further examination by a Veterinary Supervisor or Contract Veterinarian to determine its disposal.

(aa) "W. Va. Suspect" means that the animal so marked and identified is suspected of being affected with a disease or condition which may require its condemnation, in whole or in part, when slaughtered, and is subject to further examination by a Contract Veterinarian or Veterinary Supervisor to determine its disposal.

(bb) "W. Va. Inspected and Passed" or abbreviation thereof means that the carcass, meat, meat food product, or meat by-product, so marked or so identified, was at the time it was so marked or so identified found to be wholesome.

(cc) "W. Va. Passed for Cooking" or abbreviation thereof means that the meat or meat by-product so identified has been inspected and passed on condition that it be cooked or rendered as prescribed by the regulations in Section 15 of these regulations.

(dd) "W. Va. Passed for Refrigeration" or abbreviation thereof means

Regulation Change Effective 5-10-72

that the meat and meat by-product so identified has been inspected and passed on condition that they be refrigerated or otherwise handled as prescribed by Section 12 of these regulations or by a method approved by the Commissioner.

(ee) "Artificial Flavoring" means a flavoring containing any sapid or aromatic constituent, which constituent was manufactured by a process of syntheses or other similar artifice.

(ff) "Artificial Coloring" means a coloring containing any dye or pigment, which dye or pigment was manufactured by a process of synthesis or other similar artifice, or a coloring which was manufactured by extracting a natural dye or natural pigment from plant or other material in which such dye or pigment was produced.

(gg) "Chemical Preservatives" means any chemical that, when added to a meat or meat food product, tends to prevent or retard deterioration thereof, but does not include common salt, sugars, vinegars, spices, or oil extracted from spices or substances added to meat and meat food products by exposure to wood smoke.

(hh) "Biological Residue" means any substance, including metabolites, remaining in livestock at time of slaughter or in any of its tissues after slaughter as a result of treatment or exposure of the livestock to a pesticide, organic or inorganic compound, hormone, hormone-like substance, growth promoter, antibiotic, anthelmintic, tranquilizer, or other therapeutic or prophylactic agent.

(ii) "Livestock" means cattle, swine, sheep, goat, horse, mule, or other equine.

(jj) "Animals" means cattle, swine, sheep and goat.

(kk) "Carcass" means all or any part of a slaughtered animal, including viscera, which is capable of being used for human consumption.

(ll) "Meat" means the edible part of the muscle of animals, which is skeletal or which is found in the tongue, in the diaphragm, in the heart, or in the esophagus, with or without the accompanying or overlying fat, and the portions of bone, skin, sinew nerve, and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing; it does not include the muscle found in the lips, snout, or ears.

(mm) "Meat Food Product" means any article of food for human consumption or any article which enters into the composition of food for human consumption, which is derived or prepared in whole or in part from any portion of any animal, except organo-therapeutic substances, meat juices, meat extract, and the like which are only for medicinal purposes and are advertised only to the medical profession; and edible part of the carcass which has been manufactured, cured, smoked, processed, or otherwise treated shall be considered a meat food product.

*** (nn) "Establishment" means any slaughterhouse, processing plant, regulated commercial outlet, or distributor in this State. ***

Regulation Change Effective 5-10-72 **Regulation Change Effective 5-2-75**

§ 2.02 (oo)

(oo) "Product" means any carcass, meat, meat food product, or meat by-product capable of use as human food.

(pp) "Edible" means intended for use as human food.

(qq) "Inedible" means adulterated, uninspected, or not intended for use as human food.

(rr) "Prepared" means slaughtered, canned, salted, rendered, boned, cut up, or otherwise manufactured or processed.

(ss) "4-D Animal" means any animal that is dead, dying, down, or diseased.

(tt) "Dead Livestock" means the body (cadaver) of livestock which has died otherwise than by slaughter.

(uu) "Dying, Diseased, or Disabled Livestock" means livestock which has or displays symptoms of having any of the following:

- (1) Central nervous system disorder;
- (2) Abnormal temperature (high or low);
- (3) Difficult breathing;
- (4) Abnormal swellings;
- (5) Lack of muscular coordination;
- (6) Inability to walk normally or stand;

(7) Any of the conditions for which an animal is required to be condemned on antemortem inspection in accordance with Section 10 of these regulations.

(vv) "Denature" means the uniform application of sufficient quantities of crude carbolic acid, cresylic disinfectant, or any other denaturing agent listed in these regulations or approved by the Commissioner, upon and into the freely slashed flesh of any livestock or animal, carcass, parts thereof, or product condemned.

(ww) "Decharacterization" means the uniform application of sufficient quantities of dye, charcoal, malodorous fish oil, or decharacterizing agents listed in these regulations or approved by the Commissioner, upon and into the freely slashed flesh of carcasses, parts thereof, meat or product not being rendered, so as to unequivocally preclude its use for human food.

(xx) "Person" means any individual, firm, or corporation.

(yy) "Firm" means any partnership, association, or other unincorporated business organization.

(zz) "Licensee" means any person licensed under the provision of the Law.

§ 2.02 (aaa)

(aaa) "Official Establishment" means any W. Va. licensed slaughterhouse, processing plant, or distributor.

(bbb) "Commercial Slaughterer" means a person engaged for profit in this State in the business of slaughtering or dressing animals for human consumption which are to be sold or offered for sale through a commercial outlet, and shall include a person who in addition to such commercial slaughtering also engages in the business of a custom slaughterer.

(ccc) "Custom Slaughterer" means a person engaged for profit in this State in the business of slaughtering or dressing animals for human consumption which are not to be sold or offered for sale and shall include the boning or cutting up of carcasses of such animals and the grinding, chopping, and mixing of the carcasses thereof.

(ddd) "Commercial Processor" means a processor for commercial outlets or distributors and shall include the business of custom processing.

(eee) "Custom Processor" means a processor in which the meat, meat food products, or meat by-products derived through processing cannot be sold or offered for sale through a commercial outlet, commercial establishment, distributor, or to an individual.

(fff) "Distributor" means a person engaged for profit in this State in the business where carcasses, meat, meat food products, or meat by-products are received from state or federally inspected establishments, or approved by the United States Department of Agriculture, and who stores and distributes to commercial outlets, processors, or individuals, and who conducts no processing other than wrapping and/or cutting of carcasses or its parts into quarters or wholesale cuts.

(ggg) "Commercial Outlet" means a place of business in this State and shall include all retail stores and public eating places in which carcasses, meat, meat food products, or meat by-products are stored, sold, or offered for sale for human consumption by the purchaser or others.

(hhh) "Commercial Dealer" means any person who operates one or more commercial outlets and who sells or offers for sale thereat any carcasses, meat, meat food products, or meat by-products for human consumption, and who does not can, cook, cure, dry, smoke, or render any carcass, meat, meat food products, or meat by-products at such outlets except as provided for in § 4.03 (a) (4) (ii) (a) of these regulations and who conducts no slaughtering or preparing of carcasses, meat, meat food products, or meat by-products at such outlets other than boning or cutting up of carcasses, and other than grinding, chopping, and mixing operations at such outlets with respect to trim or meat derived only from such boning or cutting up operations.

(iii) "Processor" means a person who engages for profit in this State in the business of packing or packaging carcasses, meat, meat food products, or meat by-products for human consumption or a person engaged for profit in the business of curing, salting, processing, or other preparing of carcasses, meat, meat food products, or meat by-products for human consumption.

§ 2.02 (jjj)

(jjj) "Further Processing" means smoking, cooking, canning, curing, refining, or rendering in official establishments.

(kkk) "Meat Broker" means any person engaged in the business of buying or selling carcasses, parts of carcasses, meat, or meat food products of animals on commission, or otherwise negotiating purchases or sales of such articles other than for his own account or as an employee of another person.

(lll) "Animal Food Manufacturer" means any person engaged in the business of manufacturing or processing animal food except manufacturers of livestock and poultry feeds with respect to any activity of acquiring or using processed animal by-products (such as meat meal tankage, meat and bone meal, blood meal, and feed grade animal fat) in the manufacture of such feeds.

(mmm) "Animal Food" means any article intended for use as food for dogs, cats, or other animals derived wholly, or in part, from the carcass or parts or products of the carcass of any livestock, except that the term animal food as used herein does not include livestock and poultry feeds manufactured from processed animal by-products (such as meat meal tankage, meat and bone meal, blood meal, and feed grade animal fat).

(nnn) "Renderer" means any person engaged in the business of rendering carcasses or parts or products of the carcasses of any livestock except rendering conducted under inspection or exemption under Title I of the 1967 Federal Meat Inspection Act.

(ooo) "Intrastate Commerce" means commerce wholly within the State of West Virginia.

(ppp) "Region" means the State of West Virginia is divided up into five inspection regions: Northwest, Southwest, North Central, Southeast, Northeast; and each region is subdivided into inspection assignment areas.

SECTION 3 - SCOPE OF INSPECTION AND LICENSING

Subsections

- 3.01 Establishments requiring inspection.
- 3.02 Establishments requiring licensing; license fees.
- 3.03 Animals and products entering inspected establishments.

§ 3.01 Establishments requiring inspection.

Every establishment in which animals are slaughtered for transportation, or sale as articles of intrastate commerce, or in which meat, meat food products, or meat by-products of, or derived from, are wholly or in part, canned, cooked, cured, smoked, salted, packed, rendered, or otherwise prepared for transportation or sale as articles of commerce, which are capable of being used as food for human consumption, shall have inspection under Sections 2 through 24 of these regulations, except as expressly excluded and exempted by §§ 4.02 and 4.03 of these regulations.

§ 3.02 Establishments requiring licensing; license fees.

All commercial slaughterers, custom slaughterers, commercial processors, custom processors, and distributors as defined in Section 2 of these regulations shall be licensed under the provisions of Section 4 of the Law. Establishment license fees are as follows:

*COMMERCIAL SLAUGHTERER

1 to 500 Animals Slaughtered Per Fiscal Year-----	\$10.00
501 to 1,000 Animals Slaughtered Per Fiscal Year-----	\$25.00
1,001 to 5,000 Animals Slaughtered Per Fiscal Year-----	\$50.00
Over 5,000 Animals Slaughtered Per Fiscal Year-----	\$75.00

*NOTE: Commercial Slaughterer license includes Custom Slaughtering.

*COMMERCIAL PROCESSOR

1 to 25,000 Finished Product Poundage Processed Per Fiscal Year-----	\$10.00
25,001 to 250,000 Finished Product Poundage Processed Per Fiscal Year----	\$25.00
250,001 to 1,000,000 Finished Product Poundage Processed Per Fiscal Year--	\$50.00
Over 1,000,000 Finished Product Poundage Processed Per Fiscal Year-----	\$75.00

*CUSTOM SLAUGHTERER Per Fiscal Year----- \$10.00

*CUSTOM PROCESSOR Per Fiscal Year----- \$ 5.00

*DISTRIBUTOR Per Fiscal Year----- \$ 5.00

*NOTE: Custom Slaughterer license includes Custom Processing.
Fiscal Year (July 1 thru June 30)

§ 3.03 Animals and products entering inspected establishments.

(a) All animals, and all products entering an establishment at which inspection is required by Sections 2 through 24 of these regulations and all products prepared, in whole or in part, therein, shall be inspected, handled, prepared, marked, and labeled as required in Sections 2 through 24 of these regulations.

§ 3.03 (b)

(b) No horse, mule, or other equine, horse meat, mule meat, or other equine meat, or kangaroo meat shall be brought into an official establishment.

(c) Poultry and poultry products shall not enter an official establishment except as provided for in § 18.01 (b) of these regulations.

(d) Carcasses of game animals, and carcasses derived from the slaughter by any person of animals of his own raising shall not enter an official establishment except as provided for in § 18.01 (h) of these regulations.

SECTION 4 - APPLICATION FOR LICENSE AND INSPECTION;
EXCLUSIONS; EXEMPTIONS

Subsections

4.01 Application for license and inspection.

4.02 Exclusions.

4.03 Exemptions.

§ 4.01 Application for license and inspection.

(a) The proprietor or operator of each establishment of the kind specified in §§ 3.01 and 3.02 of these regulations shall make application to the Commissioner for license and inspection.

(b) Every application under this subsection shall be made on a form furnished by the Commissioner. In cases of change of ownership or change of location, a new application shall be made.

(c) Each license shall expire on the thirtieth day of June next following its issuance.

§ 4.02 Exclusions.

(a) The provisions of these regulations shall not apply to any slaughterhouse or processing plant, or their products, operating under the Federal Meat Inspection Act or the Federal Poultry Products Inspection Act: Provided, that the products received from these establishments are not adulterated.

(b) The provisions of these regulations shall not apply to those slaughterhouses or processing plants or their products, listed in (1) and (2) of this paragraph:

(1) Foreign meat plants: Provided, that the plants are approved by the United States Department of Agriculture to import products into the United States and their products are not adulterated.

(2) Talmadge-Aiken meat and poultry plants operating under a Federal-State Cooperative Agreement with the United States Department of Agriculture: Provided, that their products are not adulterated.

§ 4.03 Exemptions.

(a) The requirements of the Law and these regulations for inspection of the animal and preparation of product do not apply to:

(1) Any commercial dealer: Provided, that all carcasses, meat, meat food products, and meat by-products sold or offered for sale by such dealer were slaughtered and/or processed in commercial establishments under State inspection; or have been inspected and passed by the United States Department of Agriculture; or have been approved by the United States Department of Agriculture as defined in § 4.02 (b) of this Section; and the

§ 4.03 (a)

operations are in compliance with Section 25 of these regulations, and all carcasses, meat, meat food products, and meat by-products shall be prepared, identified, labeled, and sold in normal retail quantities in compliance with paragraph (a) (4) (i) and (ii) of this subsection and Section 25 of these regulations.

(2) The slaughtering by any person of animals of his own raising, and the preparation by him of the carcasses, meat, meat food products, and meat by-products of such animals exclusively for use by him and members of his household and his nonpaying guests and employees; or custom slaughtered animals, by a custom slaughterer, delivered by the owner thereof for such slaughter and the preparation by such slaughterer or custom processor of the carcasses, meat, meat food products, and meat by-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: Provided, That the custom slaughterer or custom processor is licensed and is not handling adulterated carcasses, meat, meat food products, and meat by-products; maintains identity of carcasses, meat, meat food products, and meat by-products; and maintains acceptable sanitation and operational controls as provided for in paragraph (a) (4) (iii) of this subsection.

(3) Antemortem and postmortem inspections of custom animals may not be conducted in custom or commercial licensed slaughterhouses unless approved by the Commissioner.

(4) Other operations and requirements which the Commissioner determined would best be exempted and clarified to further the purposes of the Law and these regulations, to the extent such exemptions conform with requirements to the Federal Meat Inspection Act and the Federal Poultry Products Inspection Act as amended from time to time and the regulations thereunder:

(i) The requirements of the Law and the requirements in these regulations for continuous inspection of the preparation of products do not apply to operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similiar retail-type establishment in this State for sale in normal retail quantities or service of such articles to consumers at such commercial outlets.

(ii) For purposes of paragraph (a) (4) (i) of this subsection:

(a) Operations of types traditionally and usually conducted at retail stores and restaurants are the following:

(1) Cutting up slicing, and trimming carcasses, halves, quarters, or wholesale cuts into retail cuts such as steaks, chops, and roasts, and freezing such cuts;

(2) Grinding and freezing products made from meat;

*(3) Curing, cooking, smoking, rendering or refining of livestock fat, or other preparation of products, except slaughtering or the retort processing of canned products;

Regulation Change Effective 11-10-80

(4) Breaking bulk shipments of products:

(5) Wrapping or rewrapping products.

(b) Any quantity of product purchased by a consumer from a particular retail supplier shall be deemed to be a normal retail quantity if the quantity so purchased does not in the aggregate to exceed one-half carcass. The following amounts of product will be accepted as representing one-half carcass of the species identified: ---

One-half
carcass
pounds

Cattle-----	300
Calves-----	37.5
Sheep-----	27.5
Swine-----	100
Goats-----	25

(c) A retail store is any place of business where the sales of product are made to consumers only; at least 75 percent, in terms of dollar value, of total sales or product represents sales to household consumers and the total dollar value of sales of product to consumers other than household consumers does not exceed \$27,800*1/ per year; only Federally or State inspected and passed product is handled or used in the preparation of any product, except that product resulting from the custom slaughter or custom preparation of product may be handled or used in accordance with paragraph (a) (2) and (4) of this subsection but not for sale; no sale of product is made in excess of a normal retail quantity as defined in subdivision (b) of this subparagraph; the preparation of products for sale to other than household consumers is limited to traditional and usual operations as defined in (1), (2), (4) and (5) of subdivision (a) of this subparagraph. (A retail store at which custom slaughtering or preparation of products is conducted is not thereby disqualified from exemption as a retail store under paragraph (a) (4) (i) of this subsection).

(d) A restaurant is any establishment where product is prepared only for sale or service, in meals, or as entrees, directly to individual consumers at such commercial outlet; only Federally or State inspected and passed product or such product prepared at a retail store exempted under subdivision (c) of this subparagraph is handled or used in the preparation of any product; no sale of product is made in excess of a normal retail quantity as defined in subdivision (b) of this subparagraph; and the preparation of product is limited to traditional and usual operations as defined in subdivision (a) of this subparagraph. This definition includes a caterer which delivers or serves product in meals, or as entrees, only to individual consumers and otherwise meets the requirements of this paragraph.

(e) Similar retail-type establishment: Any commercial outlet which is a combination retail store and restaurant; and delicatessen which meets the requirements for a retail store or restaurant as prescribed in subdivision (c) or (d) of this subparagraph; or other commercial outlet as determined by the Commissioner in specific cases

Regulation Change Effective 11-10-80

§ 4.03 (a)

(f) Consumer: Any household consumer, hotel, restaurant, or similar institution as determined by the Commissioner in specific cases.

(g) The adulteration and misbranding provisions of the Law and these regulations, other than the requirement of the official inspection legend, apply to articles which are exempted from inspection or not required to be inspected under this Section. This includes the requirement that any pork and any product containing pork be prepared only in compliance with any applicable requirement for the destruction of trichina as provided in Section 18 of these regulations.

(iii) The requirements of the Law and these regulations for continuous inspection of the preparation of products do not apply to custom operators, provided:

(a) If the establishment in which the custom operations are conducted is licensed, maintained, and operated in accordance with the requirements of § 8.03 through § 8.15 of these regulations: **Provided** that the requirement of § 8.04 for separate facilities for men and women workers shall not apply to such establishments when the majority of the workers in the establishment are related by blood or marriage and this arrangement will not conflict with municipal or other State requirements, and the requirement of § 8.04 for separation of toilet soil lines from house drainage lines to a point outside the building will not apply to such establishments when positive acting backflow devices are installed: **Provided further** that the requirements of § 8.13 for paved driveways, approaches, yards, pens, and alleys shall not apply to such establishments. However, if custom operations are conducted in a commercial establishment, all of the provisions of Section 8 shall apply to such establishment.

(b) If the custom operator prepares or handles any products for sale, they are kept separate and apart from the custom carcasses and parts and/or custom products at all times while the latter are in his custody; and all facilities and equipment in the establishment used for such custom operations are thoroughly cleaned and sanitized before they are used for preparing any products for sale.

(c) **If the custom operator prepares or handles any wild game; it is kept separate and apart from all carcasses and parts of carcasses of cattle, sheep, swine, and goats at all times while the wild game is in his custody; and all facilities and equipment in the establishment used for such operations are thoroughly cleaned and sanitized before they are used for preparing carcasses and parts of carcasses of cattle, sheep, swine and goats.**

(d) **An establishment licensed for custom slaughter or commercial slaughter operation identifies when applicable all custom carcasses, carcass parts, and custom meats with:*

(1) A custom stamp or brand, immediately after slaughter, as provided for in § 13.03 (a) of these regulations.

(2) A custom stamp or brand, immediately after slaughter, or upon receipt at the establishment with words, "NOT FOR SALE".

Regulation Change Effective 4-22-74

(3) A tag made from a material that is nontoxic and waterproof immediately after slaughter, or upon receipt at the establishment, that identifies name of owner or a number which identifies owner of meat: Provided, that the tag may be omitted if the identification number is legibly applied directly on the meat by use of an approved marking pencil.

(4) A stamp or legible printing or pressure sensitive tape with words "NOT FOR SALE" on all custom wrapped or packaged meats immediately after final preparation and must remain so identified while on the establishment's premises.

(5) A stamp, legible printing or pressure sensitive tape or tag attached with words "NOT FOR SALE" on closed containers when utilized for packing unwrapped, wrapped, or packaged custom meats and must remain so identified immediately after packing containers and while on the establishment's premises.

(6) Any other labeling identity requested by owner as long as the additional labeling is in compliance with subdivision (i) of this subparagraph (iii).*

(e) *An establishment licensed for only custom processing or commercial processing identifies when applicable all custom carcasses, carcass parts, and custom meats with:

(1) A custom stamp or brand, immediately upon receipt at the establishment with words "Not For Sale."

(2) A tag as provided for in subdivision (d) (3) of this subparagraph (iii).

(3) A stamp or legible printing or pressure sensitive tape as provided for in subdivision (d) (4) of this subparagraph (iii).

(4) A stamp, legible printing or pressure sensitive tape or tag attached as provided for in subdivision (d) (5) of this subparagraph (iii).

(5) Other labeling identity as provided for in subdivision (d) (6) of this subparagraph (iii).*

(f) *If all custom carcasses, carcass parts, and custom meats are inspected by an establishment employee immediately upon receipt at the establishment for contamination or adulteration, and ones that are not acceptable are either turned back to the owner, or if applicable the contamination or adulteration is immediately removed by trimming.*

(g) *If all marking lettering, "NOT FOR SALE," applied to custom carcasses, carcass parts, custom meat and containers is at least three-eighths of an inch in height.*

(h) *If all ink for marking carcasses, carcass parts and custom meats comply with the requirements of § 16.05 of these regulations.*
Regulation Change Effective 4/22/74.

(i) If custom prepared products have no false or misleading labeling on packages or containers or be otherwise misbranded as defined in Section 2 (q) of these regulations.

(j) *If the exempted custom prepared products are prepared and handled when applicable in accordance §§ 18.05, 18.06, 18.07, 18.10, and 18.11 of these regulations, and products as defined in Section 2 (rr) of the Law and are not adulterated as defined in Section 2 (tt) of the Law: *Provided further, That all equipment and utensils used for pork products must be thoroughly cleaned before being used for product not requiring trichina treatment.**

(k) If the custom operators keep records, in addition to records otherwise required by Section 20 of these regulations, showing the numbers and kinds of livestock slaughtered on a custom basis, the quantities and types of products prepared on a custom basis, and the names and addresses of the owners of the animals and products.

(l) *If all articles capable for use as human food resulting from the exempted custom slaughter or other custom operations and if applicable meat retail operations are denatured or decharacterized or otherwise identified in accordance with Section 22.13 of these regulations and not removed from the establishment where the custom operations are conducted until so identified, unless they are delivered to the owner of the articles for use in accordance with restrictions contained in paragraph (a) (2) of this subsection.*

(b) *Any store not licensed as a custom establishment can prepare wild game carcasses for their owners if properly handled as provided for in paragraph (a) (4) (iii) (c) of this subsection.*

(c) The Commissioner in specific cases may modify, by relieving the requirement in paragraph (a) (4) (iii) of this subsection when he determines that application of the modified requirements will be adequate to effectuate the purposes of the Law and comply with the provisions in paragraph (a) (4) of this subsection.

(d) Any institution operated by the State requiring inspection under the Law shall be exempt from the licensing fee as required by Section 4 of said Law.

1/ This dollar limitation will automatically be adjusted during the first quarter of each calendar year, beginning with the calendar year 1981, upward or downward, whenever the Consumer Price Index, published by the Bureau of Labor Statistics, Department of Labor, indicates a change in the price of this volume of product which exceeds \$500.

Regulation Change Effective 4/22/74.

SECTION 5 - ESTABLISHMENT NUMBERS; INAUGURATION OF INSPECTION;
WITHDRAWAL OF INSPECTION; REPORTS OF VIOLATIONS

Subsections

- 5.01 Establishment official numbers; subsidiaries and tenants.
- 5.02 Separation of official establishments.
- 5.03 Sanitation and adequate facilities.
- 5.04 Inauguration of inspection.
- 5.05 Suspension of inspection; statement of policy.
- 5.06 Reports of violations.

§ 5.01 Establishment official numbers; subsidiaries and tenants.

(a) An establishment number shall be assigned by the Department to each establishment granted a license. Such number shall be used to identify all inspected and passed products prepared in the establishment. More than one number shall not be assigned to an establishment.

(b) Two or more official establishments under the same ownership or control may be granted the same official number, provided a serial letter is added in each case to identify each establishment and the products thereof.

(c) When inspection has been granted to any applicant at an establishment, it shall not be granted to any other person at the same establishment, except that a subsidiary or tenant of the grantee, preparing any product at the establishment, may receive inspection at the same establishment.

§ 5.02 Separation of official establishments.

(a) Each official establishment shall be separate and distinct from any unofficial establishment except a poultry products processing establishment operated under Federal inspection under the Poultry Products Inspection Act or inspected under a State-Federal Cooperative Agreement whereby the State Department employees conduct inspection under the Poultry Products Inspection Act.

(b) Inspection shall not be inaugurated in any building, any part of which is used as living quarters, unless the part for which inspection is requested is separated from such quarters by floors, walls, and ceilings of solid concrete, brick, wood, or similar material, and the floors, walls, and ceilings are without openings that directly or indirectly communicate with any part of the building used as living quarters.

(c) If a retail meat business is carried on within the official premises of the establishment, it shall be so arranged that customers shall have access only to the room or rooms where such business is conducted and shall be excluded from the rest of the establishment. All meat and

§ 5.02 (c)

meat food products handled in the retail business shall be USDA inspected and passed or from W. Va. licensed commercial slaughterers or processors, and so identified when brought into the market.

§ 5.03 Sanitation and adequate facilities.

Inspection shall not be inaugurated if an establishment is not in a sanitary condition nor unless the establishment agrees to maintain a sanitary condition and provides adequate facilities for conducting such inspection.

§ 5.04 Inauguration of inspection.

When inspection is granted, the Veterinary Supervisor shall, at or prior to the inauguration of inspection, inform the operator of the establishment of the requirements of these regulations. If the establishment contains any product not marked in compliance with these regulations, the identity of the same shall be maintained, and it shall not be distributed in intrastate commerce until inspected, passed, and properly marked or labeled under these regulations. The establishment shall adopt and enforce all necessary measures and shall comply with all such requirements as the Veterinary Supervisor may prescribe, for carrying out the purposes of this subsection.

§ 5.05 Suspension of inspection; statement of policy.

(a) The Commissioner is authorized to suspend inspection in an official establishment where the sanitary conditions are such that its products are rendered adulterated, or for failure of the operator to destroy condemned products as required by Article 2-B and these regulations. Inspection may be suspended in accordance with Section 4 of Article 2-B and these regulations.

(b) Inspection service may be suspended when the operator of any official establishment or tenant therein, or any officer, employee, or agent or any such operator or any subsidiary or tenant therein, acting within the scope of his office, employment or agency assaults, resists, opposes, impedes, intimidates, or interferes with any Department employee while engaged in or on account of the performance of his official duties under Article 2-B. This suspension of inspection will continue in effect until assurances acceptable to the Commissioner are received that there cannot be any recurrences.

§ 5.06 Reports of violations.

Department employees shall report, in a manner prescribed by the Commissioner, all violations of Article 2-B or these regulations of which they have information.

SECTION 6 - ASSIGNMENT AND AUTHORITIES OF DEPARTMENT EMPLOYEES

Subsections

- 6.01 Designation of Veterinary Supervisor and assistants.
- 6.02 Department employees to have access to establishments.
- 6.03 Official identification of inspectors.
- 6.04 Assignment of Department employees where members of family employed; soliciting employment; procuring product from official establishments.
- 6.05 Appeals.

§ 6.01 Designation of Veterinary Supervisor and assistants.

The Director shall designate a Veterinary Supervisor of the inspection in each region, and assign to said supervisor such Department inspectors as may be necessary in each assignment area within a region.

§ 6.02 Department employees to have access to establishments.

For the purpose of any examination or inspection necessary to prevent the use in intrastate commerce of any adulterated product, Department employees shall have access at all times, by day or night, whether the establishment is operated or not, to every part of any official establishment to which they are assigned. Access to establishments is also authorized in accordance with Section 5 of the Law and Section 20 of these regulations.

§ 6.03 Official identification of inspectors.

Each inspector will be furnished with a numbered badge or name plate and an identification card which he shall not allow to leave his possession, and which he shall wear or have in his possession in such manner and at such times as the Director may prescribe. This badge or name plate and W. Va. DA identification card shall be sufficient identification to entitle him to admittance at all regular entrances or exits and to all parts of the establishment and premises to which he is assigned.

§ 6.04 Assignment of Department employees where members of family employed; soliciting employment; procuring product from official establishments.

(a) Except as specifically authorized by the Commissioner, no Department employee shall be detailed for duty at an establishment where any member of his family is employed by the operator of the establishment, or any tenant or subsidiary of such operator nor shall any Veterinary Supervisor or other employee acting in a supervisory capacity be continued on duty in a region where any member of his family is so employed at any establishment under his jurisdiction. Department employees are forbidden to solicit, for any person, employment at any official establishment, or by any officer, manager, or employee thereof.

(b) Department employees shall not procure product from any official establishment or any other establishment if its operations or products are

§ 6.04 (b)

inspected or regulated under the Law unless the establishment's store or establishment's outlet from which the purchase is made is open to the general public and the price paid by such employee is the same as the price paid by the general public. Department employees must pay, and obtain receipts for money paid to such establishments for all such product and keep such receipts subject to inspection by supervisory employees or other authorized Department employees. **The Director or a Veterinary Supervisor can direct any Department employee to cease procuring meat or food products from an establishment when the purchases might effect the inspector's ability to carry out his responsibilities in the establishment.**

§ 6.05 Appeals

Any appeal from a decision of any Department employee shall be made to his immediate supervisor having jurisdiction over the subject matter of the appeal.

Regulation Change Effective 4-22-74

SECTION 7 - FACILITIES FOR INSPECTION

Subsections

- 7.01 Facilities for Department employees.
- 7.02 Other facilities and conditions to be provided by establishment.
- 7.03 Department to furnish inspection implements and inspectors to maintain hands and implements in sanitary condition.
- 7.04 Hours of operation of official establishments.
- 7.05 Designation of days and hours of operation by Veterinary Supervisor.

§ 7.01 Facilities for Department employees.

Office space, including necessary furnishings, light, telephone service, heat, and janitor service, shall be provided by official establishments, rent free, for the exclusive use for official purposes of the inspector and other Department employees assigned thereto. The space set aside for this purpose shall meet with approval of the Veterinary Supervisor and shall be conveniently located, properly ventilated and provided with lockers suitable for the protection and storage of Department supplies and with facilities suitable for Department employees to change clothing if such clothes changing facilities are deemed necessary by the Veterinary Supervisor. At the discretion of the Director, small plants requiring the services of less than one full-time inspector need not furnish facilities for Department employees as prescribed in this Section, where adequate facilities exist in a nearby convenient location. However, each such small plant shall provide a metal security file which may be sealed for Department supplies.

§ 7.02 Other facilities and conditions to be provided by establishment.

When required by the Veterinary Supervisor, the following facilities and conditions, and such others as may be found to be essential to efficient conduct of inspection and maintenance of sanitary conditions, shall be provided by each official establishment:

(a) Satisfactory pens, equipment, and assistants for conducting antemortem inspection and for separating, marking, and holding apart from passed animals those marked "W. Va. Suspect" and those marked "W. Va. Condemned" (pens, alleys, and runways shall be paved, drained, and supplied with adequate hose connections for cleanup purposes);

(b) Sufficient light to be adequate for proper conduct of inspection and heat in inspection areas when temperature of facility is too uncomfortable to work in;

(c) Racks, receptacles, or other suitable devices for retaining such parts as the head, tongue, tail, thymus gland, and viscera, and all parts and blood to be used in the preparation of meat food products or medical products, until after the postmortem examination is completed, in order

that they may be identified in case of condemnation of the carcass; equipment, trucks, and receptacles for the handling of viscera of slaughtered animals so as to prevent contact with the floor; and trucks, racks, marked receptacles, tables, and other necessary equipment for the separate and sanitary handling of carcasses or parts passed for cooking;

(d) Tables, benches, and other equipment on which inspection is to be performed, of such design, material, and construction as to enable Department employees to conduct their inspection in a ready, efficient and sanitary manner;

(e) Watertight metal trucks or receptacles for holding and handling diseased carcasses and parts, so constructed as to be readily cleaned; such trucks or receptacles to be marked in a conspicuous manner with the phrase "W. Va. Condemned" in letters not less than 2 inches high, and, when required by the Veterinary Supervisor, to be equipped with facilities for locking or sealing;

(f) Adequate arrangements, including liquid soap and cleansers, for cleansing and disinfecting hands, for sterilizing all implements used in dressing diseased carcasses, floors, and such other articles and places as may be contaminated by diseased carcasses or otherwise;

(g) In establishments in which slaughtering is done, rooms, compartments, or specially prepared open places, to be known as "final inspection places," at which the final inspection of retained carcasses may be conducted (competent assistants for handling retained carcasses and parts shall be provided by the establishment; final inspection places shall be adequate in size and their rail arrangement and other equipment shall be sufficient to prevent carcasses and parts passed for food or cooking, from being contaminated by contact with condemned carcasses or parts; they shall be equipped with hot water, lavatory, sterilizer, tables, and other equipment required for ready, efficient, and sanitary conduct of the inspection; the floors shall be of such construction as to facilitate the maintenance of sanitary conditions and shall have proper drainage connections, and when the final inspection place is part of a larger floor, it shall be separated from the rest of the floor by a curb, railing, or otherwise);

(h) Retention rooms, cages, or other compartments, and receptacles in which carcasses and product may be held for further inspection (these shall be in such number and in such locations as the needs of the inspection in the establishment may require; they shall be equipped for secure locking or sealing and shall be held under locks or official seals furnished by the Department; the keys of such locks or seals shall not leave the custody of Department employees. Every such room, compartment, or receptacle shall be marked conspicuously with the phrase "W. Va. Retained" in letters not less than 2 inches high; rooms or compartments for these purposes shall be secure and susceptible of being kept clean, including a sanitary disposal of the floor liquids; establishment employees shall not enter any retention rooms or compartments or open any retention receptacles unless authorized by Department employees);

(i) Adequate facilities, including denaturing materials, for the proper disposal of condemned articles in accordance with these regulations

§ 7.02 (i)

(tanks or other rendering equipment which, under these regulations, must be sealed, shall be properly equiped for sealing as specified by these regulations in Section 14 or by the Veterinary Supervisor in specific cases);

(j) Docks and receiving rooms to be designated by the operator of the official establishment with the Veterinary Supervisor's concurrence for the receipt and inspection of all products as provided in Section 18 of these regulations.

(k) Suitable lockers in which brands bearing the official inspection legend and other official devices (excluding labels) and official certificates shall be kept when not in use (all such lockers shall be equipped for sealing or locking with locks or seals to be supplied by the Department; the keys of such locks or seals shall not leave the custody of Department employees);

(l) Sanitary facilities and accommodations as prescribed by Section 8 of these regulations.

§ 7.03 Department to furnish inspection implements and inspectors to maintain hands and implements in sanitary condition.

Department shall furnish inspectors their work clothing and implements, such as flashlights and triers, for conducting inspection and inspectors shall cleanse their hands and implements, and wear clean clothing as prescribed by Section 8 of these regulations.

§ 7.04 Hours of operation of official establishments.

The operator of each official establishment shall inform the Veterinary Supervisor, or responsible Department employee, when work in each operational area has been concluded for the day, and of the day and hour when work will be resumed therein. Whenever any product is to be overhauled or otherwise handled in an official establishment during unusual hours, the establishment operator shall, a reasonable time in advance, notify the Veterinary Supervisor or responsible Department employee of the day and hour when such work will be commenced and such products shall not be so handled prior to that time and except after such notice has been given. No department of an official establishment in which are conducted operations requiring inspection shall be operated except under the supervision of a Department employee. All slaughtering of animals and preparation of products shall be done within reasonable hours, and with reasonable speed, the facilities of the establishment being considered.

§ 7.05 Designation of days and hours of operation by Veterinary Supervisor.

When one inspector is detailed to conduct the work at two or more official establishments where few animals are slaughtered or where but a small quantity of any product is prepared, the Veterinary Supervisor may designate the hours of the day and the days of the week during which operations requiring inspection in such establishments may be conducted.

SECTION 8 - CONSTRUCTION AND SANITATION

Subsections

- 8.01 Drawings and specifications to be furnished in advance of construction.
- 8.02 Examination and specifications for equipment and sanitation prior to granting a license and inspection.
- 8.03 Establishments; sanitary condition; requirements.
- 8.04 Sanitary facilities and accommodations; specific requirements.
- 8.05 Equipment to be easily cleaned; that for inedible products to be so marked.
- 8.06 Scabbards for knives.
- 8.07 Rooms, compartments, etc., to be clean and sanitary.
- 8.08 Operations, procedures, rooms, clothing, utensils, etc., to be clean and sanitary.
- 8.09 Protective handling of products.
- 8.10 Slack barrels and similar containers and means of conveyance used for product, paper in contact with product.
- 8.11 Burlap wrapping for meat.
- 8.12 Second-hand tubs, barrels, other containers, tank cars, trucks, and trailer trucks; inspection and cleaning.
- 8.13 Inedible operating and storage rooms; outer premises, docks, driveways, approaches, pens, alleys, etc.; fly-breeding material; other conditions.
- 8.14 Tagging insanitary equipment, utensils, rooms, or compartments.
- 8.15 Facilities requirements for small existing meat establishments.
- 8.16 (Reserved)
- 8.17 Midshift cleanups.

§ 8.01

§ 8.01 Drawings and specifications to be furnished in advance of construction.

Prior to inauguration of inspection, the Commissioner must be satisfied that requirements as to construction and sanitation established by this Section are complied with and shall order an examination of the premises, equipment, and facilities. Two (2) copies of complete drawings with specifications for new construction and major alterations of existing premises shall be submitted to the Director for approval before such construction is begun. The drawings shall consist of the plot plan of the entire premises showing location of all buildings, roadways, railroad trackage, streets and alleys adjoining the plant, streams, catch basins, water wells, reservoirs and storage tanks; the character and surfacing of roadways, streets, and the paving of vehicular loading areas and alleys should be indicated; if nearby buildings exist on adjoining property, their height and use should be indicated; floor plans of each level in the various buildings showing the locations of walls, partitions, posts, doorways, windows, and other openings; floor drainage inlets and gutters; rail systems for conveying carcasses, parts, and product; chutes; location of the principal pieces of equipment; hot and cold water hose connections; and hand-washing facilities (lavatories). The slope of floors to drainage facilities should be indicated by grade lines. The location of sectional lines should be shown on the floor plans. For convenient reference, the north point should be shown on the floor plans. Roof plans showing skylights, vents, and other pertinent information shall be shown. Cross sections and longitudinal sections of the various buildings showing the character and finish of floors, walls, partitions, and ceilings; heights of ceilings; the principal pieces of equipment; and rail heights, especially in the slaughtering departments, to show their relation to equipment such as viscera inspection tables, inspectors' and operatives' foot platforms, and the like. Exterior elevations on each side of each building showing locations and size of doors, windows, and other openings. A Guide to Construction, Equipment, Layout - Agriculture Handbook No. 570, February, 1981, and Marketing Service, U.S. Department of Agriculture outlines in detail specific requirements for construction and equipment.

§ 8.02 Examination and specifications for equipment and sanitation prior to granting a license and inspection.

Prior to granting a license and the inauguration of inspection, an examination of the establishment and premises shall be made by a Department employee and the requirements for sanitation and the necessary facilities for inspection shall be acceptable to him in accordance with this Section of these regulations.

§ 8.03 Establishments; sanitary condition; requirements.

(a) Official establishments shall be maintained in sanitary condition, and to this end the requirements of this Section shall be complied with.

(b) There shall be abundant light, of good quality and well distributed, and sufficient ventilation for all rooms and compartments to insure sanitary condition. Light fixtures in rooms where exposed meat is handled shall be provided with a protective shield of suitable

§ 8.03 (b)

nonshattering material to preclude contamination of product with broken glass.

(c) There shall be an efficient drainage and plumbing system for the establishment and premises, and all drains and gutters shall be properly installed with traps and vents approved by the Veterinary Supervisor.

(d)(1) The water supply shall be ample, clean, and potable, with adequate facilities for its distribution in the plant and its protection against contamination and pollution. In order to determine that the water supply is potable, the establishment must have on file a certification based on analyses of samples taken from within the facility as to water potability of county health authority having jurisdiction. If supply is from municipal source, such certification must be on an annual basis. If supply is from a private supply (well, spring, cistern, etc.), certification must be on a semiannual basis. Additional testing and certification by local authority may be required to assure potability in the event there is reason to believe the supply is being contaminated--cross connections, potable and non-potable lines, back-siphonage, surface drainage or ineffective protection of wells, floods, etc. Every establishment shall make known and, whenever required by the Veterinary Supervisor, shall afford opportunity for inspection of the source of its water supply, the storage facilities, and the distribution system. Equipment using potable water shall be so installed as to prevent back-siphonage into the potable water system. Non-potable water is permitted only in those parts of official establishments where no edible product is handled or prepared, and then only for limited purposes such as on ammonia condensers not connected with the potable water supply, in vapor lines serving inedible product rendering tanks, in connection with equipment used for hashing and washing inedible products preparatory to tanking, and in sewer lines for moving heavy solids in the sewage. Non-potable water is not permitted for washing floors, areas, or equipment involved in trucking materials to and from edible product departments nor is it permitted in hog scalding vats, dehairing machines, or vapor lines serving edible product rendering equipment, or for cleanup of shackling pens, bleeding areas, or runways within the slaughtering department. In all cases, non-potable water lines shall be clearly identified and shall not be cross-connected with the potable water supply unless this is necessary for fire protection and such connection is of a type with an adequate break to assure against accidental contamination, and is approved by local health authorities and by the Veterinary Supervisor.

(2) The Veterinary Supervisor may permit the reuse of water in vapor lines leading from deodorizers used in the preparation of lard and similar edible product and in equipment used for the chilling of canned product after retorting, provided the reuse is for the identical original purpose and the following precautions are taken to protect the water that is reused:

(i) All pipelines, reservoirs, tanks, cooling towers, and like equipment employed in handling the reused water are so constructed and installed as to facilitate their cleaning and inspection.

(ii) Complete draining and disposal of the reused water, effective cleaning of the equipment, and renewal with fresh potable water

§ 8.03 (d)

is accomplished at such intervals as may be necessary to assure an acceptable supply of water for the purpose intended.

(iii) Effective chlorination (not less than approximately 1 part per million of residual chlorine at any point within the cooling system) of the reused water utilized for cooling canned product is maintained but with the understanding that chlorination alone is not to be relied upon entirely or to be accepted in lieu of the requirements listed in subdivisions (i) and (ii) of this subparagraph.

(3) Approval for the reuse of water other than as specified in subparagraph (2) shall be obtained from the Commissioner in specific cases.

(4) An ample supply of water at not less than 180°F. shall be furnished and used for the cleaning of inspection equipment and other equipment, floors, and walls which are subject to contamination by the dressing or handling of diseased carcasses, their viscera, and other parts. Whenever necessary to determine compliance with this requirement, conveniently located thermometers shall be installed by the operator of the official establishment to show the temperature of the water at the point of use.

(5) Hot water for cleaning rooms and equipment other than those mentioned in subparagraph (4) of this paragraph shall be delivered under pressure to sufficient outlets and shall be of such temperature as to accomplish a thorough cleanup.

(e) The floors, walls, ceilings, partitions, posts, doors, and other parts of all structures shall be of such materials, construction, and finish as will make them susceptible of being readily and thoroughly cleaned. The floors shall be kept watertight. The rooms and compartments used for edible product shall be separate and distinct from those used for inedible product.

(f) Rails should be located and passageway space provided so that exposed product does not come in contact with posts, walls, and other fixed parts of the building, or with barriers, boxes, and other containers trafficked through holding and operating areas. Exposed product shall not be placed or stored beneath carcasses in coolers or holding areas.

(g) The rooms and compartments in which any product is prepared or handled shall be free from dust and from odors from dressing and toilet rooms, catch basins, hide cellars, casing rooms, inedible tank and fertilizer rooms, and livestock pens.

(h) Every practicable precaution shall be taken to exclude flies, rats, mice, and other vermin from official establishments. The use of poisons for any purpose in rooms or compartments where any unpacked product is stored or handled is forbidden, except under such restrictions and precautions as are prescribed by these regulations in this Section or by the Veterinary Supervisor in specific cases. The use of insecticides, rodenticides, and similar pest control substances in hide cellars, inedible product departments, outbuildings, or similar places, or in storerooms containing canned or tierced products is not forbidden but only those approved by the Commissioner may be used. So-called rat

§ 8.03 (h)

viruses shall not be used in any part of an establishment or the premises thereof.

(i) Dogs and cats shall be excluded from the interior of official establishments; however, dogs may be permitted on the outer premises for guard purposes.

§ 8.04 Sanitary facilities and accommodations; specific requirements.

Adequate sanitary facilities and accommodations shall be furnished by every official establishment. Of these, the following are specifically required:

(a) Dressing rooms, toilet rooms, and urinals shall be sufficient in number, ample in size, and conveniently located. The rooms shall be provided with facilities to provide abundant light of good quality and well distributed. They shall be properly ventilated, and meet all requirements of these regulations in this Section as to sanitary construction and equipment. They shall be separate from the rooms and compartments in which products are prepared, stored, or handled. Where both sexes are employed, separate facilities shall be provided.

(b) Acceptable lavatories, including running hot and cold water, soap, and towels, shall be placed in or near toilet and urinal rooms and also at such other places in the establishment as may be essential to assure cleanliness of all persons handling product.

(c) Toilet soil lines shall be separate from house drainage lines to a point outside the building and drainage from toilet bowls and urinals shall not be discharged into a grease catch basin.

(d) Properly located facilities shall be provided for cleansing and disinfecting utensils and hands of all persons handling any product.

§ 8.05 Equipment to be easily cleaned; that for inedible products to be so marked.

Equipment and utensils used for preparing and otherwise handling any product shall be of such materials and construction as will make them susceptible of being readily and thoroughly cleaned and such as will insure strict cleanliness in the preparation and handling of all products. So far as is practicable, such equipment shall be made of metal or other impervious material. Trucks and receptacles used for inedible material shall bear a conspicuous and distinctive mark, "INEDIBLE" in letters not less than 2 inches high identifying them as used for such material, and shall not be used for handling edible products.

§ 8.06 Scabbards for knives.

Scabbards and similar devices for the temporary retention of knives, steels, triers, etc., by workers and others at official establishments shall be constructed of rust-resisting metal or other impervious material, shall be of a type that may be readily cleaned, and shall be kept clean.

§ 8.07 Rooms, compartments, etc., to be clean and sanitary.

§ 8.07

Rooms, compartments, places, equipment, and utensils used for preparing, storing, or otherwise handling any product, and all other parts of the establishment, shall be kept clean and in sanitary condition. There shall be no handling or storing of materials which create an objectionable condition in rooms, compartments, or places where any product is prepared, stored, or otherwise handled.

§ 8.08 Operations, procedures, rooms, clothing, utensils, etc., to be clean and sanitary.

(a) Operations and procedures involving the preparation, storing, or handling of any product shall be strictly in accord with clean and sanitary methods.

(b) Rooms and compartments in which inspections are made and those in which animals are slaughtered or any product is prepared shall be kept sufficiently free of steam and vapors to enable Department employees to make inspections and to insure clean operations. The walls, ceilings, and overhead structure of rooms and compartments in which product is prepared, handled, or stored shall be kept reasonably free from moisture to prevent dripping and contamination of product.

(c) Butchers and others who dress or handle diseased carcasses or parts shall, before handling or dressing other carcasses or parts, cleanse their hands with liquid soap and hot water, and rinse them in clean water. Implements used in dressing diseased carcasses or cutting diseased products shall be thoroughly cleansed with hot water having a minimum temperature of 180°F. or in a disinfectant approved by the Director, followed by rinsing in clean water. The employees of the establishment who handle any product shall keep their hands clean, and in all cases after visiting the toilet rooms or urinals shall wash their hands before handling any product or implements used in the preparation of product.

(d) Aprons, frocks, and other outer clothing worn by persons who handle any product shall be of material that is readily cleansed. The employees garment sleeves must be short or long sleeves rolled up when working with products that might become contaminated by soiled long sleeved garments. Clean garments shall be worn at the start of each working day and the garments shall be changed during the day when required by the Veterinary Supervisor.

(e) Such practices as smoking in rooms or compartments in which any product is prepared or handled; spitting on whetstones; spitting on the floor; placing skewers, tags, or knives in the mouth; inflating lungs or casings with air from the mouth; or testing with air from the mouth such receptacles as tierces, kegs, or casks, containing or intended as containers of any product, are prohibited. Only mechanical means may be used for such testing. Care shall be taken to prevent the contamination of product with perspiration, hair, cosmetics, medications, and similar substances.

(f) Equipment or substances which generate gases or odors shall not be used in official establishments except as permitted by these regulations in this Section or by the Veterinary Supervisor in specific cases in which he determines that such use will not result in adulteration of any product.

§ 8.09 Protective handling of products.

Products shall be protected from contamination from any source such as dust, dirt, or insects during storage, loading, or unloading at and transportation from official establishments.

§ 8.10 Slack barrels and similar containers and means of conveyance used for product; paper in contact with product.

(a) When necessary to avoid contamination of product with wood splinters or similar contaminants, slack barrels and similar containers and the cargo space of trucks, railroad cars, or other means of conveyance shall be lined with suitable material of good quality before packing.

(b) Slack barrels and similar containers and trucks, railroad cars, and other means of conveyance in which any product is transported shall be kept in a clean and sanitary condition.

(c) Paper used for covering or lining slack barrels and similar containers and the cargo space of trucks, 1/ railroad cars, or other means of conveyance shall be of a kind which does not tear during use but remains intact when moistened by the product and does not disintegrate.

§ 8.11 Burlap wrapping for meat.

Since burlap used without any other material as a wrapping for meat deposits lint on the meat and does not sufficiently protect it from outside contamination, the use of burlap as a wrapping for meat will not be permitted unless the meat is first wrapped with a good grade of paper or cloth of a kind which will prevent contamination with lint or other foreign matter.

§ 8.12 ***Second-hand tubs, barrels, other containers.

Second hand tubs, barrels, and boxes intended for use as containers of any product shall be inspected when received at the official establishment and before they are cleaned. Those showing evidence of misuse rendering them unfit to serve as containers for food products shall be rejected. The use of those showing no evidence of previous misuse may be allowed after they have been thoroughly and properly cleaned. Steaming, after thorough scrubbing and rinsing, is essential to cleaning tubs and barrels.***2/

1/ Paper should not be used in a truck or railroad cargo space if it interferes adversely with circulation of refrigerated air.

2/ § 308.12 heading changed, (a) designation deleted, and (b) with contents is revoked.

§ 8.13 Inedible operating and storage rooms; outer premises, docks, driveways, approaches, pens, alleys, etc.; fly-breeding material; other conditions.

All storage rooms and operational areas of official establishments used for inedible materials shall be maintained in an acceptable and clean condition. The outer premises of every official establishment, including docks and areas where cars and vehicles are loaded, and the driveways, approaches, yards, pens, and alleys, shall be properly paved and drained and kept in clean and orderly condition. All catch basins on the premises shall be of such construction and location and shall be given such attention as will insure their being kept in acceptable condition as regards odors and cleanliness. Catch basins shall not be located in operational areas where any product is prepared, handled, or stored. The accumulation on the premises of official establishments of any material in which flies may breed, such as hog hair, bones, paunch contents, or manure, is forbidden. No other conditions that may result in adulteration of product or interfere with inspection shall be allowed in any official establishment or on its premises.

§ 8.14 Tagging insanitary equipment, utensils, rooms, or compartments.

When, in the opinion of a Department employee, any equipment, utensil, room, or compartment at an official establishment is unclean or its use would be in violation of any part of these regulations and/or the Law, he will attach a "W. Va Rejected" tag or rejection notice thereto. No equipment, utensil, room, or compartment so tagged shall again be used until made acceptable and the rejection tag or rejection notice has been removed. Such tag so attached shall not be removed by anyone other than a Department employee unless authorized by the Commissioner.

§ 8.15 Facilities requirements for small existing meat establishments.

Procedural changes may be substituted for facilities requirements in small existing state meat establishments if such procedures assure sanitation operations, do not result in a deviation from required inspection norms, and are approved by the Veterinary Supervisor. The procedural changes and requirements are outlined in a guide entitled "Federal Facilities Requirements For Small Existing Meat Plants," published by the U. S. Government Printing Office for the United States Department of Agriculture.

§ 8.16 (Reserved).

§ 8.17 Midshift cleanups.

The requirements in paragraphs (a) and (b) of this subsection will apply to boning and cutting rooms; sausage preparation and stuffing rooms; raw product preparation rooms; and other areas specifically designated by the Director.

(a) If the temperature of the room during plant operations is not maintained, generally, at or below 50°F., there shall be a midshift cleanup of surfaces that come in contact with product not later than 5 hours after processing begins; except that all complex equipment that requires substantial man power and time to clean will be excluded from the midshift

§ 8.17 (a)

cleanup unless otherwise requested by the Director.

(b) An adequate midshift cleanup will include removal of gross accumulations of product with the use of hot water or ~~warm~~ water and appropriate detergents if necessary. The use of sanitizers for midshift raw product cleanup is optional unless otherwise requested by the Director.

SECTION 9 - EMPLOYMENT OF DISEASED PERSONS

No operator of an official establishment or other person preparing product in an official establishment shall employ, in any operational area where any product is handled or prepared, any person showing evidence of a communicable disease in a transmissible stage, or known to be a carrier of such a disease, or while affected with boils, sores, infected wounds, or other abnormal sources of microbiological contaminants.

SECTION 10 - ANTEMORTEM INSPECTION

Subsections

- 10.01 Antemortem inspection in pens of official establishments.
- 10.02 Animals suspected of being diseased or affected with certain conditions; identifying suspects; disposition on postmortem inspection or otherwise.
- 10.03 Dead, dying, disabled, or diseased and similar animals.
- 10.04 Animals showing symptoms of certain metabolic, toxic, nervous, or circulatory disturbances, nutritional imbalances, or infectious or parasitic diseases.
- 10.05 Swine; disposal because of hog cholera; swine injected with hog cholera virus.
- 10.06 Epithelioma of the eye.
- 10.07 Animals affected with anthrax; cleaning and disinfection of infected livestock pens and driveways.
- 10.08 Cattle affected with anasarca and generalized edema.
- 10.09 Swine erysipelas.
- 10.10 Onset of parturition.
- 10.11 Vaccine livestock.
- 10.12 Emergency slaughter; inspection prior to.
- 10.13 Disposition of condemned animals.
- 10.14 Brucellosis-reactor goats.
- 10.15 Vesicular diseases.
- 10.16 Livestock suspected of having biological residues.
- 10.17 Animals used for research.
- 10.18 Official marks and devices for purposes of antemortem inspection.

§ 10.01 Antemortem inspection in pens of official establishments.

(a) All animals offered for commercial slaughter in an official establishment shall be examined and inspected on the day of and before slaughter unless, because of unusual circumstances, prior arrangements acceptable to the Director have been made in specific cases by the Veterinary Supervisor for such examination and inspection to be made on a different day before slaughter.

(b) Such antemortem inspection shall be made in pens on the premises of the establishment at which the animals are offered for slaughter before the animals shall be allowed to enter into any department of the establishment where they are to be slaughtered or dressed or in which edible products are handled. When the holding pens of an official establishment are located in a public stockyard and are reserved for the exclusive use of the establishment, such pens shall be regarded as part of the premises of that establishment and the operator of the establishment shall be responsible for compliance with all requirements of these regulations with respect to such pens.

§ 10.02 Livestock suspected of being diseased or affected with certain conditions; identifying suspects; disposition on postmortem inspection or otherwise.

(a) Livestock which, on antemortem inspection, do not clearly show, but are suspected of being affected with any disease or condition that, under Section 12 of these regulations, may cause condemnation of the carcass on postmortem inspection, and any animals which show, on antemortem inspection, any disease or condition that, under Section 12 of these regulations would cause condemnation of only part of the carcass on postmortem inspection, shall be so handled as to retain its identity as a suspect until it is given final postmortem inspection, when the carcass shall be marked and disposed of as provided in Sections 11 and 12 of these regulations, or until it is disposed of as otherwise provided in this Section.

(b) All seriously crippled animals and animals commonly termed "downers," shall be identified as W. Va. Suspects or W. Va. Retained and disposed of as provided in § 12.01 of these regulations unless they are required to be classed as condemned under § 10.03.

(c) Livestock which have reacted to a test for leptospirosis, or anaplasmosis, but which show no symptoms of the disease, shall be identified as W. Va. Suspects and disposed of as provided in § 12.10 of these regulations.

(d) Livestock which are known to have reacted to the tuberculin test shall be identified as W. Va. Suspects and disposed of as provided in § 12.02 of these regulations, except that animals bearing an official "USDA Reactor" or similar State reactor tag shall not be tagged as W. Va. Suspects.

(e) Any cattle found on antemortem inspection to be affected with epithelioma of the eye of the orbital region to a lesser extent than as described in § 10.06 shall be identified as a W. Va. Suspect and disposed of as provided in § 12.12 of these regulations.

(f) Cattle found on antemortem inspection to be affected with anasarca to a lesser extent than as described in § 10.08 shall be identified as W. Va. Suspects and disposed of as provided in § 12.08 of these regulations or paragraph (g) of this subsection.

(g) Livestock suspected of being affected with anasarca may be set apart and held for treatment under Department or other responsible official supervision approved by the Veterinary Supervisor. If at the expiration of the treatment period the animal upon examination is found to be free from disease, it may be released for any purpose. Otherwise, it shall be identified as W. Va. Suspect and disposed of as provided in § 12.08 of these regulations or condemned and disposed of as provided in § 10.08, whichever is appropriate.

(h) All hogs suspected on antemortem inspection of being affected with swine erysipelas shall be identified as W. Va. Suspects and disposed of as provided in § 12.05 of these regulations, or paragraph (i) of this subsection.

(i) A hog suspected of being affected with swine erysipelas may be set apart and held for treatment under Department or other responsible official supervision approved by the Veterinary Supervisor. If at the expiration of the treatment period the animal upon examination is found to be free from disease, it may be released for any purpose. Otherwise, it shall be identified as W. Va. Suspect and disposed of as provided in § 12.05 of these regulations, or condemned and disposed of as provided in subsection 10.13, whichever is appropriate.

(j) Livestock which is affected with vesicular exanthema or vesicular stomatitis, but which has recovered to the extent that the lesions are in process of healing, the temperature is within normal range, and the animal shows a return to normal appetite and activity, shall be identified as W. Va. Suspect and disposed of as provided in § 12.32 of these regulations, except that if desired, such animals may be set apart and held under supervision of a Department employee or other official designated by the Veterinary Supervisor for treatment. If the animal is set aside for treatment, the W. Va. Suspect identification device will be removed by a Department employee, following such treatment, if the animal is found to be free from any such disease. Such animals found to be free from any such disease may be released for slaughter or for purposes other than slaughter, provided that in the latter instance, the operator of the official establishment or the owner of the animal shall first obtain permission from the State or Federal livestock sanitary official having jurisdiction over the movement of such animals.

(k) Livestock which are offered for antemortem inspection under this Section, and which are regarded by the inspector as immature, shall be identified as W. Va. Suspects and, if slaughtered, the disposition of their carcasses shall be determined by the postmortem findings in connection with the antemortem conditions. If not slaughtered as suspects, such animals shall be held under supervision of a Department employee or other official designated by the Veterinary Supervisor, and after sufficient development may be released for slaughter or may be released for any other purpose, provided they have not been exposed to any infectious or contagious disease. If such exposure occurs, permission

§ 10.02 (k)

should be obtained from the Animal Health Division prior to release of such animals.

(l) Livestock previously condemned for listeriosis, if released for slaughter under § 10.13 (b) shall be identified as a W. Va. Suspect in accordance with § 10.13 (c).

(m) Each animal required by this Section to be treated as a W. Va. Suspect shall be identified as such by or under the supervision of a Department employee with an official device in accordance with § 10.18. No such device shall be removed except by a Department employee.

(n) Each animal identified as a W. Va. Suspect on antemortem inspection shall be set apart and shall be slaughtered separately from other animals at the establishment unless disposed of as otherwise provided in this Section.

(o) Each animal identified as a W. Va. Suspect on antemortem inspection, when presented for slaughter shall be accompanied with a Form 11-F012 on which the inspector at the establishment shall record the W. Va. Suspect identification number and any other identifying tag numbers present and a brief description of the animal and of the disease or condition for which the animal was classed as a suspect, including its temperature when the temperature of such animal might have a bearing on the disposition of the carcass on postmortem inspection.

(p) When any animal identified as a W. Va. Suspect is released for any purpose or reason, as provided in this Section the official identification device shall be removed only by a Department employee and he shall report his action to the Veterinary Supervisor. When a suspect is to be released under the provisions of this Section for a purpose other than slaughter, the operator of the official establishment or the owner of the animal shall first obtain permission for the removal of such animal from the State or Federal livestock sanitary official having jurisdiction.

§ 10.03 Dead, dying, disabled, or diseased and similar animals.

(a) Livestock found to be dead or in a dying condition on the premises of an official establishment shall be identified as W. Va. Condemned and disposed of in accordance with § 10.13.

(b) Livestock plainly showing on antemortem inspection any disease or condition that, under Section 12 of these regulations, would cause condemnation of their carcasses on postmortem inspection shall be identified as W. Va. Condemned and disposed of in accordance with § 10.13.

(c) Any swine having a temperature of 106°F. or higher and any cattle, sheep, or goats having a temperature of 105°F. or higher shall be identified as W. Va. Condemned. In case of doubt as to the cause of the high temperature, or when for other reasons a Department employee deems such action warranted, any such animal may be held for a reasonable time under the supervision of a Department employee for further observation and taking of temperature before final disposition of such animal is determined. Any animal so held shall be reinspected on the day it is slaughtered. If, upon such reinspection, or when not held for further

§ 10.03 (c)

observation and taking of temperature, then on the original inspection, the animal has a temperature of 106°F. or higher in the case of swine, or 105°F. or higher in the case of other animals, it shall be condemned and disposed of in accordance with § 10.13.

(d) Livestock found in a comatose or semicomatose condition or affected with any condition not otherwise covered in the Section, which would preclude release of the animal for slaughter for human food, shall be identified W. Va. Condemned and disposed of in accordance with § 10.13, except that such animal may be set apart and held for further observation or treatment under supervision of a Department employee or other official designated by the Veterinary Supervisor and for final disposition in accordance with this Section.

§ 10.04 Livestock showing symptoms of certain metabolic, toxic, nervous, or circulatory disturbances, nutritional imbalances, or infectious or parasitic diseases.

(a) All livestock showing, on antemortem inspection, symptoms of anaplasmosis, ketosis, leptospirosis, listeriosis, parturient paresis, pseudorabies, rabies, scrapie, tetanus, grass tetany, transport tetany, toxic encephalomyelitis (forage poisoning), acute influenza, shall be identified as W. Va. Condemned and disposed of in accordance with § 10.13.

§ 10.05 Swine; disposal because of hog cholera; swine injected with hog cholera virus.

(a) All swine plainly showing on antemortem inspection that they are affected with hog cholera shall be identified as W. Va. Condemned and disposed of in accordance with § 10.13.

(b) All swine, even though not themselves identified as W. Va. Suspects, which are of lots in which one or more animals have been condemned or identified as W. Va. Suspects for hog cholera, shall, so far as possible, be slaughtered separately and apart from all other animals passed on antemortem inspection.

(c) Swine, other than hyperimmune swine, shall be condemned on antemortem inspection if offered for slaughter within 28 days after injection with virulent hog cholera virus, as defined in 9 CFR 76.1, and within 21 days after injection with modified live hog cholera virus approved under 9 CFR 76.16 (c) and within 14 days after injection with inactivated hog cholera virus.

(d) Swine, other than hyperimmune swine, offered for slaughter after 28 days following injection with virulent hog cholera virus as defined in 9 CFR 76.1, 21 days after injection with modified live hog cholera virus approved under 9 CFR 76.16 (c), and 14 days after injection with inactivated hog cholera virus shall be given antemortem inspection in conformity with this Section without reference to the injected virus.

(e) Hyperimmune swine shall be condemned on antemortem inspection if offered for slaughter within 10 days after hyperimmunization.

(f) Hyperimmune swine offered for slaughter after 10 days

§ 10.05 (f)

following hyperimmunization shall be given antemortem inspection in conformity with this Section without reference to the injected virus.

§ 10.06 Epithelioma of the eye.

Any animal found on antemortem inspection to be affected with epithelioma of the eye and the orbital region in which the eye has been destroyed or obscured by neoplastic tissue and which shows extensive infection, suppuration, and necrosis, usually accompanied with foul odor, or any animal affected with epithelioma of the eye or of the orbital region which, regardless of extent, is accompanied with cachexia shall be identified as W. Va. Condemned and disposed of in accordance with § 10.13.

§ 10.07 Livestock affected with anthrax; cleaning and disinfection of infected livestock pens and driveways.

(a) Livestock found on antemortem inspection to be affected with anthrax shall be identified as W. Va. Condemned and disposed of in accordance with § 10.13.

(b) No other livestock of a lot in which anthrax is found on antemortem inspection shall be slaughtered and presented for postmortem inspection until it has been determined by a careful antemortem inspection that no anthrax infected animal remains in the lot.

(c) Apparently healthy livestock (other than hogs) from a lot in which anthrax is detected, and any apparently healthy animals which have been treated with anthrax biologicals which do not contain living anthrax organisms, may be slaughtered and presented for postmortem inspection if they have been held not less than 21 days following the last treatment or the last death of any animal in the lot. Alternatively, if desired, all apparently healthy animals of the lot may be segregated and held for treatment by a State licensed veterinarian under supervision of a Department employee or other official designated by the Veterinary Supervisor. No anthrax vaccine (live organisms) shall be used on the premises of an official establishment.

(d) Livestock which have been injected with anthrax vaccines (live organisms) within 6 weeks, and those bearing evidence of reaction to such treatment, such as inflammation, tumefaction, or edema at the site of the injection, shall be condemned on antemortem inspection, or such animals may be held under supervision of a Department employee or other official designated by the Veterinary Supervisor until the expiration of the 6-weeks period and the disappearance of any evidence of reaction to the treatment.

(e) When livestock are found on antemortem inspection to be affected with anthrax, all exposed livestock pens and driveways of the official establishment shall be cleaned and disinfected by promptly and thoroughly removing and burning all straw, litter, and manure. This shall be followed immediately by a thorough disinfection of the exposed premises by soaking the ground, fences, gates, and all exposed material with a 5 percent solution of sodium hydroxide or commercial lye prepared as outlined in § 11.09 (e) (1) of these regulations, or other disinfectant

§ 10.07 (e)

that may be approved in specific cases by the Director specifically for this purpose.

§ 10.08 Cattle affected with anasarca and generalized edema.

All cattle found on antemortem inspection to be affected with anasarca in advanced stages and characterized by an extensive and generalized edema shall be identified as W. Va. Condemned and disposed of in accordance with § 10.13.

§ 10.09 Swine erysipelas.

All hogs plainly showing on antemortem inspection that they are affected with acute swine erysipelas shall be identified as W. Va. Condemned and disposed of in accordance with § 10.13.

§ 10.10 Onset of parturition.

Any animals showing signs of the onset of parturition shall be withheld from slaughter until after parturition and passage of the placenta. Slaughter or other disposition may then be permitted if the animal is otherwise acceptable.

§ 10.11 Vaccine animals.

Vaccine animals with unhealed lesions of vaccinia, accompanied with fever, which have not been exposed to any other infectious or contagious disease, are not required to be slaughtered and may be released for removal from the premises.

§ 10.12 Emergency slaughter; inspection prior to.

In all cases of emergency slaughter, except as provided in § 12.27 of these regulations, the animals shall be inspected immediately before slaughter, whether theretofore inspected or not. When the necessity for emergency slaughter exists, the establishment shall notify the Veterinary Supervisor or his assistant so that such inspection may be made.

§ 10.13 Disposition of condemned livestock.

(a) Except as otherwise provided in this Section, animals identified as W. Va. Condemned shall be killed by the official establishment, if not already dead. Such animals shall not be taken into the official establishment to be slaughtered or dressed; nor shall they be conveyed into any department of the establishment used for edible products; but they shall be disposed of in the manner provided for condemned carcasses in Section 14 of these regulations. The W. Va. Condemned tag shall not be removed from, but shall remain on the carcass until it goes into the tank, or is otherwise disposed of as prescribed in Section 14 of these regulations, at which time such tag may be removed by a Department employee only. The number of such tag shall be reported to the Veterinary Supervisor by the inspector who affixed it, and also by the inspector who supervised the tanking of the carcass.

(b) Any animal condemned on account of ketosis, swine erysipelas, vesicular diseases, grass tetany, transport tetany, parturient paresis, *Regulation Change Effective 5-10-72*

§ 10.13 (b)

anasarca, anaplasmosis, leptospirosis, listeriosis, or inflammatory condition including pneumonia, enteritis, and peritonitis may be set apart and held for treatment under supervision of a Department employee or official designated by the Veterinary Supervisor. The W. Va. Condemned identification tag will be removed by a Department employee following treatment under such supervision if the animal is found to be free from any such disease.

(c) Animals previously affected with listeriosis, including those released for slaughter after treatment under paragraph (b) of this subsection, shall be identified as W. Va. Suspect.

(d) When animals under the provisions of this subsection are to be released for a purpose other than slaughter, the operator of the official establishment or the owner of the animals shall first obtain permission for the movement of such animals from the State or Federal livestock sanitary official having jurisdiction.

§ 10.14 Brucellosis-reactor goats.

Goats which have reacted to a test for brucellosis shall not be slaughtered in an official establishment.

§ 10.15 Vesicular diseases.

(a) Immediate notification shall be given by the inspector to the State and Federal livestock sanitary officials having jurisdiction when any animal is found to be affected with a vesicular disease.

(b) No animal under quarantine by State or Federal livestock sanitary officials on account of a vesicular disease will be given antemortem inspection. If no quarantine is invoked, or if quarantine is invoked and later removed, upon antemortem inspection, any animal found to be affected with vesicular exanthema or vesicular stomatitis in the acute stages, as evidenced by acute and active lesions or an elevated temperature, shall be identified as W. Va. Condemned and disposed of in accordance with § 10.13.

§ 10.16 Livestock suspected of having biological residues.*

(a) Livestock suspected of having been treated with or exposed to any substance that may impart a biological residue which would make the edible tissue unfit for human food or otherwise adulterated, shall be handled in compliance with the provisions of this paragraph. They shall be identified at official establishments as "W. Va. Condemned." These livestock may be held under custody of a Department employee, or other official designated by the Director, until metabolic processes have reduced the residue sufficiently to make the tissues fit for human food and otherwise not adulterated. When the required time has elapsed, the livestock, if returned for slaughter, must be reexamined on ante-mortem inspection. To aid in determining the amount of residue present in the tissues, officials of the Program may permit the slaughter of any such livestock to collect tissues for analysis for the residue.

Regulation Change Effective 11/10/80

§ 10.16 (b) *

(b) All carcasses and edible organs and other parts thereof, in which are found any biological residues which render such articles adulterated, shall be marked as "W. VA. Condemned" and disposed of in accordance with § 14.1 or § 14.3 of these regulations.

(c) In lieu of holding as prescribed in paragraph (a) of this subsection or of certification as prescribed in paragraph (b) of this subsection, cattle or sheep may, subject to other restrictions under these regulations, be slaughtered at any official establishment upon the condition that all the carcasses and edible organs and other parts thereof shall be designated as "W.VA. Retained" and held until samples of the tissues have been subjected to laboratory analyses for biological residues, in accordance with the following procedure, the results of the analyses have been furnished to the Department employee, and the articles have been released by the Department employee from retention or condemned under paragraph (e) of this subsection.

§ 10.16 (c)

*(1) A specified number of random samples as prescribed in the Meat & Poultry Inspection Manual of the United States Department of Agriculture must be collected by the Department employee. A sufficient quantity of tissue must be collected to provide a duplicate of each sample.

(2) The operator of the official establishment must submit one set of duplicate samples to a laboratory that is acceptable to the Director and have such sample analyzed for DES residue. Expenses incurred in connection with such analyses shall be paid by the operator of the official establishment.

(3) The Department employee must submit one set of the duplicate samples to a laboratory designated by the Director for monitoring.

(d) Animals suspected of having been treated with or exposed to any substance that may impart a biological residue which would make the edible tissues unfit for human food or otherwise adulterated, shall be handled in compliance with the provisions of this paragraph in addition to any applicable requirements of paragraph (a) of this subsection. They shall be identified at official establishments as "W.Va. Condemned". These animals may be held under the custody of a Department employee, or other official designated by the Director until metabolic processes have reduced the residue sufficiently to make the tissues fit for human food and otherwise not adulterated. When the required time has elapsed, the animals if returned for slaughter, must be re-examined on antemortem inspection. To aid in determining the amount of residue present in the tissues, officials of the Department may permit the slaughter of any such animals to collect tissues for analysis for the residue.

(e) All carcasses and edible organs and other parts thereof, in which are found any biological residues which render such articles adulterated, shall be marked as "W. Va. Condemned" and disposed of in accordance with § 14.01 or § 14.03 of these regulations.

(f) The requirements in paragraphs (a) through (c) of this subsection shall not apply to cattle and sheep which are custom slaughtered in a licensed exempted custom slaughtering establishment until otherwise directed by the Commissioner. **

§ 10.17 Animals used for research. (a) No animals used in any research investigation involving an

Revised Effective 11-10-80

Regulation Change Effective 5-02-75

§ 10.16 (c)

******(1) A specified number of random samples as prescribed in the Meat & Poultry Inspection Manual of the United States Department of Agriculture must be collected by the Department employee. A sufficient quantity of tissue must be collected to provide a duplicate of each sample.

(2) The operator of the official establishment must submit one set of duplicate samples to a laboratory that is acceptable to the Director and have such sample analyzed for DES residue. Expenses incurred in connection with such analyses shall be paid by the operator of the official establishment.

(3) The Department employee must submit one set of the duplicate samples to a laboratory designated by the Director for monitoring.

(d) Animals suspected of having been treated with or exposed to any substance that may impart a biological residue which would make the edible tissues unfit for human food or otherwise adulterated, shall be handled in compliance with the provisions of this paragraph in addition to any applicable requirements of paragraph (a) of this subsection. They shall be identified at official establishments as "W. Va. Condemned." These animals may be held under the custody of a Department employee, or other official designated by the Director until metabolic processes have reduced the residue sufficiently to make the tissues fit for human food and otherwise not adulterated. When the required time has elapsed, the animals if returned for slaughter, must be re-examined on antemortem inspection. To aid in determining the amount of residue present in the tissues, officials of the Department may permit the slaughter of any such animals to collect tissues for analysis for the residue.

(e) All carcasses and edible organs and other parts thereof, in which are found any biological residues which render such articles adulterated, shall be marked as "W. Va. Condemned" and disposed of in accordance with § 14.01 or § 14.03 of these regulations.

(f) The requirements in paragraphs (a) through (c) of this subsection shall not apply to cattle and sheep which are custom slaughtered in a licensed exempted custom slaughtering establishment until otherwise directed by the Commissioner. ******

§ 10.17 Animals used for research.

(a) No livestock used in any research investigation involving an

****Regulation Change Effective 5-2-75****

§ 10.17 (a)

experimental biological product, drug, or chemical shall be eligible for slaughter at an official establishment unless:

- (1) The operator of such establishment, the sponsor of the investigation, or the investigator has submitted to the program or the Veterinary Services, USDA, or Pesticides Regulation Division of the W. Va. Department of Agriculture or to the Food and Drug Administration of the Department of Health and Human Services, data or a summary evaluation of the data which demonstrates that the use of such biological product, drug, or chemical will not result in the products of such animals being adulterated, and a Department employee has approved such slaughter;
- (2) Written approval by the Director of the Meat & Food Safety Division is furnished the Veterinary Supervisor prior to the time of slaughter;
- (3) In the case of an animal administered any unlicensed, experimental veterinary biologic product regulated under the Virus-Serum Toxin Act (21 U.S.C. 151 et seq.), the product was prepared and distributed in compliance with Part 103 of the regulations issued under said Act (9 CFR Part 135), and used in accordance with the labeling approved under said regulations;
- (4) In the case of an animal administered any investigational drug regulated under the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 301 et seq.), the drug was prepared and distributed in compliance with the applicable provisions of Part 135 of the regulations issued under said Act (21 CFR Part 135), and used in accordance with the labeling approved under said regulations;
- (5) In case of an animal subjected to any experimental economic poison under section 2 (a) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135 et seq.), the product was prepared and distributed in accordance with subsection 362.17 of the regulations issued under said Act (7 CFR 362.17), and used in accordance with the labeling approved under said regulations;
- (6) In the case of an animal administered or subjected to any substance that is a food additive or pesticide chemical under the Federal Food, Drug, and Cosmetic Act, *supra*, there has been compliance with all tolerance limitations established by said Act and the regulations promulgated thereunder (21 CFR 1.1 et seq.), and all other restrictions and requirements imposed by said Act and said regulations will be complied with at the time of slaughter.

(b) The Veterinary Supervisor may deny or withdraw the approval for slaughter of any animal subject to the provision of this Section when he deems it necessary to assure that all products prepared at the official establishment are free from adulteration.

§ 10.18 Official marks and devices for purposes of antemortem inspection.

(a) All animals required by this Section to be identified as W.Va. Suspects shall be tagged with a serially numbered metal ear tag bearing the term "W. VA. DA" and "W. VA. Suspect tag," except as provided

§ 10.18 (a)

in § 10.02 (d) and except that cattle affected with epithelioma of the eye, actinomycosis, or actinobacillosis to such an extent that the lesions would be readily detected on postmortem inspection, need not be individually tagged on antemortem inspection with the W. Va. Suspect tag, provided that such cattle are segregated and otherwise handled as W. Va. Suspects.

(b) In addition, identification of W. Va. Suspect swine must include the use of tattoos or an acceptable method specified by the inspector to maintain the identity of the animals through the dehairing equipment when such equipment is used.

(c) All animals required by this Section to be identified as W. Va. Condemned shall be tagged with a serially number metal ear tag bearing the term "W. Va. Condemned."

(d) The devices described in paragraphs (a), (b), and (c) of this subsection shall be the official devices for identification of animals required to be identified as W. Va. Suspect or W. Va. Condemned as provided in this Section.

SECTION 11 - POSTMORTEM INSPECTION

Subsections

- 11.01 Extent and time of postmortem inspection.
- 11.02 Identification of carcass with certain severed parts thereof and with animal from which derived.
- 11.03 Carcasses and parts in certain instances to be retained.
- 11.04 Identification of carcasses and parts; tagging.
- 11.05 Condemned carcasses and parts to be so marked; tanking; separation.
- 11.06 Carcasses and parts passed for cooking; marking.
- 11.07 Removal of spermatic cords, pizzles, and preputial diverticuli.
- 11.08 Passing and marking of carcasses and parts.
- 11.09 Anthrax; carcasses not to be eviscerated; disposition of affected carcasses; hides, hoofs, horns, hair, viscera and contents, and fat; handling of blood and scalding vat water; general cleanup and disinfection.
- 11.10 Carcasses with skin or hide on; cleaning before evisceration; removal of larvae of Hypodermæ, external parasites, and other pathological skin conditions.
- 11.11 Cleaning of hog carcasses before incising.
- 11.12 Sternum to be split; abdominal and thoracic viscera to be removed.
- 11.13 Carcasses or parts thereof not to be inflated; transferring caul or other fat.
- 11.14 Handling of bruised parts.
- 11.15 Hyperimmune swine bled before entering official establishments.
- 11.16 Disposition of lungs.
- 11.17 Inspection of mammary glands.
- 11.18 Contamination of carcasses, organs, or other parts.
- 11.19 Inspection of kidneys.

§ 11.01

§ 11.01 Extent and time of postmortem inspection.

A careful postmortem examination and inspection shall be made of the carcasses and parts thereof of all animals commercially slaughtered at official establishments. Such inspection and examination shall be made at the time of slaughter unless, because of unusual circumstances, prior arrangements acceptable to the Commissioner have been made in specific cases by the Veterinary Supervisor for making such inspection and examination at a later time.

§ 11.02 Identification of carcass with certain severed parts thereof and with animal from which derived.

(a) The head, tail, tongue, thymus gland, and all viscera of each slaughtered animal, and all blood and other parts of such animal to be used in the preparation of meat food products or medical products, shall be handled in such a manner as to identify them with the rest of the carcass and as being derived from the particular animal involved, until the postmortem examination of the carcass and parts thereof has been completed. Such handling shall include the retention of ear tags, backtags, implants, and other identifying devices affixed to the animal, in such a way to relate them to the carcass until the postmortem examination has been completed.

(b) The official State-Federal Department backtag on any carcass shall:

(1)(i) Be removed from the hide of the animal by an establishment employee and placed in a clear plastic bag. The bag containing the tag shall be affixed to the corresponding carcass.

(ii) The bag containing the tag shall be removed from the carcass by an establishment employee and presented with the viscera to the Department Inspector at the point where such inspector conducts the viscera inspection.

(2)(i) Brucellosis and tuberculosis ear tags, herd identification ear tags, sales tags, ear bangles, and similar identification devices shall be removed from the animal's hide or ear by an establishment employee and shall be placed in a clear plastic bag and affixed to the corresponding carcass.

(ii) The bag containing the tag shall be removed from the carcass by an establishment employee and presented with the viscera to the Department Inspector at the point where such inspector conducts the viscera inspection.

(3) In cases where both types of devices described in subparagraphs (1) and (2) of paragraph (b) of this subsection are present on the same animal, both types may be placed in the same plastic bag or in two separate bags.

(4) The Veterinary Supervisor may allow the use of any alternate method proposed by the operator of an official establishment for handling the type of devices described in subparagraph (2) of paragraph (b) of this

§ 11.02 (b)

subsection if such alternate method would provide a ready means of identifying a specific carcass with the corresponding devices by a Department inspector during the postmortem inspection.

(5) Disposition and use of identifying devices.

(i) The official State-Federal Department backtags will be collected by a Department inspector and used to obtain traceback information necessary for proper disposition of the animal or carcass and otherwise handled according to instructions issued to the inspectors.

(ii) The devices described in subparagraph (2) of paragraph (b) of this subsection shall be collected by the Department inspector when required to obtain traceback information necessary for proper disposition of the animal or carcass and for controlling the slaughter of reactor animals. Devices not collected for these purposes shall be discarded after the postmortem examination is complete.

(6) Plastic bags used by the establishment for collecting identifying devices will be furnished by the Department.

§ 11.03 Carcasses and parts in certain instances to be retained.

Each carcass, including all detached organs and other parts, in which any lesion or other condition is found that might render the meat or any part unfit for food purposes, or otherwise adulterated, and which for that reason would require a subsequent inspection, shall be retained by the Department employee at the time of inspection. The identity of every such retained carcass, detached organ, or other part shall be maintained until the final inspection has been completed. Retained carcasses shall not be washed or trimmed unless authorized by the Department employee.

§ 11.04 Identification of carcasses and parts; tagging.

Such devices and methods as may be approved by the Commissioner may be used for the temporary identification of retained carcasses, organs, and other parts. In all cases, the identification shall be further established by affixing "W. Va. Retained" tags as soon as practicable and before final inspection. These tags shall not be removed except by a Department employee.

§ 11.05 Condemned carcasses and parts to be so marked; tanking; separation.

Each carcass or part which is found on final inspection to be unsound, unhealthful, unwholesome, or otherwise adulterated shall be conspicuously marked, on the surface tissues thereof, by a Department employee at the time of inspection, as "W. Va. Inspected and Condemned." Condemned detached organs and other parts of such character that they cannot be so marked shall be placed immediately in trucks or receptacles which shall be kept plainly marked "W. Va. Condemned," in letters not less than 2 inches high. All condemned carcasses and parts shall remain in the custody of a Department employee and shall be disposed of as required in the regulations in Section 14 of these regulations at or before the close of the day on which they are condemned.

§ 11.06

§ 11.06 Carcasses and parts passed for cooking; marking.

Carcasses and parts passed for cooking shall be marked conspicuously on the surface tissues thereof by a Department employee at the time of inspection, "W. Va. Passed for Cooking." All such carcasses and parts shall be cooked in accordance with Section 15 of these regulations, and until so cooked shall remain in the custody of a Department employee.

§ 11.07 Removal of spermatic cords, pizzles, and preputial diverticuli.

Spermatic cords and pizzles shall be removed from all carcasses. Preputial diverticuli shall be removed from hog carcasses.

§ 11.08 Passing and marking of carcasses and parts.

Carcasses and parts found to be sound, healthful, wholesome, and otherwise not adulterated shall be passed and marked as provided in Section 16 of these regulations. In all cases where carcasses showing localized lesions are passed for food or for cooking and "W. Va. Retained" tags are attached to the carcasses, the affected tissues shall be removed and condemned before the tags are removed. "W. Va. Retained" tags shall be removed only by a Department employee.

§ 11.09 Anthrax; carcasses not to be eviscerated; disposition of affected carcasses; hides, hoofs, horns, hair, viscera and contents, and fat; handling of blood and scalding vat water; general cleanup and disinfection.

(a) Carcasses found before evisceration to be affected with anthrax shall not be eviscerated but shall be retained, condemned, and immediately tanked or otherwise disposed of as provided in Section 14 of these regulations.

(b) All carcasses and all parts, including hides, hoofs, horns, hair, viscera and contents, blood, and fat of any animal found to be affected with anthrax shall be condemned and immediately disposed of as provided in Section 14 of these regulations, except that the blood may be handled through the usual blood cooking and drying equipment.

(c) Any part of any carcass that is contaminated with anthrax-infected material through contact with soiled instruments or otherwise shall be immediately condemned and disposed of as provided in Section 14 of these regulations.

(d) The scalding vat water through which hog carcasses affected with anthrax have passed shall be immediately drained into the sewer and all parts of the scalding vat shall be cleaned and disinfected as provided in paragraph (e) of this subsection.

(e)(1) That portion of the slaughtering department, including the bleeding area, scalding vat, gambrelling bench, floors, walls, posts, platforms, saws, cleavers, knives, and hooks, as well as employees' boots and aprons, contaminated through contact with anthrax-infected material, shall, except as provided in subparagraph (2) of this paragraph, be cleaned immediately and disinfected with one of the following disinfectants or other

disinfectant 1/approved specifically for this purpose by the Commissioner:

(i) A 5 percent solution of sodium hydroxide or commercial lye containing at least 94 percent of sodium hydroxide. The solution shall be freshly prepared immediately before use by dissolving 2 1/2 pounds of sodium hydroxide or lye in 5 1/2 gallons of hot water and shall be applied as near scalding hot as possible to be most effective. (Owing to the extremely caustic nature of sodium hydroxide solution, precautionary measures such as the wearing of rubber gloves and boots to protect the hands and feet, and goggles to protect the eyes, should be taken by those engaged in the disinfection process. It is also advisable to have an acid solution, such as vinegar, in readiness in case any of the sodium hydroxide solution should come in contact with any part of the body.)

(ii) A solution of sodium hypochlorite containing approximately one-half of 1 percent (5,000 parts per million) of available chlorine. The solution shall be freshly prepared.

(iii) When a disinfectant solution has been applied to equipment which will afterwards contact product, the equipment shall be rinsed with clean water before, such contact.

(2) In case anthrax infection is found in the hog slaughtering department, an immediate preliminary disinfection shall be made from the head-dropper's station to the point where the disease is detected and the affected carcasses shall be cut down from the rail and removed from the room. Upon completion of the slaughtering of the lot of hogs of which the anthrax-infected animals were a part, slaughtering operations shall cease, and a thorough cleanup and disinfection shall be made, as provided in subparagraph (1) of paragraph (e) of this subsection. If the slaughter of the lot has not been completed by the close of the day on which anthrax was detected, the cleanup and disinfection shall not be deferred beyond the close of that day.

(3) The first and indispensable precautionary step for persons who have handled anthrax material is thorough cleansing of the hands and arms with liquid soap and running hot water. It is important that this step be taken immediately after exposure, before vegetative anthrax organisms have had time to form spores. In the cleansing, a brush or other appropriate appliance shall be used to insure the removal of all contaminating material from under and about the fingernails. This process of cleansing is most effective when performed in repeated cycles of lathering and rinsing rather than in spending the same amount of time in scrubbing with a single lathering. After the hands have been cleaned thoroughly and rinsed free of soap, they may, if desired, be immersed for about 1 minute in a 1:1,000 solution of bichloride of mercury, followed by thorough rinsing in clean running water. Supplies of bichloride of mercury for the purpose must be held in the custody of the Veterinary Supervisor. (As a precautionary measure, all persons exposed to anthrax

1/ A list of disinfectants approved for this purposes is available upon request to Scientific Services, Meat and Poultry Inspection, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250.

§ 11.09 (e)

infection should report promptly any suspicious condition (sore or carbuncle) or symptom to a physician, in order that anti-anthrax serum or other treatment may be administered as indicated.)

§ 11.10 Carcasses with skin or hide on; cleaning before evisceration; removal of larvae of Hypodermae, external parasites, and other pathological skin conditions.

When a carcass is to be dressed with the skin or hide left on, the skin or hide shall be thoroughly washed and cleaned before any incision is made for the purpose of removing any part thereof or evisceration, except that where calves are slaughtered by the kosher method, the heads shall be removed from the carcasses, before washing of the carcasses. The skin shall be removed at the time of postmortem inspection from any calf carcass infested with the larvae of the "oxwarble" fly (*Hypoderma lineata* and *Hypoderma bovis*), or external parasites, or affected with other pathological skin conditions.

§ 11.11 Cleaning of hog carcasses before incising.

All hair, scurf, dirt, hoofs, and claws shall be removed from hog carcasses, and the carcasses shall be thoroughly washed and cleaned before any incision is made for inspection or evisceration.

§ 11.12 Sternum to be split; abdominal and thoracic viscera to be removed.

The sternum of each carcass shall be split and the abdominal and thoracic viscera shall be removed at the time of slaughter in order to allow proper inspection.

§ 11.13 Carcasses or parts thereof not to be inflated; transferring caul or other fat.

Carcasses or parts of carcasses shall not be inflated with air. Transferring the caul or other fat from a fat to a lean carcass is prohibited.

§ 11.14 Handling of bruised parts.

When only a portion of a carcass is to be condemned on account of slight bruises, either the bruised portion shall be removed immediately and disposed of in accordance with Section 14 of these regulations, or the carcass shall be promptly placed in a retaining room and kept until chilled and the bruised portion shall then be removed and disposed of as provided in Section 14 of these regulations.

§ 11.15 Hyperimmune swine bled before entering official establishments.

Carcasses of hyperimmune swine which have been given the final bleeding at a serum plant under the supervision of an inspector may be transferred to an official establishment for dressing and postmortem inspection in accordance with the provisions of this Section. The transfer of such carcasses to the official establishment shall be made as promptly as possible and their delivery to the scalding vat shall be accomplished within one hour from the time bleeding is completed. The identity of the carcasses of hyperimmune swine shall be maintained in such manner as to positively identify them and to indicate the time of final bleeding.

§ 11.16

§ 11.16 Disposition of lungs.

(a) Livestock lungs shall not be saved for use as human food.

(b) Lungs found to be affected with disease or pathology and lungs found to be adulterated with chemical or biological residue shall be condemned and identified as "W. Va. Inspected and Condemned." Condemned lungs may not be saved for pet food or other nonhuman food purposes. They shall be maintained under inspectional control and disposed of in accordance with §§ 14.01 and 14.03 of these regulations.

(c) Lungs not condemned under paragraph (b) of this subsection may be used in the preparation of pet food or for other nonhuman food purposes at the official establishment, provided they are handled in the manner prescribed in § 18.12 of these regulations, or they may be distributed from the establishment in intrastate commerce, or otherwise, in accordance with the conditions prescribed in § 22.08 of these regulations for nonhuman food purposes or they may be so distributed to pharmaceutical manufacturers for pharmaceutical use in accordance with §§ 14.09 and 22.19 (b) of these regulations, if they are labeled as "Inedible [SPECIES] Lungs--for Pharmaceutical Use Only." Otherwise, they shall be disposed of at the official establishment, in accordance with §§ 14.01 and 14.03 of these regulations.

§ 11.17 Inspection of mammary glands.

(a) Lactating mammary glands and diseased mammary glands of cattle, sheep, swine, and goats shall be removed without opening the milk ducts or sinuses. If pus or other objectionable material is permitted to come in contact with the carcass, the parts of the carcass thus contaminated shall be removed and condemned.

(b) Nonlactating cow udders may be saved for food purposes provided suitable facilities for handling and inspecting them are provided. Examination of udders by palpation shall be done by a Department employee. When necessary, in the judgement of the Department employee for adequate inspection, the official establishment employees shall incise udders in sections no greater than 2 inches in thickness. All udders showing disease lesions shall be condemned by a Department employee. Each udder shall be properly identified with its respective carcass and kept separate and apart from other udders until its disposal has been accomplished in accordance with the provisions of Section 12 of these regulations.

(c) Lactating mammary glands of cattle, sheep, swine, and goats shall not be saved for edible purposes.

(d) The udders from cows officially designated as "Brucellosis reactors" or as "Mastitis elimination cows" shall be condemned.

§ 11.18 Contamination of carcasses, organs, or other parts.

(a) Carcasses, organs, and other parts shall be handled in a sanitary manner to prevent contamination with fecal material, urine, bile, hair, dirt, or foreign matter; however, if contamination occurs, it shall be promptly removed in a manner satisfactory to the inspector.

§ 11.18 (b)

(b) Brains, cheek meat, and head trimmings from animals stunned by lead, sponge iron, or frangible bullets shall not be saved for use as human food but shall be handled as described in Section 14 of these regulations.

§ 11.19 Inspection of kidneys.

An employee of the establishment shall open the kidney capsule and expose the kidneys of all animals at the time of slaughter for the purpose of examination by a Department employee.

SECTION 12 - DISPOSAL OF DISEASED OR OTHERWISE ADULTERATED
CARCASSES AND PARTS

Subsections

- 12.01 Disposal of diseased or otherwise adulterated carcasses and parts; general.
- 12.02 Tuberculosis.
- 12.03 Hog cholera.
- 12.04 Carcasses of swine injected with hog cholera virus.
- 12.05 Swine erysipelas.
- 12.06 Diamond-skin disease.
- 12.07 Arthritis.
- 12.08 Cattle carcasses affected with anasarca or generalized edema.
- 12.09 Actinomycosis and actinobacillosis.
- 12.10 Anaplasmosis, anthrax, babesiosis, bacillary hemoglobinuria in cattle, blackleg, bluetongue in sheep, hemorrhagic septicemia, icterohematuria in sheep, infectious bovine rhinotracheitis, leptospirosis, malignant epizootic catarrh, toxic encephalomyelitis (forage poisoning), acute influenza, and unhealed vaccine lesions.
- 12.11 Neoplasms.
- 12.12 Epithelioma of the eye.
- 12.13 Pigmentary conditions; Melanosis, Xanthosis, Ochronosis, etc.
- 12.14 Abrasions, bruises, abscesses, pus, etc.
- 12.15 Brucellosis.
- 12.16 Carcasses so infected that consumption of the meat may cause food poisoning.
- 12.17 Necrobacillosis, pyemia, and septicemia.
- 12.18 Caseous lymphadenitis.
- 12.19 Icterus.
- 12.20 Sexual odor of swine.
- 12.21 Mange or scab.
- 12.22 Hogs affected with urticaria, tinea tonsurans, demodex folliculorum, or erythema.

Subsections

- 12.23 Tapeworm cysts (*cysticercus bovis*) in cattle.
- 12.24 Tapeworm cysts in hogs.
- 12.25 Parasites not transmissible to man; tapeworm cysts in sheep; hydatid cysts; flukes; gid bladder-worms.
- 12.26 Emaciation.
- 12.27 Injured animals slaughtered at unusual hours.
- 12.28 Carcasses of young calves, pigs, kids, and lambs.
- 12.29 Unborn and stillborn animals.
- 12.30 Animals suffocated and hogs scalded alive.
- 12.31 Livers affected with carotenosis; livers designated as "telangiectatic," "sawdust," or "spotted."
- 12.32 Vesicular diseases.
- 12.33 Listeriosis.
- 12.34 Anemia.
- 12.35 Muscular inflammation, degeneration, or infiltration.
- 12.36 Coccidioid granuloma.
- 12.37 Odors, foreign and urine.
- 12.38 Meat and meat by-products from animals which have been exposed to radiation.
- 12.39 Biological residues.

§ 12.01

§ 12.01 Disposal of diseased or otherwise adulterated carcasses and parts; general.

(a) The carcasses or parts of carcasses of all animals slaughtered at an official establishment and found at the time of slaughter or at any subsequent inspection to be affected with any of the diseases or conditions named in this Section shall be disposed of according to the subsection pertaining to the disease or condition: Provided, That no product shall be passed for human food under any such subsection unless it is found to be otherwise not adulterated. Products passed for cooking or refrigeration under this Section must be so handled at the official establishment where they are initially prepared unless they are moved to another official establishment for such handling or in the case of products passed for refrigeration are moved for such refrigeration to a freezing facility approved by the Commissioner in specific cases: Provided, That when so moved the products are shipped in containers sealed in accordance with § 18.10 (c) of these regulations or in a sealed means of conveyance as provided in § 22.07 of these regulations. Owing to the fact that it is impracticable to formulate rules covering every case and to designate at just what stage a disease process or a condition results in adulteration of a product, the decision as to the disposal of all carcasses, organs, or other parts not specifically covered in this Section shall be left to the Veterinary Supervisor. The Veterinary Supervisor shall exercise his judgment regarding the disposition of all carcasses or parts of carcasses under this Section in a manner which will insure that only wholesome, unadulterated product is passed for human food.

(b) In cases of doubt as to a condition, a disease, or the cause of a condition, or to confirm a diagnosis, representative specimens of the affected tissues, properly prepared and packaged, shall be sent for examination to the laboratory rendering a service to the inspection program.

§ 12.02 Tuberculosis.

*The following principles shall apply to the disposition of carcasses of livestock based on the difference in the pathogenesis of tuberculosis in swine, cattle, sheep, and goats.

(a) Carcasses condemned. The entire carcass of swine, cattle, sheep, and goats shall be condemned if any of the following conditions occur:

(1) When the lesions of tuberculosis are generalized (tuberculosis is considered to be generalized when the lesions are distributed in a manner made possible only by entry of the bacilli into the systemic circulation);

(2) When on antemortem inspection the animal is observed to have a fever found to be associated with an active tuberculosis lesion on post-mortem inspection;

(3) When there is an associated cachexia;

(4) When a tuberculosis lesion is found in any muscle or intermuscular tissue, or bone, or joint, or abdominal organ (excluding the gastrointestinal tract) or in any lymph node as a result of draining a*

Regulation Change Effective 5-10-72

§ 12.02 (a)

*muscle, bone, joint, or abdominal organ (excluding the gastrointestinal tract);

(5) When the lesions are extensive in tissues of either the thoracic or the abdominal cavity;

(6) When the lesions are multiple, acute, and actively progressive;
or

(7) When the character or extent of the lesions otherwise is not indicative of a localized condition.

(b) Organs or other parts condemned. An organ or other part of a swine, cattle, sheep, or goat carcass affected by localized tuberculosis shall be condemned when it contains lesions of tuberculosis or when the corresponding lymph node contains lesions of tuberculosis.

(c) Carcasses of cattle passed without restriction for human food. Carcasses of cattle may be passed without restriction for human food only when the carcass of an animal not identified as a reactor to a tuberculin test administered by an Animal Health Division, State, or accredited veterinarian^{1/} is found free of tuberculosis lesions during postmortem inspection.

(d) Portions of carcasses and carcasses of cattle passed for cooking.

(1) When a cattle carcass reveals a tuberculosis lesion or lesions not so severe or so numerous as the lesions described in paragraph (a), the unaffected portion of the carcass may be passed for cooking in accordance with Section 15 of these regulations; if the character and extent of the lesions indicate a localized condition, and if the lesions are calcified or encapsulated, and provided the affected organ or other part is condemned.

(2) When the carcass of a cattle identified as a reactor to a tuberculin test administered by an Animal Health Division, State, or accredited veterinarian is found free of lesions of tuberculosis, the carcass may be passed for cooking in accordance with Section 15 of these regulations.

(e) Portions of carcasses and carcasses of swine passed without restriction for human food. Swine carcasses found free of tuberculosis lesions during postmortem inspection may be passed for human food without restriction. When tuberculosis lesions in any swine carcass are localized and confined to one primary seat of infection, such as the cervical lymph nodes, the mesenteric lymph nodes, or the mediastinal lymph nodes, the unaffected portion of the carcass may be passed for human food without restriction after the affected organ or other part is condemned.

(f) Portions of carcasses of swine passed for cooking. When the carcass of any swine reveals lesions more severe or more numerous than^{2/}

^{1/} Such testing is conducted in the tuberculosis eradication program of the Animal Health and Plant Inspection Service, U.S. Department of Agriculture.*

§ 12.02 (f)

*those described in paragraph (e), but not so severe or so numerous as the lesions described in paragraph (a), the unaffected portions of such carcass may be passed for cooking in accordance with Section 15 of these regulations; if the character and extent of the lesions indicate a localized condition, and if the lesions are calcified or encapsulated, and provided the affected organ or other part is condemned.

(g) Carcasses of sheep and goats passed without restriction for human food. Carcasses of sheep and goats may be passed without restriction for human food only if found free of tuberculosis lesions during postmortem inspection.

(h) Portions of carcasses of sheep and goats passed for cooking. If a carcass of any sheep or goat reveals a tuberculosis lesion or lesions that are not so severe or so numerous as the lesions described in paragraph (a), the unaffected portion of the carcass may be passed for cooking in accordance with Section 15 of these regulations; if the character and extent of the lesions indicate a localized condition, and if the lesions are calcified or encapsulated, and provided the affected organ or other part is condemned.*

§ 12.03 Hog cholera.

(a) The carcasses of all hogs affected with hog cholera shall be condemned.

Regulation Change Effective 5-10-72

§ 12.03 (b)

(b) Inconclusive but suspicious symptoms of hog cholera observed during the antemortem inspection of a W. Va. Suspect shall be duly considered in connection with postmortem findings and when the carcass of such a suspect shows lesions in the kidneys and the lymph nodes which resemble lesions of hog cholera, they shall be regarded as those of hog cholera and the carcass shall be condemned.

(c) When lesions resembling those of hog cholera occur in kidneys and lymph nodes of carcasses of hogs which appeared normal on antemortem inspection, further inspection of such carcasses shall be made for corroborative lesions. If on such further inspection, characteristic lesions of hog cholera are found in some organ or tissue in addition to those in the kidneys or in the lymph nodes or in both, then all lesions shall be regarded as those of hog cholera and the carcass shall be condemned.

§ 12.04 Carcasses of swine injected with hog cholera virus.

(a) Carcasses of swine, other than hyperimmune swine, if presented for inspection after 28 days following injection with hog cholera virus shall be given postmortem inspection in conformity with this Section without reference to the injected virus.

(b) Carcasses of hyperimmune swine if presented for inspection after 10 days following hyperimmunization shall be given postmortem inspection in conformity with this Section without reference to the injected virus.

§ 12.05 Swine erysipelas.

Carcasses affected with swine erysipelas which is acute or generalized, or which show systemic change, shall be condemned.

§ 12.06 Diamond-skin disease.

Carcasses of hogs affected with diamond-skin disease when localized and not associated with systemic change may be passed for human food after removal and condemnation of the affected parts, provided such carcasses are otherwise healthy.

§ 12.07 Arthritis.

(a) Carcasses affected with arthritis which is localized and not associated with systemic change may be passed for human food after removal and condemnation of all affected parts. Affected joints with corresponding lymph nodes shall be removed and condemned. In order to avoid contamination of the meat which is passed, a joint capsule shall not be opened until after the affected joint is removed.

(b) Carcasses affected with arthritis shall be condemned when there is evidence of systemic involvement.

§ 12.08 Cattle carcasses affected with anasarca or generalized edema.

(a) Carcasses of cattle found on postmortem inspection to be affected with anasarca in advanced stages and characterized by an extensive

§ 12.08 (a)

or well-marked generalized edema shall be condemned.

(b) Carcasses of cattle, including their detached organs and other parts, found on postmortem inspection to be affected with anasarca to a lesser extent than as described in paragraph (a) of this subsection may be passed for human food after removal and condemnation of the affected tissues, provided the lesion is localized.

§ 12.09 Actinomycosis and actinobacillosis.

(a) The definition of generalization as outlined for tuberculosis in § 12.02 (a) shall apply for actinomycosis and actinobacillosis, and carcasses of animals with generalized lesions of either such disease shall be condemned.

(b) Carcasses of animals in a well-nourished condition showing uncomplicated localized lesions of actinomycosis or actinobacillosis may be passed for human food after the infected organs or other infected parts have been removed and condemned, except as provided in paragraphs (c) and (d) of this subsection.

(c) Heads affected with actinomycosis or actinobacillosis, including the tongue, shall be condemned, except that when the disease of the jaw is slight, strictly localized, and without suppuration, fistulous tracts, or lymph node involvement, the tongue, if free from disease, may be passed, or, when the disease is slight and confined to the lymph nodes, the head including the tongue, may be passed for human food after the affected nodes have been removed and condemned.

(d) When the disease is slight and confined to the tongue, with or without involvement of the corresponding lymph nodes, the head may be passed for human food after removal and condemnation of the tongue and corresponding lymph nodes.

§ 12.10 Anaplasmosis, anthrax, babesiosis, bacillary hemoglobinuria in cattle, blackleg, bluetongue in sheep, hemorrhagic septicemia, icterohematuria in sheep, infectious bovine rhinotracheitis, leptospirosis, malignant epizootic catarrh, toxic encephalomyelitis (forage poisoning), acute influenza, and unhealed vaccine lesions.

(a) Carcasses of animals affected with or showing lesions of any of the following named diseases or conditions shall be condemned:

- (1) Anthrax.
- (2) Blackleg.
- (3) Unhealed vaccine lesions (vaccinia).
- (4) Toxic encephalomyelitis (forage poisoning).
- (5) Acute influenza.

(b) Carcasses of animals affected with or showing lesions of any of the following named diseases or conditions shall be condemned, except

§ 12.10 (b)

when recovery has occurred to the extent that only localized lesions persist, in which case the carcass may be passed for human food after removal and condemnation of the affected organs or other parts:

- (1) Anaplasmosis.
- (2) Bacillary hemoglobinuria in cattle.
- (3) Babesiosis (piroplasmosis).
- (4) Bluetongue.
- (5) Hemorrhagic septicemia.
- (6) Icterohematuria in sheep.
- (7) Infectious bovine rhinotracheitis.
- (8) Leptospirosis.
- (9) Malignant epizootic catarrh.

§ 12.11 Neoplasms.

(a) An individual organ or other part of a carcass affected with a neoplasm shall be condemned. If there is evidence of metastasis or that the general condition of the animal has been adversely affected by the size, position, or nature of the neoplasm, the entire carcass shall be condemned.

(b) Carcasses affected with malignant lymphoma shall be condemned.

§ 12.12 Epithelioma of the eye.

(a) Carcasses of animals affected with epithelioma of the eye, or the orbital region shall be condemned in their entirety if one of the following three conditions exists:

- (1) The affection has involved the osseous structures of the head with extensive infection, suppuration, and necrosis;
- (2) There is metastasis from the eye, or the orbital region, to any lymph node including the parotid lymph node, internal organs, muscles, skeleton, or other structures, regardless of the extent of the primary tumor; or
- (3) The affection, regardless of extent, is associated with cachexia or evidence of absorption or secondary changes.

(b) Carcasses of animals affected with epithelioma of the eye, or the orbital region, to a lesser extent than as described in paragraph (a) of this subsection may be passed for human food after removal and condemnation of the head, including the tongue, provided the carcass is otherwise normal.

§ 12.13

§ 12.13 Pigmentary conditions; Melanosis, Xanthosis, Ochronosis, etc.

(a) Except as provided in § 12.19, carcasses of animals showing generalized pigmentary deposits shall be condemned.

(b) The affected parts of carcasses showing localized pigmentary deposits of such character as to be unwholesome or otherwise adulterated shall be removed and condemned.

§ 12.14 Abrasions, bruises, abscesses, pus, etc.

All slight, well-limited abrasions on the tongue and inner surface of the lips and mouth, when without lymph node involvement, shall be carefully excised, leaving only sound, normal tissue, which may be passed for human food. Any organ or other part of a carcass which is badly bruised or which is affected by an abscess, or a suppurating sore shall be condemned; and when the lesions are of such character or extent as to affect the whole carcass, the whole carcass shall be condemned. Portions of carcasses which are contaminated by pus or other diseased material shall be condemned.

§ 12.15 Brucellosis.

Carcasses affected with localized lesions of brucellosis may be passed for human food after the affected parts are removed and condemned.

§ 12.16 Carcasses so infected that consumption of the meat may cause food poisoning.

(a) All carcasses of animals so infected that consumption of the products thereof may give rise to food poisoning shall be condemned. This includes all carcasses showing signs of:

(1) Acute inflammation of the lungs, pleura, pericardium, peritoneum, or meninges.

(2) Septicemia or pyemia, whether puerperal, traumatic, or without any evident cause.

(3) Gangrenous or severe hemorrhagic enteritis or gastritis.

(4) Acute diffuse metritis or mastitis.

(5) Phlebitis of the umbilical veins.

(6) Septic or purulent traumatic pericarditis.

(7) Any acute inflammation, abscess, or suppurating sore, if associated with acute nephritis, fatty and degenerated liver, swollen soft spleen, marked pulmonary hyperemia, general swelling of lymph nodes, diffuse redness of the skin, cachexia, icteric discoloration of the carcass or similar condition, either singly or in combination.

(8) Salmonellosis.

(b) Implements contaminated by contact with carcasses affected with

§ 12.16 (b)

any of the disease conditions mentioned in this Section shall be thoroughly cleaned and sanitized as prescribed in Section 8 of these regulations. The equipment used in the dressing of such carcasses, such as viscera trucks or inspection tables, shall be sanitized with hot water having a minimum temperature of 180°F. Carcasses or parts of carcasses contaminated by contact with such diseased carcasses shall be condemned unless all contaminated tissues are removed within 2 hours.

§ 12.17 Necrobacillosis, pyemia, and septicemia.

From the standpoint of meat inspection, necrobacillosis may be regarded as a local infection at the beginning, and carcasses in which the lesions are localized may be passed for human food if in a good state of nutrition, after those portions affected with necrotic lesions are removed and condemned. However, when emaciation, cloudy swelling of the parenchymatous tissue of organs or enlargement of the lymph nodes is associated with the infection, it is evident that the disease has progressed beyond the condition of localization to a state of toxemia, and the entire carcass shall therefore be condemned as both unwholesome and noxious. Pyemia or septicemia may intervene as a complication of the local necrosis, and when present the carcass shall be condemned in accordance with § 12.16.

§ 12.18 Caseous lymphadenitis.

(a) A thin carcass showing well-marked lesions in the viscera and the skeletal lymph nodes, or a thin carcass showing extensive lesions in any part shall be condemned.

(b) A thin carcass showing well-marked lesions in the viscera with only slight lesions elsewhere or showing well-marked lesions in the skeletal lymph nodes with only slight lesions elsewhere may be passed for cooking.

(c) A thin carcass showing only slight lesions in the skeletal lymph nodes and in the viscera may be passed for human food without restriction.

(d) A well-nourished carcass showing well-marked lesions in the viscera and with only slight lesions elsewhere or showing well-marked lesions confined to the skeletal lymph nodes with only slight lesions elsewhere may be passed for human food without restriction.

(e) A well-nourished carcass showing well-marked lesions in the viscera and the skeletal lymph nodes may be passed for cooking; but where the lesions in a well-nourished carcass are both numerous and extensive, it shall be condemned.

(f) All affected organs and nodes of carcasses passed for human food without restriction or passed for cooking shall be removed and condemned.

(g) As used in this Section, the term "thin" does not apply to a carcass which is anemic or emaciated; and the term "lesions" refers to lesions of caseous lymphadenitis.

Regulation Change Effective 5-10-72

§ 12.19

§ 12.19 Icterus.

Carcasses showing any degree of icterus shall be condemned. Yellow fat conditions caused by nutritional factors or characteristic of certain breeds of animals and yellow fat sometimes seen in sheep shall not be confused with icterus. Such carcasses should be passed for human food, if otherwise normal.

§ 12.20 Sexual odor of swine.

(a) Carcasses of swine which give off a pronounced sexual odor shall be condemned.

(b) The meat of swine carcasses which gives off a sexual odor less than pronounced may be passed for use in comminuted cooked meat food product or for rendering. Otherwise it shall be condemned.

(c) Deleted

§ 12.21 Mange or scab.

Carcasses of animals affected with mange or scab in advanced stages, showing cachexia or extensive inflammation of the flesh, shall be condemned. When the disease is slight, the carcass may be passed after removal of the affected portion.

§ 12.22 Hogs affected with urticaria, tinea tonsurans, demodex folliculorum, or erythema.

Carcasses of hogs affected with urticaria (nettle rash), tinea tonsurans, demodex folliculorum, or erythema may be passed for human food after detaching and condemning the affected skin, if the carcass is otherwise not adulterated.

§ 12.23 Tapeworm cysts (cysticercus bovis) in cattle.

(a) Except as provided in paragraph (b) of this subsection, carcasses of cattle affected with lesions of cysticercus bovis shall be disposed of as follows:

(1) Carcasses of cattle displaying lesions of cysticercus bovis shall be condemned if the infestation is extensive or if the musculature is edematous or discolored. Carcasses shall be considered extensively infested if in addition to finding lesions in at least two of the usual inspection sites, namely the heart, diaphragm and its

§ 12.23 (a)

pillars, muscles of mastication, esophagus, tongue, and musculature exposed during normal dressing operations, they are found in at least two of the sites exposed by:

(i) an incision made into each round exposing the musculature in cross section, and

(ii) a transverse incision into each forelimb commencing 2 or 3 inches above the point of the olecranon and extending to the humerus.

(2) Carcasses of cattle showing one or more tapeworm lesions of *Cysticercus bovis* but not so extensive as indicated in subparagraph (1) of paragraph (a), as determined by a careful examination, including examination of, but not limited to, the heart, diaphragm and its pillars, muscles of mastication, esophagus, tongue, and musculature exposed during normal dressing operations, may be passed for human food after removal and condemnation of the lesions with surrounding tissues: Provided, That the carcasses, appropriately identified by retained tags, are held in cold storage under positive control of a Department inspector at a temperature not higher than 15°F. continuously for a period of not less than 10 days, or in the case of boned meat derived from such carcasses, the meat, when in boxes, tierces, or other containers, appropriately identified by retained tags, is held under positive control of a Department inspector at a temperature of not higher than 15°F. continuously for a period of not less than 20 days. As an alternative to retention in cold storage as provided in this subparagraph, such carcasses and meat may be heated throughout to a temperature of at least 140°F. under positive control of a Department inspector.

(b) Edible viscera and offal shall be disposed of in the same manner as the rest of the carcass from which they were derived unless any lesion of *Cysticercus bovis* is found in these by-products, in which case they shall be condemned.

§ 12.24 Tapeworm cysts in hogs.

Carcasses of hogs affected with tapeworm cysts (*Cysticercus cellulosae*) may be passed for cooking, unless the infestation is excessive, in which case the carcass shall be condemned.

§ 12.25 Parasites not transmissible to man; tapeworm cysts in sheep; hydatid cysts; flukes; gid bladder-worms.

(a) In the disposal of carcasses, edible organs, and other parts of carcasses showing evidence of infestation with parasites not transmissible to man, the following general rules shall govern except as otherwise provided in this Section: If the lesions are localized in such manner and are of such character that the parasites and the lesions caused by them can be completely removed, the nonaffected portion of the carcass, organ, or other part of the carcass may be passed for human food after the removal and condemnation of the affected portions. If an organ or other part of a carcass shows numerous lesions caused by parasites, or if the character of the infestation is such that complete extirpation of the parasitic infestation or invasion renders the part in any way unfit for human food, the affected part shall be condemned.

§ 12.25 (a)

If parasites are found to be distributed in a carcass in such manner or to be of such character that their removal and the removal of the lesions caused by them is impracticable, no part of the carcass shall be passed for human food. If the infestation is excessive, the carcass shall be condemned. If the infestation is moderate, the carcass may be passed for cooking, but in case such carcass is not cooked as required by Section 15 of these regulations, it shall be condemned.

(b) In the case of sheep carcasses affected with tapeworm cysts (*Cysticercus ovis*, so-called sheep measles, not transmissible to man), such carcasses may be passed for human food after the removal and condemnation of the affected portions: Provided, however, That if, upon the final inspection of sheep carcasses retained on account of measles, the total number of cysts found embedded in muscular tissue, or in immediate relation with muscular tissue, excluding the heart, exceeds five, the entire carcass shall be condemned, or such carcass shall be heated throughout to a temperature of at least 140°F. after removal and condemnation of all affected portions.

(c) Carcasses found infested with gid bladder-worms (*Coenurus cerebralis*, *Multiceps multiceps*) may be passed for human food after condemnation of the affected organ (brain or spinal cord).

(d) Organs or other parts of carcasses infested with hydatid cysts (*Echinococcus*) shall be condemned.

(e) Livers infested with flukes or fringed tapeworms shall be condemned.

§ 12.26 Emaciation.

Carcasses of animals too emaciated to produce wholesome meat, and carcasses which show a serous infiltration of muscle tissues, or a serous or mucoid degeneration of the fatty tissue, shall be condemned. A gelatinous change of the fat of the heart and kidneys of well-nourished carcasses and mere leanness shall not be classed as emaciation.

§ 12.27 Injured animals slaughtered at unusual hours.

When it is necessary for humane reasons to slaughter an injured animal at night or on Sunday or a holiday when the inspector cannot be obtained, the carcass and all parts shall be kept for inspection, with the head and all viscera except the stomach, bladder, and intestines held by the natural attachments. If all parts are not so kept for inspection, the carcass shall be condemned. If, on inspection of a carcass slaughtered in the absence of an inspector, any lesion or other evidence is found indicating that the animal was sick or diseased, or affected with any other condition requiring condemnation of the animal on ante-mortem inspection, or if there is lacking evidence of the condition which rendered emergency slaughter necessary, the carcass shall be condemned.

§ 12.28 Carcasses of young calves, pigs, kids, and lambs.

Carcasses of young calves, pigs, kids, and lambs are unwholesome and

§ 12.28

shall be condemned if:

(a) the meat has the appearance of being water-soaked, is loose, flabby, tears easily, and can be perforated with the fingers; or

(b) its color is grayish-red; or

(c) good muscular development as a whole is lacking, especially noticeable on the upper shank of the leg, where small amounts of serous infiltrates or small edematous patches are sometimes present between the muscles; or

(d) the tissue which later develops as the fat capsule of the kidneys is edematous, dirty yellow, or grayish-red, tough, and intermixed with islands of fat.

§ 12.29 Unborn and stillborn animals.

All unborn and stillborn animals shall be condemned and no hide or skin thereof shall be removed from the carcass within a room in which edible products are handled.

§ 12.30 Livestock suffocated and hogs scalded alive.

All animals which have been suffocated in any way and hogs which have entered the scalding vat alive shall be condemned.

§ 12.31 Livers affected with carotenosis; livers designated as "telangiectatic," "sawdust," or "spotted."

(a) Livers affected with carotenosis shall be condemned.

(b) Cattle livers and calf livers showing the conditions sometimes designated as "telangiectatic," "sawdust," or "spotted" shall be disposed of as follows:

(1) When any or all of the conditions are slight in the organ, the whole organ shall be passed for human food without restriction.

(2) When any or all of the conditions are more severe than slight and involve less than one-half of the organ, while in the remainder of the organ the conditions are slight or nonexistent, the remainder shall be passed for human food without restriction and the other portion shall be condemned.

(3) When any or all of the conditions are more severe than slight and involve one-half or more of the organ, the whole organ shall be condemned.

(4) The divisions of an organ into two parts as contemplated in this paragraph for disposition, shall be accomplished by one cut through the organ. This, of course, does not prohibit incisions which are necessary for inspection.

(c) "Telangiectatic," "sawdust," or "spotted" livers and parts of

§ 12.31 (c)

livers which are condemned for human food may be shipped from an official establishment for purposes other than human food in accordance with 14.10 of these regulations.

§ 12.32 Vesicular diseases.

(a) Any carcass affected with vesicular disease shall be condemned if the condition is acute and if the extent of the condition is such that it affects the entire carcass or there is evidence of absorption or secondary change.

(b) Any carcass affected with vesicular disease to a lesser extent than as described in paragraph (a) of this subsection may be passed for human food after removal and condemnation of the affected parts, if the carcass is otherwise healthy.

§ 12.33 Listeriosis.

Carcasses of animals identified as W. Va. Suspects because of a history of listeriosis shall be passed for human food after condemnation of the head if the carcass is otherwise normal.

§ 12.34 Anemia.

Carcasses of animals too anemic to produce wholesome meat shall be condemned.

§ 12.35 Muscular inflammation, degeneration, or infiltration.

(a) If muscular lesions are found to be distributed in such a manner or to be of such character that removal is impractical, the carcass shall be condemned.

(b) If muscular lesions are found to be distributed in such a manner or to be of such character that removal is practical, the following rules shall govern the disposal of the carcasses, edible organs, and other parts of carcasses showing such muscular lesions. If the lesions are localized in such a manner and are of such a character that the affected tissues can be removed, the nonaffected parts of the carcass may be passed for human food after the removal and condemnation of the affected portion. If a part of the carcass shows numerous lesions, or if the character of the lesion is such that complete extirpation is difficult and uncertainly accomplished, or if the lesion renders the part in any way unfit for human food, the part shall be condemned.

(c) If the lesions are slight or of such character as to be insignificant from a standpoint of wholesomeness, the carcass or parts may be passed for use in the manufacture of comminuted cooked product, after removal and condemnation of the visibly affected portions.

§ 12.36 Coccidioid granuloma.

(a) Carcasses which are affected with generalized coccidioid granuloma or which show systemic changes because of such disease shall be condemned.

§ 12.36 (b)

(b) Carcasses affected with localized lesions of this disease may be passed for human food after the affected parts are removed and condemned.

§ 12.37 Odors, foreign and urine.

(a) Carcasses which give off a pronounced odor of medicinal, chemical, or other foreign substance shall be condemned.

(b) Carcasses which give off a pronounced urine odor shall be condemned.

(c) Carcasses, organs, or parts affected by odor to a lesser degree than as described in paragraphs (a) and (b) of this subsection and in which the odor can be removed by trimming or chilling may be passed for human food, after removal of affected parts or dissipation of the condition.

§ 12.38 Meat and meat by-products from animals which have been exposed to radiation.

Meat and meat by-products from animals which have been administered radioactive material shall be condemned unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to Section 409 of the Federal Food, Drug, and Cosmetic Act.

§ 12.39 Biological residues.

Carcasses, organs, or other parts of carcasses of animals shall be condemned if it is determined that they are adulterated because of the presence of any biological residues.

SECTION 13 - OFFICIAL MARKS, DEVICES, AND CERTIFICATES

Subsections

- 13.01 General.
- 13.02 Official marks and devices to identify inspected and passed products of cattle, sheep, swine, or goats.
- 13.03 Official marks and devices to identify custom slaughtered or prepared product.
- 13.04 Official antemortem inspection marks and devices.
- 13.05 Official seals for transportation of products.
- 13.06 Official marks and devices in connection with postmortem inspection and identification of adulterated products and insanitary equipment and facilities.
- 13.07 (Reserved)
- 13.08 (Reserved)
- 13.09 (Reserved)
- 13.10 Illustrations 1, 2, and 3.
- 13.11 Illustrations 4 and 5.
- § 13.01 General.

The marks, devices, and certificates prescribed or referenced in this Section shall be official marks, devices, and certificates for purposes of the Law, and shall be used in accordance with the provisions of this Section and the regulations cited therein.

§ 13.02 Official marks and devices to identify inspected and passed products of cattle, sheep, swine, or goats.

(a) The official inspection legend required by Section 16 of these regulations to be applied to inspected and passed carcasses and parts of carcasses of cattle, sheep, swine, and goats meat food products in animal casings, and other products as approved by the Commissioner, shall be in the appropriate form as hereinafter specified:

For application to sheep carcasses, the loins and ribs of pork, beef tails, and the smaller varieties of sausage and meat food products in animal casings. See illustration 1 in § 13.10.

For application to calf and goat carcasses and on the larger varieties of sausage and meat food products in animal casings. See illustration 2 in § 13.10.

For application to beef and hog carcasses, primal parts, and cuts

§ 13.02 (a)

therefrom, beef livers, beef tongues, beef hearts, and smoked meats not in casings. Also to burlap, muslin, cheesecloth, heavy paper, or other acceptable material that encloses carcasses or parts of carcasses. See illustration 3 in § 13.10.

(b)(1) The official inspection legend required by Section 17 of these regulations to be shown on all labels for inspected and passed products of cattle, sheep, swine, and goats shall be as shown in illustration 5 in § 13.11 except that it need not be of the size illustrated, provided that it is a sufficient size and of such color as to be conspicuously displayed and readily legible and the same proportions of letter size and boldness are maintained as illustrated in illustration 5.

(2) This official mark shall be applied by mechanical means and shall not be applied by a hand stamp.

(3) The official inspection legend described in subparagraph (1) of paragraph (b) may also be used for purposes of Section 16 of these regulations on shipping containers, band labels, artificial casings, and other articles with the approval of the Commissioner.

(c) Any brand, stamp, label, or other device approved by the Commissioner and bearing any official mark prescribed in paragraph (a) or (b) of this subsection, shall be an official device for purposes of the Law.

§ 13.03 Official marks and devices to identify custom slaughtered or prepared product.

(a) The official custom stamp (brass faced) required by § 4.03 (a) (4) (iii) *(d)(1)* of these regulations to identify custom slaughtered carcasses and parts of carcasses of cattle, sheep, swine, and goats shall be as shown in illustration 4 in § 13.11.

(b) § 4.03 (a) (4) (iii) (c), (d), (e), (f), and (g) of these regulations described other marks, devices, and methods used to identify custom prepared product.

§ 13.04 Official antemortem inspection marks and devices.

The official marks and devices used in connection with antemortem inspection are those prescribed in § 10.18 of these regulations.

§ 13.05 Official seals for transportation of products.

The official mark for use in sealing railroad cars or other means of conveyance as ~~prescribed~~ in Section 22 of these regulations shall bear the inscription W.VA. DA MEAT INSP. and be serially numbered. Any seal approved by the Commissioner for applying such mark shall be an official device for purposes of the Law. This seal shall be attached to the means of conveyance only by a Department inspector and he shall also affix thereto a "Warning Tag".

§ 13.06 Official marks and devices in connection with postmortem inspection and identification of adulterated products and insanitary equipment and facilities.

Regulation Change Effective 4-22-74

§ 13.06 (a)

(a) The official marks required by Sections 8 and 11 of these regulations for use in postmortem inspection and identification of adulterated products and insanitary equipment and facilities are:

(1) The tag (Form 11-F009) which is used to retain carcasses and parts of carcasses in the slaughter department; it is yellow and bears the legend "W. VA. RETAINED." It is used as a three-section tag for hogs, sheep, goats, and calves and a five-section tag for cattle.

(2) The "W. VA. RETAINED" mark which is applied to products and articles as prescribed in Section 11 of these regulations by means of a yellow paper tag (Form 11-F009) bearing the legend "W. VA. RETAINED."

(3) The "W. VA. REJECTED" mark which is used to identify insanitary buildings, rooms, or equipment as prescribed in Section 8 of these regulations and is applied by means of a red paper tag (Form 11-F011) bearing the legend "W. Va. Dept. of Agriculture REJECTED."

(4) The "W. VA. PASSED FOR COOKING" mark is applied on products passed for cooking as prescribed in Section 11 by means of a brand reading "W. VA. PASSED FOR COOKING" in black letters not less than one-fourth inch in height.

(5) The "W. VA. INSPECTED AND CONDEMNED" mark shall be applied to products condemned as prescribed in § 11.05 of these regulations reading "W. VA. INSP'D AND CONDEMNED" in black letters not less than one inch in height.

(b) The W. Va. Retained and W. Va. Rejected tags, and all other brands, stamps, labels, and other devices approved by the Commissioner and bearing any official mark prescribed in paragraph (a) shall be official devices for purposes of the Law.

§ 13.07 (Reserved)

§ 13.08 (Reserved)

§ 13.09 (Reserved)

IMPRINTS OF OFFICIAL BRANDS



SIZE
7/8" x 1"

Illustration 1

For application to sheep carcasses, the loins and ribs of pork, beef tails, and the smaller varieties of sausage and meat food products in animal casings.



SIZE
1-1/4" x 1-3/8"

Illustration 2

For application to calf and goat carcasses and on the larger varieties of sausage and meat food products in animal casings.

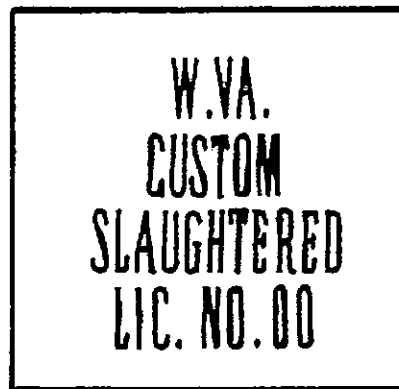


SIZE
1-7/8" x 2"

Illustration 3

For application to beef and hog carcasses primal parts and cuts therefrom, beef livers, beef tongues, beef hearts, and smoked meats not in casings. Also to burlap, muslin, cheesecloth, heavy paper, or other acceptable material that encloses carcasses or parts of carcasses.

§ 13.11 Illustrations 4 and 5.



SIZE
2" x 2" with letters
3/8" in height.

Illustration 4

For application to custom slaughtered carcasses and parts of carcasses of cattle, sheep, swine and goats. Number of establishment to appear where the two O's appear in illustration. Example: LIC. NO. 58

SIZE
Be of sufficient size and color
as to be conspicuously displayed
and readily legible.

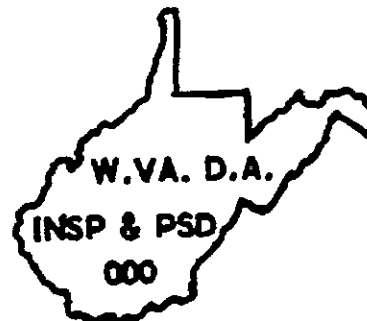


Illustration 5

The official inspection legend to be shown on all labels for inspected and passed products of cattle, sheep, swine and goats. The establishment number will be placed in the legend where the three O's appear. Example: EST. 280. This legend may also appear on shipping containers, band labels, artificial casings and other articles with approval of the Commissioner.

THE ESTABLISHMENT NUMBER WILL BE PLACED IN THE BRAND WHERE THE THREE O'S APPEAR. EXAMPLE: EST. 280.

SECTION 14 - HANDLING AND DISPOSAL OF CONDEMNED OR OTHER
INEDIBLE PRODUCTS AT OFFICIAL ESTABLISHMENTS

Subsections

- 14.01 Disposition of condemned products at official establishments having tanking facilities; sealing of tanks.
- 14.02 Tanking and other facilities for inedible products to be separate from edible product facilities.
- 14.03 Disposition of condemned products at official establishments having no tanking facilities.
- 14.04 Suppression of odors in preparing inedible products.
- 14.05 Inedible rendered fats prepared at official establishments.
- 14.06 Inedible fats from outside official establishments.
- 14.07 Carcasses of animals condemned on antemortem inspection not to pass through edible product areas.
- 14.08 Dead animal carcasses.
- 14.09 Specimens for educational, research, and other nonfood purposes; permits for, required.
- 14.10 Livers condemned because of parasitic infestation and for other causes; conditions for disposal for purposes other than human food.
- 14.11 Handling of certain condemned products for purposes other than human food.

§ 14.01

§ 14.01 Disposition of condemned products at official establishments having tanking facilities; sealing of tanks.

(a) Carcasses, parts of carcasses, and other products condemned at official establishments having facilities for tanking shall, except as provided in paragraph (c) of this subsection or elsewhere in this Section, be disposed of by tanking as follows:

(1) The lower opening of the tank shall first be sealed securely by a Department inspector, except when permanently connected with a blow line; then the condemned products shall be placed in the tank in his presence, after which the upper opening shall also be sealed securely by such employee, who shall then see that the contents of the tank are subjected to sufficient heating for sufficient time to effectively destroy the contents for human food purposes.

(2) The use of equipment such as crushers or hashers for pretanking preparation of condemned products in the inedible products department has been found to give inedible character and appearance to the material. Accordingly, if condemned products are so crushed or hashed, conveying systems, rendering tanks, and other equipment used in the further handling of crushed or hashed material need not be locked or sealed during the tanking operations. If the rendering tanks or other equipment contain condemned material not so crushed or hashed, the equipment shall be sealed as prescribed in subparagraph (1) of paragraph (a) of this subsection. If the crushed or hashed material is not rendered in the establishment where produced, it shall be denatured as provided for in § 14.03 of this Section before leaving such establishment.

(b) The seals of tanks shall be broken only by a Department inspector and only after the contents of the tanks have been treated as provided in paragraph (a) of this subsection. The rendered fat derived from condemned material shall be held until a Department inspector shall have had an opportunity to determine whether it conforms with the requirements of this subsection. Samples shall be taken by Department inspectors as often as is necessary to determine whether the rendered fat is effectually denatured.

(c) Carcasses of animals condemned under § 10.03 of these regulations may be disposed of as provided in § 14.03 of this Section, in lieu of tanking, with the approval of the inspector.

§ 14.02 Tanking and other facilities for inedible products to be separate from edible product facilities.

All tanks and equipment used for rendering, otherwise preparing, or storing inedible products shall be in rooms or compartments separate from those used for preparing or storing edible products. There shall be no connection between rooms or compartments containing inedible products and those containing edible products, except that there may be one connecting doorway between the slaughtering or viscera separating department and the tank charging room of the inedible products rendering department. Pipes and chutes installed in accordance with such arrangements as are permitted by Section 8 of these regulations, or as may be approved by the Commissioner in specific cases, may be used to convey inedible and

§ 14.02

condemned material from edible product departments to inedible product departments.

§ 14.03 Disposition of condemned products at official establishments having no tanking facilities.

(a) Carcasses, parts of carcasses, and other products condemned at an official establishment which has no facilities for tanking shall, except as provided in paragraph (b) of this subsection or elsewhere in this Section, be destroyed in the presence of an inspector by incineration, or denatured with crude carbolic acid, or cresylic disinfectant, or a formula consisting of one part FD&C No. 3 green coloring, 40 parts water, 40 parts liquid detergent, and 40 parts oil of citronella or any other proprietary material approved by the Commissioner in specific cases. When such product is to be denatured, it shall be freely slashed before the denaturing agent is applied, except that, in the case of dead animals that have not been dressed, the denaturant may be applied by injection. The denaturant must be deposited in all portions of the carcass or product to the extent necessary to preclude its use for food purposes.

(b) All carcasses and parts condemned on account of anthrax, as identified in § 11.09 (b) of these regulations, at official establishments which are not equipped with tanking facilities shall be disposed of by:

(1) complete incineration, or

(2) by thorough denaturing with *crude* carbolic acid, or cresylic disinfectant, and then disposed of in accordance with the requirements of the state or municipal authorities, who shall be notified immediately by the Veterinary Supervisor.

§ 14.04 Suppression of odors in preparing inedible products.

Tanks, fertilizer driers, and other equipment used in the preparation of inedible product shall be properly equipped with condensers and other appliances which will acceptably suppress odors incident to such preparation.

§ 14.05 Inedible rendered fats prepared at official establishments.

Except as provided in § 22.11 (c) of these regulations, rendered animal fat derived from condemned or other inedible materials at official establishments shall be denatured to effectually distinguish it from an edible product, either with low grade offal during the rendering or by adding to, and mixing thoroughly with, such fat, denaturing oil, No. 2 fuel oil, or brucine dissolved in a mixture of alcohol and pine oil or oil of rosemary, and may be shipped in intrastate commerce in accordance with § 22.11 (d) of these regulations.

§ 14.06 Inedible fats from outside official establishments.

Except as provided in § 22.11 (c) of these regulations, inedible fats from outside the premises of any official establishment shall not be received into an official establishment except into the tank room provided for inedible products, and then only when they have been denatured in accordance with § 14.05 of this Section and are marked in accordance with § 16.14 of these regulations, and when their receipt into the tank room produces no insanitary condition on the premises; nor shall such

Regulation Change Effective 4-22-74

§ 14.06

fats be received in such volume as interferes with prompt disposal of condemned or other inedible material produced at the establishment. When received, they shall not enter any room or compartment used for edible products.

§ 14.07 Carcasses of animals condemned on antemortem inspection not to pass through edible product areas.

Carcasses of animals which have been condemned on antemortem inspection shall not be taken through rooms or compartments in which an edible product is prepared, handled, or stored.

§ 14.08 Dead animal carcasses.

(a) With the exception of dead animals which have died en route and are received with animals for slaughter at an official establishment, no dead animal or part of the carcass of any animal that died otherwise than by slaughter may be brought on the premises of an official establishment unless advance permission therefore is obtained from the Veterinary Supervisor.

(b) Under no circumstances shall the carcasses of any animals which have died otherwise than by slaughter, or any part thereof, be brought into any room or compartment in which any edible product is prepared, handled, or stored.

§ 14.09 Specimens for educational, research, or other nonfood purposes; permits for, required.

(a) Specimens of condemned or other inedible materials, including embryos and specimens of animal parasites, may be released for educational, research, or other nonfood purposes under permit issued by the *Director of the Meat & Food Safety Division*. Provided, that Veterinary Supervisor for such permit on Form 11-F018 and arranges with and receives permission from the official establishment to obtain the specimens. Permits shall be issued for a period not longer than 1 year. The permit may be revoked by the Veterinary Supervisor if the specimens are not used as stated in the application, or if the collection or handling of the specimens interferes with inspection or the maintenance of sanitary conditions in the establishment.

(b) The specimens referred to in paragraph (a) of this subsection shall be collected and handled only at such time and place and in such manner as not to interfere with the inspection or to cause any objectionable condition and shall be identified as inedible when they leave the establishment.

§ 14.10* Livers condemned because of parasitic infestation and for other causes; conditions for disposal for purposes other than human food.

Regulation Change Effective 11/10/80

§ 14.10 (a)

(a) Livers condemned on account of hydatid cysts shall be disposed of by tanking pursuant to the provisions of § 14.1 or this section if condemned at official establishments having facilities or tanking; otherwise they shall be destroyed pursuant to the provisions of § 14.3 of this section.

(b) Livers condemned because of parasites other than hydatid cysts; and livers condemned because of telangiectasis, angioma, "sawdust" condition, cirrhosis, carotemosis or other nonmalignant change, benign abscesses, or contamination, when these conditions are not associated with infectious diseases in the carcasses, may be shipped from an official establishment only for purposes other than human food, and only if all tissue affected with abscesses is removed and destroyed within the establishment, and all livers are processed and denatured, with any agent prescribed in § 22.13 (a) (1) or (2) or (5), and in accordance with § 22.13 (a) (6) of these regulations. This provision for movement from an official establishment is made solely under the Law and is not intended to relieve or modify any other applicable requirements under any other law regarding the movement of such articles, for purposes other than use as human food.

(c) Livers condemned because of conditions described in paragraph (b) of this subsection shall be in containers plainly marked "inedible."

§ 14.11 Handling of certain condemned products for purposes other than human food.

Condemned carcasses of animals affected with one or more of the following conditions may be shipped from an official establishment only for purposes other than human food and only if permission therefor is obtained from the Veterinary Supervisor: Anasarca, Ocular Squamous Cell Carcinoma (after removal of neoplastic tissue), emaciation, eosinophilic myositis, immaturity, nonseptic bruises and injuries, and sarcosporidiosis. This provision also applies to unborn calves and to products such as paunches and udders when they have not been handled as required under this subsection for products for human food purposes; provided, such articles have not been condemned for other pathological reasons. Such permission will be granted only if all parts to be so used will be promptly handled, freely slashed and adequately identified as required by Section 22.13 (a) of these regulations. The slashing, identification, and packing of the product shall be accomplished in an inedible product area under the supervision of a Department inspector. Facilities must be adequate so that the carcasses or parts saved under these provisions are not contaminated with pus, manure, septic, or toxic materials, or similar substances. The operation must not result in unsanitary conditions within the establishment.

SECTION 15 - RENDERING OR OTHER DISPOSAL OF CARCASSES
AND PARTS PASSED FOR COOKING

15.01 Carcasses and parts passed for cooking; rendering into lard, rendered pork fat, or tallow.

15.02 Carcasses and parts passed for cooking; utilization for food purposes after cooking.

15.03 Disposal of products passed for cooking if not handled according to this Section.

§ 15.01** Carcasses and parts passed for cooking; rendering into lard, or tallow.

Carcasses and parts passed for cooking may be rendered into lard in accordance with § 19.702 of these regulations or rendered into tallow, provided such rendering is done in the following manner:

(a) When closed rendering equipment is used, the lower opening except when permanently connected with a blowline, shall first be sealed securely by a Department inspector or employee; then the carcasses or parts shall be placed in such equipment in his presence, after which the upper opening shall be securely sealed by such employee. When the product passed for cooking in the tank does not consist of a carcass of whole primal part, the requirements for sealing shall be at the discretion of the circuit supervisor. Such carcasses and parts shall be cooked for a time sufficient to render them effectually into lard or tallow, provided all parts of the products are heated to a temperature not lower than 170 F. for a period of not less than 30 minutes.

(b) At establishments not equipped with closed rendering equipment for rendering carcasses and parts passed for cooking into lard or tallow, such carcasses or parts may be rendered in open kettles under the direct supervision of a Department inspector. Such rendering shall be done during regular hours of work and in compliance with the requirements as to temperature and time specified in paragraph (a) of this subsection.

*§ 15.02 Carcasses and parts passed for cooking; utilization for food purposes after cooking.

Carcasses and parts passed for cooking may be used for the preparation of meat food products, provided all such carcasses or parts are heated to a temperature not lower than 170 F. for a period of not less than 30 minutes either before being used in or during the preparation of the finished product.*

*§ 15.03 Disposal of products passed for cooking if not handled according to this Section.

Products passed for cooking if not handled and processed in accordance with the provisions of this Section, shall be disposed of in accordance with § 14.01 or 14.03 of these regulations.

* Regulation Change Effective 5-10-72

** Regulation Change Effective 11-10-80

SECTION 16 - MARKING PRODUCTS
AND THEIR CONTAINERS

Subsections

- 16.01 Authorization required to make devices bearing official marks.
- 16.02 Approval required for official marks.
- 16.03 Use of official marks prohibited except under supervision of Department Inspectors; removal of official marks, when required.
- 16.04 Marking devices; to be furnished by official establishments; control of.
- 16.05 Branding ink; to be furnished by official establishments; approval by Department; color.
- 16.06 Products not to be removed from official establishments unless marked in accordance with the regulations.
- 16.07 Marking devices not to be false or misleading; style and size of lettering; approval required.
- 16.08 Unmarked inspected products; moved between official establishments; moved in intrastate commerce.
- 16.09 Products to be marked with official marks.
- 16.10 Marking of meat food products with official inspection legend and ingredient statement.
- 16.11 Special markings for certain meat food products.
- 16.12 Marking of outside containers.
- 16.13 Marking tank cars and tank trucks used in transportation of edible products.
- 16.14 Marking outside containers of inedible grease, etc.

§ 16.01

§ 16.01 Authorization required to make devices bearing official marks.

No brand manufacturer, printer, or other person shall cast, print, lithograph, or otherwise make or cause to be made any device containing any official mark or simulation thereof without prior written authority therefor from the Commissioner as provided for in Section 17 of these regulations.

§ 16.02 Approval required for official marks.

No device containing any official mark shall be made or caused to be made for use on any product until it has been approved by the Commissioner as provided for in Section 17 of these regulations.

§ 16.03 Use of official marks prohibited except under supervision of Department inspectors; removal of official marks, when required.

(a) No person shall affix or place, or cause to be affixed or placed, the official inspection legend or any other official mark, or any abbreviation or simulation of any official mark, to or on any product, or container thereof, except under the supervision of a Department Inspector, or as authorized by Section 17 of these regulations in connection with the manufacture of containers.

(b) No person shall fill, or cause to be filled, in whole or in part, with any product, any container bearing or intended to bear any official mark, or any abbreviation or simulation of any official mark, except under the supervision of a Department Inspector.

(c) Product bearing any official mark shall not be canned, cooked, cured, smoked, salted, packed, rendered, or otherwise prepared by any person for commercial purposes unless:

(1) Such preparation is performed at an official establishment; or

(2) Such preparation is conducted under State or other governmental inspection and the prepared product is marked to show that fact; or

(3) The official marks are removed, defaced, or otherwise destroyed before or during such preparation; or

(4) The preparation of the product consists solely of cutting up operations at any establishment exempted from inspection under Section 8 (a) (1) of the Law.

§ 16.04 Marking devices; to be furnished by official establishments; control of.

(a) The operator of each official establishment shall furnish such ink brands, burning brands, and any other device for marking products with official marks as the Commissioner may determine is necessary for marking products at such establishment. The official inspection legend on such a device shall be as prescribed in Section 13 of these regulations.

(b) All official devices for marking products with the official

§ 16.04 (b)

inspection legend, or other official inspection marks, including self-locking seals, shall be used only under supervision of a Department employee, and, when not in use for marking shall be kept locked in properly equipped locks or compartments, the keys of which shall not leave the possession of a Department employee, or the locker or compartment shall be sealed with an official seal of the Department as prescribed in § 13.05 of these regulations.

§ 16.05 Branding ink; to be furnished by official establishments; approval by Department; color.

(a) The operator of each official establishment shall furnish all ink for marking products with the official marks at such establishment. Such ink must be made with harmless ingredients that are approved for the purpose by the Commissioner. Samples of ink shall be submitted to the Department laboratory from time to time as may be deemed necessary by the Veterinary Supervisor.

(b) The color of ink must be approved by the Commissioner and the ink shall be used to apply in brands bearing official marks to carcasses of cattle, sheep, swine, or goats and fresh meat cuts derived therefrom. Any ink containing F.D.&C. Violet No. 1 shall not be considered an approved ink within the meaning of this paragraph.

(c) Green ink shall not be used to apply marks to carcasses of cattle, sheep, swine, or goats or fresh meat cuts derived therefrom.

(d) Except as provided in paragraph (c) of this subsection, branding ink of any color, approved for the purpose by the Commissioner in specific cases, may be used to apply ink brands, bearing official marks, to processed meat cuts derived from cattle, sheep, swine, or goats.

(e) Ink used must assure legibility and permanence of the markings and the color of ink shall provide acceptable contrast with the color of the product to which it is applied.

§ 16.06 Products not to be removed from official establishments unless marked in accordance with the regulations.

No person shall remove or cause to be removed from an official establishment any products which these regulations require to be marked in any way unless they are clearly and legibly marked in compliance with such regulations.

§ 16.07 Marking devices not to be false or misleading; style and size of lettering; approval required.

No brand or other marking device shall be false or misleading. The letters and figures thereon shall be of such style and type as will make a clear and legible impression. All markings to be applied to products in an official establishment shall be approved prior to use by the Commissioner as provided for in § 17.03 of these regulations, except that official markings prescribed by the Federal meat grading regulations (7 CFR 53.19) need not be submitted to the Commissioner for approval.

Regulation Change Effective 4-22-74

§ 16.08 Unmarked inspected products moved between official establishments; moved in intrastate commerce.

(a) Unmarked products which have been inspected and passed but do not bear the official inspection legend may be transported in compliance with Section 22 of these regulations from one official establishment to another official establishment, for further processing, in a railroad car, truck, or other closed container, if the railroad car, truck, or container is sealed with an official seal of the Department (as prescribed in Section 13 of these regulations) bearing the official inspection legend.

(b) Products which have been inspected and passed but do not bear the official inspection legend may be removed from an official establishment in closed containers bearing the official inspection legend and all other information required by this Section and Section 17 of these regulations: Provided, That upon removal from such closed container the product may not be further transported in intrastate commerce unless such removal is made under the supervision of a Department inspector and such product is reinspected by a Department inspector and packed under his supervision in containers bearing the official inspection legend and all other information required by this Section and Section 17 of these regulations: And provided further, That unmarked product shall not be brought into an official establishment in an open container.

§ 16.09 Products to be marked with official marks.

(a) Each carcass which has been inspected and passed in an official establishment shall be marked at the time of inspection with the official inspection legend containing the number of the official establishment.

(b) Except as provided otherwise in § 16.08, each primal part of a carcass and each liver, beef tongue, and beef heart which has been inspected and passed shall be marked with the official inspection legend containing the number of the official establishment before it leaves the establishment in which it is first inspected and passed, and each such inspected and passed product shall be marked with the official inspection legend containing the number of the official establishment where it was last prepared: Provided, That products need not be so marked if packed in properly labeled immediate containers in accordance with the regulations in Section 17 of these regulations. Additional official marks of inspection may be applied to products as desired to meet local conditions. Primal parts are the wholesale cuts of carcasses as customarily distributed to retailers. The round, flank, loin, rib, plate, brisket, chuck, and shank are primal parts of beef carcasses. Veal, mutton and goat primal parts are the leg; flank, loin, rack, breast, and shoulder. The ham, belly, loin, shoulder, and jowl are pork primal parts. Equine primal parts are the round, flank, loin, rib, plate, brisket, chuck, and shank.

(c) Beef livers shall be marked with the official inspection legend containing the number of the official establishment, at which the cattle involved were slaughtered, on the convex surface of the thickest portion of the organ.

**(d) Inspected and passed parts of carcasses which are not marked with*

Regulation Change Effective 5-10-72 *Regulation Change Effective 4-22-74*

§ 16.09 (d)

the official inspection legend under this Section shall not enter any official establishment or be sold, transported, or offered for sale or transportation, in intrastate commerce, except as provided in § 16.08.*

§ 16.10 Marking of meat food products with official inspection legend and ingredient statement.

(a) Inspected and passed sausages and other products in casings or in link form, of the ordinary "ring" variety or larger shall be marked with the official inspection legend and list of ingredients in accordance with Section 17 of these regulations. The official marks required by this subsection shall be branded near each end of the sausage of similar product prepared in casings when the product is of a size larger than that customarily sold at retail intact.

** (b) Inspected and passed sausage and other products, in casings or in link form, of the smaller varieties, shall bear one or more official inspection legends and one or more lists of ingredients in accordance with Section 17 of these regulations on each kilogram (2.205 lbs.) pounds of product, except where such products leave the official establishment completely enclosed in properly labeled immediate containers having a capacity of 5 kilograms (11.025 lbs.) or less and containing a single kind of product: Provided, That such products in properly labeled closed containers exceeding 5 kilograms (11.025 lbs.) capacity when shipped to another official establishment for further processing or to a governmental agency, need only have the official inspection legend and lists of ingredients shown twice throughout the contents of the container. When such products are shipped to another official establishment for further processing, the inspector in charge at the point of origin shall identify the shipment to the inspector in charge at destination by means of Form 11-F025. **

(c) The lists of ingredients may be applied by stamping, printing, using paper bands, tags, or tissue strips, or other means approved by the Commissioner in specific cases.

*** (d) All cured products shall be marked with the list of ingredients in accordance with Section 17 of these regulations. ***

§ 16.11 Special markings for certain meat food products.

(a) Meat food products prepared in casing or link form (whether or not thereafter subdivided), other than sausage, which possess the characteristics of or resemble sausage, shall bear on each link or piece the word "imitation" prominently displayed: Provided, That the following need not be so marked if they bear on each link or piece the name of the product in accordance with § 17.02 of these regulations: such products as coppa, capocollo, lachschinken bacon, pork lions, pork shoulder butts, and similar cuts of meat which are prepared without added substance other than curing materials or condiments; meat rolls, bockwurst, and similar products which do not contain cereal or vegetables; headcheese, souse, sulze, scrapple, blood pudding, and liver pudding; and other products such as loaves, chili con carne, and meat and cheese products when prepared with sufficient cheese to give definite characteristics to the finished products: And provided further, That imitation sausage packed in properly

Regulation Change Effective 5-10-72

Regulation Change Effective 11-10-80

Regulation Change Effective 4-22-74

labeled containers having a capacity of 3 pounds or less and of a kind usually sold at retail intact, need not bear the word "imitation" on each link or piece if no other marking or labeling is applied directly to the product.

(b) When cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, isolated soy protein, dried milk, nonfat dry milk, or calcium reduced dried skim milk is added to sausage in casing or in link form within the limits prescribed in Section 19 of these regulations, the products shall be marked with the name of each added ingredient, as for example "cereal added," "potato flour added," "cereal and potato flour added," "soy flour added," "isolated soy protein added," "nonfat dry milk added," "calcium reduced dried skim milk added," or "cereal and nonfat dry milk added," as the case may be.

(c)(1) When product is placed in a casing to which artificial coloring is thereafter applied, as permitted in Section 18 of these regulations, the product shall be legibly and conspicuously marked by stamping or printing on the casing the words "artificially colored."

(2) If a casing is removed from product at an official establishment and there is evidence of artificial coloring on the surface of the product, the product from which the casing has been removed shall be marked by stamping directly thereon the words "artificially colored."

(3) The casing containing product need not be marked to show that it is colored if it is colored prior to its use as a covering for the product, and the coloring is of a kind and so applied as not to be transferable to the product and not to be misleading or deceptive in any respect.

(d) When an approved artificial smoke flavoring or an approved smoke flavoring is added to the formula of any meat food product as permitted in Section 18 of these regulations, the product shall be legibly and conspicuously marked with the words "Artificial Smoke Flavoring Added" or "Smoke Flavoring Added," whichever may be applicable.

(e) Subject to the provisions in paragraph (a) of this subsection, in the case of sausage of the smaller varieties, the markings prescribed in this Section may be limited to links bearing the official inspection legend, and such markings shall not be required if the sausages are packed in properly labeled containers having a capacity of 3 pounds or less and of a kind usually sold at retail intact. Further, all markings otherwise required by this subsection (except those required by paragraph (a) of this subsection) may be omitted from the casings of sausage and other meat food products when these products are to be processed in sealed metal containers properly labeled in accordance with the requirements in Section 17 of these regulations.

(f) When an approved antioxidant is added to any meat food product as permitted in Sections 18 and 19 of these regulations, the products shall be legibly and conspicuously marked in an approved manner identifying the specific antioxidant used by its common name or approved abbreviation and the purpose for which it is added, such as, "BHA, BHT, and Propylgallate added to help protect flavor."

§ 16.11 (g)

(g) Sausage of the dry varieties treated with potassium sorbate or propylparaben (propyl p-hydroxybenzoate) as permitted by Section 18 of these regulations shall be marked as prescribed in § 17.08 (b) (28) of these regulations.

(h) Deleted

Regulation Change Effective 5-10-72

§ 16.12 (a)

(a) Except as otherwise provided in Section 22 of these regulations, when any inspected and passed product for domestic intrastate commerce is moved from an official establishment, the outside container shall bear an official inspection legend as prescribed in Section 13 of these regulations.

(b) When any product prepared in an official establishment for domestic intrastate commerce has been inspected and passed and is enclosed in a cloth or other wrapping, such wrapping shall bear the official inspection legend and official establishment number applied by the approved 2 ½ inch rubber brand in the form prescribed in Section 13 of these regulations: Provided, That the rubber brand may be omitted if the official inspection legend and official establishment number on the product itself are clearly legible through the wrapping or the wrapping is labeled in accordance with Section 17 of these regulations: Provided further, That plain unprinted wrappings, such as stockinettes, cheese cloth, paper, and crinkled paper bags, for properly marked products, which are used solely to protect against soiling or excessive drying during transportation or storage, need not bear the official inspection legend.

(c) Slack barrels used as outside containers of products shall have a cloth or paper top covering bearing the official inspection legend containing the official establishment number. At the time of removal of the covering, the official inspection legend shall be destroyed.

(d) The outside containers of any product which has been inspected and passed for cooking, pork which has been refrigerated as provided in § 18.10 (c) of these regulations, and beef which has been inspected and passed for refrigeration shall bear the markings and tag prescribed in § 22.07 (b) of these regulations.

(e) The outside containers of glands and organs which are not used for human food purposes, such as those described in § 22.19 shall be plainly marked with the phrase "For pharmaceutical purposes," "For organo therapeutic purposes" or "For technical purposes," as appropriate, with no reference to inspection, and need not bear other markings otherwise required under the regulations in these regulations.

(f) Stencils, box dies, labels, and brands may be used on shipping containers of properly labeled products and on such immediate containers, of properly marked products, as tierces, barrels, drums, boxes, crates, and large-size fiberboard containers, without approval as provided for in § 17.03 of these regulations: Provided, That the stencils, box dies, labels, and brands are not false or misleading and are approved by the Veterinary Supervisor. The official inspection legend for use with such markings shall be approved by the Director as provided for in Section 17 of these regulations.

*(g) The outside containers of livers prepared as described in § 14.10 (b) shall be marked as prescribed in 14.10 (e) of these regulations.

§ 16.13 Marking tank cars and tank trucks used in transportation of edible products.

Regulation Change Effective 11-10-80

§ 16.13 (a)

(a) Each tank car and each tank truck carrying inspected and passed product from an official establishment shall bear a label containing the name of the product in accordance with § 17.02 of these regulations, the official inspection legend containing the number of the official establishment and the words "date of loading," followed by a suitable space in which the inspector shall insert the date when the tank car or truck is loaded. The label shall be located conspicuously and shall be printed on material of such character and so affixed as to preclude detachment or effacement upon exposure to the weather. Before the car or truck is removed from the place where it is unloaded, the carrier shall remove or obliterate such label.

(b) Tank cars and tank trucks carrying inspected and passed product from an official establishment to another official establishment shall be equipped for sealing and securely sealed by a Department inspector with an official seal of the Department bearing the official inspection legend as prescribed in Section 13 of these regulations.

§ 16.14 Marking outside containers of inedible grease, etc.

(a) Outside containers of inedible grease, inedible tallow, or other inedible animal fat, or mixture of any such articles, resulting from operations at any official establishment shall be marked conspicuously with the word "inedible" prior to removal from the point of filling. Containers, such as tierces, barrels, and half barrels shall have both ends painted white with durable paint, if necessary, to provide a contrasting background, and the word "inedible" shall be marked thereon in letters not less than 2 inches high, while on tank cars and tank trucks the letters shall be not less than 4 inches high.

(b) Inspected rendered animal fat which is intended not to be used for human food may also be marked "inedible" if handled as provided in paragraph (a) of this subsection and Section 14 of these regulations.

SECTION 17 - LABELING, MARKING DEVICES, AND CONTAINERS

Subsections

- 17.01 Labels required; supervision by Department employee.
- 17.02 Labels: definition; required features.
- 17.03 Approval of abbreviations of marks of inspection; preparation of marking devices bearing inspection legend without advance approval prohibited; exception.
- 17.04 Labels to be approved by Director.
- 17.05 Veterinary Supervisors to permit certain modifications of approved labels.
- 17.06 Approved labels to be used only on products to which they are applicable.
- 17.07 (Reserved)
- 17.08 False or misleading labeling or practices generally; specific prohibitions and requirements for labels and containers.
- 17.09 (Reserved)
- 17.10 Reuse of official inspection marks; reuse of containers bearing official marks, labels, etc.
- 17.11 Labeling, filling of containers, handling of labeled products to be only in compliance with regulations.
- 17.12 Relabeling products; requirements.
- 17.13 Storage and distribution of labels and containers bearing official marks.
- 17.14 Reporting of obsolete labels.
- 17.15 Authorization required to make labeling or other devices bearing official marks.
- 17.16 (Reserved)
- 17.17 Interpretation and statement of labeling policy for cured products.
- 17.18 (Reserved)
- 17.19 Jar closure requirements.

§ 17.01 Labels required; supervision by Department employee.

(a) When, in an official establishment, any inspected and passed product is placed in any receptacle or covering constituting an immediate container, there shall be affixed to such container a label as described in § 17.02 of this Section except that the following do not have to bear such a label.

(1) Wrappings of dressed carcasses and primal parts in an unprocessed state, bearing the official inspection legend, if such wrappings are intended solely to protect the product against soiling or excessive drying during transportation or storage, and the wrappings bear no information except company brand names, trade marks, or code numbers which do not include any information required by § 17.02 of this Section;

(2) Uncolored transparent coverings, such as cellophane, which bear no written, printed, or graphic matter and which enclose any unpackaged or packaged product bearing all markings required by Section 16 of these regulations which are clearly legible through such coverings;

(3) Animal and transparent artificial casings bearing only the markings required by Section 16 of these regulations;

(4) Stockinettes used as "operative devices," such as those applied to cured meats in preparation for smoking, whether or not such stockinettes are removed following completion of the operations for which they were applied;

(5) Containers such as built-in bags, trays of frozen dinners, and pie pans which bear no information except company brand names, trade marks, code numbers, directions for preparation and serving suggestions, and which are enclosed in a consumer size container that bears a label as described in § 17.02 of this Section;

(6) Containers of products passed for cooking or refrigeration and moved from an official establishment under § 12.01 of these regulations.

(b) Folders and similar coverings made of paper or similar materials, whether or not they completely enclose the product and which bear any written, printed, or graphic matter, shall bear all features required on a label for an immediate container.

(c) No covering or other container which bears or is to bear a label shall be filled, in whole or in part, except with product which has been inspected and passed in compliance with the requirements of these regulations, which is not adulterated and which is strictly in accordance with the statements on the label. No such container shall be filled, in whole or in part, and no label shall be affixed thereto, except under supervision of a Department employee.

§ 17.02 Labels: definition; required features.

(a) A label within the meaning of this Section shall mean a display of any printing, lithographing, embossing, stickers, seals,

§ 17.02 (a)

or other written, printed, or graphic matter upon the immediate container (not including package liners) of any product.

(b) Any word, statement, or other information required by this Section to appear on the label must be 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. In order to meet this requirement, such information must appear on the principal display panel except as otherwise permitted in this Section.

(c) Labels of all products shall show the following information on the principal display panel (except as otherwise permitted in this Section), in accordance with the requirements of this Section or, if applicable, Section 19 of these regulations:

(1) The name of the product, which in the case of a product which purports to be or is represented as a product for which a definition and standard of identity or composition is prescribed in Section 19 of these regulations, shall be the name of the food specified in the standard, and in the case of any other product shall be the common or usual name of the food, if any there be, and if there is none, a truthful descriptive designation, as prescribed in paragraph (e) of this subsection;

(2) If the product is fabricated from two or more ingredients, the word "ingredients" followed by a list of the ingredients as prescribed in paragraph (f) of this subsection;

(3) The name and place of business of the manufacturer, packer, or distributor for whom the product is prepared, as prescribed in paragraph (g) of this subsection;

(4) An accurate statement of the net quantity of contents, as prescribed in paragraph (h) of this subsection;

(5) An official inspection legend and, except as otherwise provided in paragraph (i) of this subsection, the number of the official establishment, in the form required by Section 13 of these regulations;

(6) Any other information required by the regulations in this Section or Section 19 of these regulations.

(d) The principal display panel shall be the part of a label that is most likely to be displayed, presented, shown, or examined under customary conditions of display for sale. Where packages bear alternate principal display panels, information required to be placed on the principal display panel shall be duplicated on each principal display panel. The principal display panel shall be large enough to accommodate all the mandatory label information required to be placed thereon by this Section and Section 19 of these regulations with clarity and conspicuousness and without obscuring of such information by designs or vignettes or crowding. In determining the area of the principal

display panel, exclude tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles or jars. The principal display panel shall be:

(1) In the case of a rectangular package, one entire side, the area of which is at least the product of the height times the width of that side.

(2) In the case of a cylindrical or nearly cylindrical container:

(i) An area that is 40 percent of the product of the height of the container times the circumference of the container, or

(ii) a panel, the width of which is one-third of the circumference and the height of which is as high as the container: Provided, however, That if there is immediately to the right or left of such principal display panel, a panel which has a width not greater than 20 percent of the circumference and a height as high as the container, and which is reserved for information prescribed in subparagraphs (c) (2), (3), and (5), such panel shall be known as the "20 percent panel" and such information may be shown on that panel in lieu of showing it on the principal display panel, as provided in subparagraphs (f) (3), (g) (2), and (i) (8) and (9)

(3) In the case of a container of any other shape, 40 percent of the total surface of the container.

(e) Any descriptive designation used as a product name for a product which has no common or usual name shall clearly and completely identify the product. Product which has been prepared by salting, smoking, drying, cooking, chopping, or otherwise shall be so described on the label unless the name of the product implies, or the manner of packaging shows that the product was subjected to such preparation. The unqualified terms "meat," "meat by-product," "meat food product," and terms common to the meat industry but not common to consumers such as "picnic," "butt," "cala," "square," "loaf," "spread," "delight," "roll," "plate," "luncheon," and "daisy" shall not be used as names of a product unless accompanied with terms descriptive of the product or with a list of ingredients, as deemed necessary in any specific case by the Commissioner in order to assure that the label will not be false or misleading.

(f)(i) The list of ingredients shall show the common or usual names of the ingredients arranged in the descending order or predominance, except as otherwise provided in this paragraph.

(i) The term "flavorings" may be used to designate natural spices, essential oils, oleoresins, and other natural spice extractives, and the term "spices" may be used to designate natural spices, without naming each.

(ii) The term "corn syrup" may be used to designate either corn syrup or corn syrup solids.

(iii) The term "animal and vegetable fats" or "vegetable and

§ 17.02 (f)

animals fats" may be used to designate the ingredients of mixtures of such edible fats in product designated "compound" or "shortening." "Animal fats" as used herein means fat derived from inspected and passed cattle, sheep, swine, or goats.

(iv) When a product is coated with pork fat, gelatin, or other approved substance and a specific declaration of such coating appears contiguous to the name of the product, the ingredient statement need not make reference to the ingredients of such coating.

(v) When two meat ingredients comprise at least 70 percent of the meat and meat by-product ingredients of a formula and when neither of the two meat ingredients is less than 30 percent by weight of the total meat and meat by-products used, such meat ingredients may be interchanged in the formula without a change being made in the ingredients statement on labeling materials: Provided, That the word "and" in lieu of a comma shall be shown between the declaration of such meat ingredients in the statement of ingredients.

(2) On containers of frozen dinners, entrees, pizzas, and similar consumer packaged products in cartons the ingredient statement may be placed on the front riser panel Provided, That the words "see ingredients" followed immediately by an arrow is placed on the principal display panel immediately above the location of such statement without intervening print or designs.

(3) The ingredient statement may be placed on the 20 percent panel adjacent to the principal display panel and reserved for required information, in the case of a cylindrical or nearly cylindrical container.

(g)(1)***The name or trade name of the person that prepared the product may appear as the name of the manufacturer or packer without qualification on the label. Otherwise the name of the distributor of the product shall be shown with a phrase such as "Prepared for _____." The place of business of the manufacturer, packer, or distributor shall be shown on the label by city, State and postal ZIP code when such business is listed in a telephone or city directory, and if not listed in such directory, then the place of business shall be shown by street address, city, State, and postal ZIP code.***

(2) The name and place of business of the manufacturer, packer, or distributor may be shown:

(i) On the principal display panel, or

(ii) On the 20 percent panel adjacent to the principal display panel and reserved for required information, in the case of cylindrical or nearly cylindrical container, or

(iii) On the front riser panel of frozen food cartons.

(h)(1) The statement of net quantity of contents shall appear.

Regulation Change Effective 5-2-75

§ 17.02 (h)

on the principal display panel of all containers to be sold at retail intact, in conspicuous and easily legible boldface print or type in distinct contrast to other matter on the package and shall be declared in accordance with the provisions of subparagraphs (2) through (10) of this paragraph.

(2) The statement as it is shown on a label shall not be false or misleading and shall express an accurate statement of the quantity of contents of the container exclusive of wrappers and packing substances. Reasonable variations caused by loss or gain of moisture during the course of good distribution practices or by unavoidable deviations in good manufacturing practice will be recognized. Variations from stated quantity of contents shall not be unreasonably large.

(3) The statement shall be placed on the principal display panel within the bottom 30 percent of the area of the panel in lines generally parallel to the base: Provided, That on packages having a principal display panel of 5 square inches or less, the requirement for placement within the bottom 30 percent of the area of the label panel shall not apply when the statement meets the other requirements of this paragraph (h). In any case, the statement may appear in more than one line. The terms "net weight" or "net wt." shall be used when stating the net quantity of contents in terms of weight, and the term "net contents" or "content" when stating the net quantity of contents in terms of fluid measure.

(4) The statement shall be expressed in terms of avoirdupois weight or liquid measure. Where no general consumer usage to the contrary exists, the statement shall be in terms of liquid measure, if the product is liquid, or in terms of weight if the product is solid, semisolid viscous or a mixture of solid and liquid. For example, a declaration of 3/4 pound avoirdupois weight shall be expressed as "Net Wt. 12 oz." except as provided for in subparagraph (5) of this subsection for random weight packages; a declaration of 1 1/2 pounds avoirdupois weight shall be expressed as "Net Wt. 24 oz. (1 lb. 8 oz.)." "Net Wt. 24 oz. (1 1/2 lb.)," or "Net Wt. 24 oz. (1.5 lbs.)."

(5) On packages containing 1 pound or 1 pint and less than 4 pounds or 1 gallon, the statement shall be expressed as a dual declaration both in ounces and (immediately thereafter in parenthesis) in pounds, with any remainder in terms of ounces or common or decimal fraction of the pound, or in the case of liquid measure, in the largest whole units with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart, except that on random weight packages the statement shall be expressed in terms of pounds and decimal fractions of the pound carried out to not more than two decimal places, for packages over 1 pound, and for packages which do not exceed 1 pound the statement may be in decimal fractions of the pound in lieu of ounces.

(6) The statement shall be in letters and numerals in type size established in relationship to the area of the principal display panel of the package and shall be uniform for all packages of substantially the same size by complying with the following type specifications:

(i) Not less than one-sixteenth inch in height on packages, the principal display panel of which has an area of 5 square inches or less;

§ 17.02 (h)

(ii) Not less than one-eighth inch in height on packages, the principal display panel of which has an area of more than 5 but not more than 25 square inches;

(iii) Not less than three-sixteenths inch in height on packages, the principal display panel of which has an area of more than 25 but not more than 100 square inches;

(iv) Not less than one-quarter inch in height on packages, the principal display panel of which has an area of more than 100 but not more than 400 square inches;

(v) Not less than one-half inch in height on packages, the principal display panel of which has an area of more than 400 square inches.

(7) The ratio of height to width of letters and numerals shall not exceed a differential of 3 units to 1 unit (no more than 3 times as high as it is wide). Heights pertain to upper case or capital letters. When upper and lower case or all lower case letters are used, it is the lower case letter "o" or its equivalent that shall meet the minimum standards. When fractions are used, each component numeral shall meet one-half the height standards.

(8) The statement shall appear as a distinct item on the principal display panel and shall be separated by a space at least equal to the height of the lettering used in the statement from other printed label information appearing above or below the statement and by a space at least equal to twice the width of the letter "N" of the style of type used in the quantity of contents statement from other printed label information appearing to the left or right of the statement. It shall not include any term qualifying a unit of weight, measure, or count such as "jumbo quart," "full gallon," "giant quart," "when packed," "Minimum," or words of similar import.

(9) The following exemptions from the requirements contained in this paragraph (h) are hereby established:

(i) Individually wrapped and labeled packages of less than 1/2-ounce net weight which are in a shipping container, need not bear a statement of net quantity of contents as specified in this paragraph (h) when the statement of net quantity of contents on the shipping container meets the requirements of this paragraph (h);

(ii) Random weight consumer size packages bearing labels declaring net weight, price per pound, and total price, shall be exempt from the type size, dual declaration and placement requirements of this paragraph (h), if an accurate statement of net weight is shown conspicuously on the principal display panel of the package.

(iii) Margarine in 1 pound rectangular packages (except packages containing whipped or soft margarine or packages that contain more than four sticks) is exempt from the requirements of subparagraphs (3) and (5) of this paragraph (h) regarding the placement of the statement of the net quantity of contents within the bottom 30 percent of the

§ 17.02 (h)

principal display panel and that the statement be expressed both in ounces and in pounds, if the statement appears as "1 pound" or "one pound" in a conspicuous manner on the principal display panel.

(iv) Sliced shingle packed bacon in rectangular packages containing 8 ounces, 1 pound, or 2 pounds are exempt from the requirements of subparagraphs (3) and (5) of this paragraph (h) regarding the placement of the statement of the net quantity of contents within the bottom 30 percent of the principal display panel and that the statement be expressed both in ounces and in pounds if the statement appears as "8 oz.," "1/2 pound," "1 pound," "one pound," "2 pounds," or "two pounds," as the case may be, in a conspicuous manner on the principal display panel.

(10) Labels for containers which bear any representation as to the number of servings contained therein shall bear, contiguous to such representation, and in the same size type as is used for such representation, a statement of the net quantity of each such serving.

(11) As used in this Section a "random weight package" is one which is one of a lot, shipment, or delivery of packages of the same product with varying weights and with no fixed weight pattern.

(12) On a multiunit retail package, a statement of the net quantity of contents shall appear on the outside of the package and shall include the number of individual units, the quantity of each individual unit, and, in parentheses, the total net quantity of contents of the multiunit package in terms of avoirdupois or fluid ounces, except that such declaration of total quantity need not be followed by an additional parenthetical declaration in terms of the largest whole units and subdivisions thereof, as required by paragraph (h) (5) of this subsection. For the purposes of this subsection, "multiunit retail package" means a package containing two or more individually packaged units of the identical commodity and in the same quantity, with the individual packages intended to be sold as part of the multiunit retail package but capable of being individually sold in full compliance with all requirements of the regulations in this Section. Open multiunit retail packages that do not obscure the number of units and the labeling thereon are not subject to this subparagraph if the labeling of each individual unit complies with the requirements of subparagraphs (2), (3), (6), and (8) of this paragraph (h).

(13) Shingle packed sliced bacon cartons containing product weighing other than 8 ounces, 1 pound, or 2 pounds shall have the statement of the net quantity of contents shown with the same prominence as the most conspicuous feature on the label and printed in a color of ink contrasting sharply with the background and such containers of sliced bacon that are rectangular are exempt from the requirements of subparagraphs (3) and (5) of this paragraph (h) regarding the placement of the statement of the net quantity of contents within the bottom 30 percent of the principal display panel and that the statement be expressed both in ounces and in pounds.

(i)(1) The official establishment number shall be either embossed

§ 17.02 (i)

or lithographed on all hermetically sealed metal, plastic, or glass containers of products fully processed within such containers in an official establishment, except that such containers which bear labels lithographed directly on the container and in which the establishment number is incorporated need not have the establishment number separately embossed or lithographed thereon. Labels shall not be affixed to containers so as to obscure the embossed or lithographed establishment number.

(2) When any product is placed in a carton or in a wrapper of paper or cloth or in any other type of container approved by the Director, which is labeled in accordance with this Section, the official inspection legend and the official establishment number as specified in paragraph (c) of this subsection, may be applied by means of a sticker to be securely and prominently affixed, along with the name of product, at a place on the label reserved for the purpose. In case there are two or more display panels featuring the name of product, the inspection sticker shall be affixed to each panel.

(3) The official establishment number may be omitted from the official inspection legend on cartons used as outer containers of edible fats, such as lard and oleomargarine, when such products are enclosed in wrappers which bear an official inspection legend containing the official establishment number.

(4) The official establishment number may be omitted from the official inspection legend on the immediate containers of sliced bacon, frozen dinners and pies, and similarly packaged products when the official establishment number is placed on an end panel at the time of packaging and when it is presented on a single colored background in a prominent and legible manner in a size sufficient to insure easy recognition.

(5) The official establishment number may be omitted from the official inspection legend on consumer size packages of sliced meat food products when the official establishment number is printed on the label at the time of packaging and when it is presented on a single colored background in a prominent and legible manner in a size sufficient to insure easy recognition.

(6) The official establishment number may be omitted from the official inspection legend on consumer size containers of meat food products in aluminum pans or trays when the official establishment number is embossed in such pans or trays and when a statement such as "Est. No. on Pan" is placed contiguous to the official inspection legend on the container.

(7) The official establishment number may be omitted from the official inspection legend printed on artificial casings or bags enclosing meat food products when the official establishment number is etched in ink on a flat surface of a metal clip used to close the container in a prominent and legible manner in a size sufficient to insure easy recognition and when a statement, such as, "Est. No. on Metal Clip" is placed contiguous to the official inspection legend on the casing or bag.

(8) The official establishment number may be omitted from the official inspection legend printed on paper labels of canned products when the official establishment number is printed on the principal display panel, or on the 20 percent panel as permitted under subparagraph (9), at the time of labeling the containers; or the official establishment number may be printed on the back of the paper label when the statement "Est. No. on Back of Label" is printed contiguous to the official inspection legend, in a prominent and legible manner in a size sufficient to insure easy recognition.

(9) The official inspection legend, and the official establishment number when required under this paragraph (1), may be placed on the 20 percent panel adjacent to the principal display panel and reserved for required information, in the case of a cylindrical or nearly cylindrical container.

(j) Labels of any product within any of the following paragraphs shall show the information required by such paragraph for such product:

(1) A label for product which is an imitation of another food shall bear the word "imitation" immediately preceding the name of the food imitated and in the same size and style of lettering as in that name and immediately thereafter the word "ingredients:" and the names of the ingredients arranged in the order of their predominance. This subparagraph (1) shall not apply to parts of a carcass which have been so prepared that they resemble an article such as a ham for which a standard is prescribed in Section 19 of these regulations but which do not meet the requirements of such standard.

(2) If a product purports to be or is represented for any special dietary use by man, its label shall bear a statement concerning its vitamin, mineral, and other dietary properties upon which the claim for such use is based in whole or in part and shall be in conformity with regulations (21 CFR Part 125) established pursuant to Sections 403, and 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343, 371.)

(3) When an approved artificial smoke flavoring or an approved smoke flavoring is added as an ingredient in the formula of a meat food product, as permitted in Section 18 of these regulations, there shall appear on the label, in prominent letters and contiguous to the name of the product, a statement such as "Artificial Smoke Flavoring Added" or "Smoke Flavoring Added," as may be applicable, and the ingredient statement shall identify any artificial smoke flavoring so added as an ingredient in the formula of the meat food product, **and the ingredient statement shall identify any artificial smoke flavoring or smoke flavoring so added as an ingredient in the formula of the meat food product.**

(4) When any other artificial flavoring is permitted under Section 18 of these regulations to be added to a product, the ingredient statement shall identify it as "Artificial Flavoring."

(5) When artificial coloring is added to edible fats as permitted under Section 18 of these regulations such substance shall be declared on the label in a prominent manner and contiguous to the name of the product

by the words "Artificially colored" or "Artificial coloring added" or "With added artificial coloring." When natural coloring such as annatto is added to edible fats as permitted under Section 18 of these regulations such substance shall be declared on the label in the same manner by a phrase such as "Colored with annatto."

(6) When product is placed in a casing to which artificial coloring is applied as permitted under Section 18 of these regulations, there shall appear on the label, in a prominent manner and contiguous to the name of the product, the words, "Artificially colored."

(7) If a casing is removed from product at an official establishment and there is evidence of artificial coloring on the surface of the product, there shall appear on the label, in a prominent manner and contiguous to the name of product, the words, "Artificially colored."

(8) When a casing is colored prior to its use as a covering for product and the color is not transferred to the product enclosed in the casing, no reference to color need appear on the label but no such casing may be used if it is misleading or deceptive with respect to color, quality, or kind of product, or otherwise.

(9) Product which bears or contains any other artificial coloring, as permitted under Section 18 of these regulations, shall bear a label stating that fact on the immediate container or if there is none, on the product.

(10) When an antioxidant is added to product as permitted under Section 18 of these regulations, there shall appear on the label in prominent letters and contiguous to the name of the product, a statement identifying the officially approved specific antioxidant by its common name or abbreviation thereof and the purpose for which it is added, such as, "BHA, BHT, and Propylgallate added to help protect flavor."

(11) (Reserved)

(12) Containers of other product packed in, bearing, or containing any chemical preservative shall bear a label stating that fact.

** (13) When any "Mechanically Processed (Species) Product" described in § 19.05 of these Regulations is used as an ingredient in the preparation of a meat food product, the name of the finished product shall be further qualified by the phrases "With Mechanically Processed (Species) Product" and "Contains Up to _____% Powdered Bone." When any "Imitation Mechanically Processed (Species) Product" is used as an ingredient in the preparation of a meat food product, the name of the meat food product shall be preceded by the term, "Imitation" and the name of the finished product shall be further qualified by the phrases "With Imitation Mechanically Processed (Species) Product" and "Contains Up to _____% Powdered Bone." The percent of bone shall be the amount of hard bone in the finished food product. The percentage of powdered bone shall be determined by multiplying the calcium content of the "Mechanically Processed (Species) Product" by the factor 4 and then by the percent of "Mechanically Processed (Species) Product" in the finished product. Examples of such label declarations are: "Pork Sausage" With Mechanically Processed (Species) Product" "Contains Up to _____% Powdered Bone"; "Frankfurter" "With Mechanically

§ 17.02 (j)**

Processed (Species) Product" "Contains Up to _____% Powdered Bone"; "Imitation Cooked Salami" "With Imitation Mechanically Processed (Species) Product" "Contains Up to _____% Powdered Bone." Any phrase qualifying the product name shall be at least on half the size of the product name, except that "Contains Up to _____% Powdered Bone" shall be at least one quarter the size of the product name. In addition, the ingredient statement shall include the proper order of predominance "Mechanically Processed (Species) Product," or "Imitation Mechanically Processed (Species) Product," e.g., Mechanically Processed Beef Product, Imitation Mechanically Processed (Species) Product.

* (k) Packaged products which require special handling to maintain their wholesome condition shall have prominently displayed on the principal display panel of the label the statement: "Keep Refrigerated," "Keep Frozen," "Perishable Keep Under Refrigeration," or such similar statement as the Director may approve in specific cases. Products that are distributed frozen during distribution and thawed prior to or during display for sale at retail shall bear the statement on the shipping container: "Keep Frozen." The consumer-size containers for such products shall bear the statement "Previously Handled Frozen for your Protection, Refreeze or keep Refrigerated." For all perishable canned products the statement shall be shown in upper case letters one-fourth inch in height for containers having a net weight of 3 pounds or less, and for containers having a net weight over 3 pounds, the statement shall be in upper case letters at least one-half inch in height.

* Regulation Change Effective 4/22/74*

Regulation Change Effective 11/10/80

*[1] Deleted

§ 17.03 Approval of abbreviations of marks of inspection; preparation of marking devices bearing inspection legend without advance approval prohibited; exception.

The director may approve and authorize the use of abbreviations of marks of inspections under the regulations. Such abbreviations shall have the same force and effect as the respective marks for which they are authorized abbreviations.

except for the purpose of submitting a sample or samples of the same to the director for approval, no person shall procure, make, or prepare, or cause to be procured, made, or prepared, labels, brands, or other marking devices bearing the inspection legend or any abbreviations, copy or representation thereof, for use on any product without the written authority therefore of the director. However, when any sample label, brand, or other marking device is approved by the Director, new supplies of such labels and new brands and other marking devices of a character exactly similar to such approved sample may be procured, made, or prepared, for use in accordance with the provisions in these regulations, without further approval by the Director.

§ 17.04 Labels to be approved the Director.

(a) Except as provided in paragraph (d) of this subsection no label shall be used on any product until it has been approved in its final form by the Director. For the convenience of the establishment sketches or proofs of new labels may be submitted in triplicate through the Veterinary Supervisor to the Department for approval and the preparation of finished labels deferred until such approval is obtained. All finished labels shall be submitted in quadruplicate through the Veterinary Supervisor to the Department for approval.

(b) In case of lithographed labels, paper take-offs in lieu of sections of the metal containers shall be submitted for approval. Such paper take-offs shall not be in the form of a negative but shall be a complete reproduction of the label as it will appear on the package, including any color scheme involved. In case of fiber containers, printed layers, such as the kraft paper sheet, shall be submitted for approval in lieu of the complete container.

(c) Inserts, tags, liners, pasters, and like devices containing printed or graphic matter and for use on, or to be placed within, containers and coverings of product shall be submitted for approval in the same manner as provided for labels in paragraph (a) of this subsection, except that Veterinary Supervisor may permit use of such devices which contain no reference to product and bear no misleading feature.

(d) Stencils, labels, box dies, and brands may be used on shipping containers and on such immediate containers as tierces, barrels, drums, boxes, crates, and large-size fiberboard containers provided the

Regulation Change Effective 5-10-72

§ 17.04 (d)

markings are applicable to the product, are not false or deceptive, and are used with the approval of the Veterinary Supervisor. The inspection legend for use in combination with such markings shall be approved by the Director.

§ 17.05 Veterinary Supervisors to permit certain modifications of approved labels.

§ 17.05

The Veterinary Supervisor may permit modification of approved labels, or markings, under the following circumstances, provided the labeling or marking as modified is so used as not to be false or misleading:

(a) When all features of the label or marking are proportionately enlarged and the color scheme remains the same;

(b) When there is substitution of such abbreviations as "lb." for "pound," or "oz." for "ounce," or the word "pound" or "ounce" is substituted for the abbreviation;

(c) When a master or stock label has been approved from which the name and address of the distributor are omitted and such name and address are applied before being used (in such case, the words "prepared for" or similar statement must be shown together with the blank space reserved for the insertion of the name and address when such labels are offered for approval);

(d) When, during Christmas and other holiday seasons, wrappers or other covers bearing floral or foliage designs or illustrations of rabbits, chicks, fireworks, or other emblematic holiday designs are used with approved labels or markings. (The use of such designs will not make necessary the application of labeling not otherwise required);

(e) When there is a slight change in arrangement of directions pertaining to the opening of cans or the serving of the product;

(f) When there is a change in the quantity of an ingredient shown in the formula without a change in the order or predominance shown on the label: Provided, That the change in quantity of ingredients complies with any minimum or maximum limits for the use of such ingredients prescribed in Section 18 and 19 of these regulations.

§ 17.06 Approved labels to be used only on products to which they are applicable.

Labels shall be used only on products for which they are approved, and only if they have been approved for such products in accordance with § 17.03 of this Section: Provided, That existing stocks of labels approved prior to the effective date of this subsection and the quantity of which has been identified to the Veterinary Supervisor as being in storage on said date at the official establishment or other identified warehouse for the account of the operator of the official establishment may be used until such stocks are exhausted, but not later than 1 year after the effective date of this Section unless such labels conform to all the requirements of this Section and Section 17 of these regulations. The Director may upon the show of good cause grant individual extension of time as he deems necessary.

§ 17.07 (Reserved)

§ 17.08 False or misleading labeling or practices generally; specific prohibitions and requirements for labels and containers.

(a) No product or any of its wrappers, packaging, or other

§ 17.08 (a)

containers shall bear any false or misleading marking, label, or other labeling and no statement, word, picture, design, or device which conveys any false impression or gives any false indication of origin or quality or is otherwise false or misleading shall appear in any marking or other labeling. No product shall be wholly or partly enclosed in any wrapper, packaging, or other container that is so made, formed, or filled as to be misleading.

(b) The labels and containers of product shall comply with the following provisions, as applicable:

*** (1) Terms having geographical significance with reference to a locality other than that in which the product is prepared may appear on the label only when qualified by the word "style," "type" or "brand," as the case may be, in the same size and style of lettering as in the geographical term, and accompanied with a prominent qualifying statement identifying the country, state, territory, or locality in which the product is prepared, using terms appropriate to effect the qualification. When the word "style" or "type" is used, there must be a recognized style or type of product identified with and peculiar to the area represented by the geographical term and the product must possess the characteristics of such or type, and the word "brand" shall not be used in such a way as to be false or misleading: Provided, That a geographical term which has come into general usage as a trade name and which has been approved by the Director as being a generic term may be used without the qualifications provided for in this paragraph. The terms "frankfurter," "vienna," "bologna," "lebanon bologna," "braunschweiler," "thuringer," "genoa," "leona," "berliner," "holstein," "doteboro," "milan," "polish," "*italian*" and their modifications, as applied to sausages, the terms "brunswick" and "irish" as applied to stews and the term "boston" as applied to pork shoulder butts need not be accompanied with the word "style," "type," or "brand," or a statement identifying the locality in which the product is prepared.***

(2) Such terms as "farm" or "country" shall not be used on labels in connection with products unless such products are actually prepared on the farm or in the country: Provided, That if the product is prepared in the same way as on the farm or in the country these terms, if qualified by the word "style" in the same size and style of lettering, may be used: Provided further, That the term "farm" may be used as part of a brand designation when qualified by the word "brand" in the same size and style of lettering, and followed with a statement identifying the locality in which the product is prepared: ****And Provided further, that the provisions of this subparagraph shall not apply to products prepared in accordance with § 19.106 of these regulations.**** Sausage containing cereal shall not be labeled "farm style" or "country style," and lard not rendered in an open kettle shall not be designated as "farm style" or "country style."

(3) The requirement that the label shall contain the name and place of business of the manufacturer, packer, or distributor shall not relieve any establishment from the requirement that its label shall not be misleading in any particular.

(4) The term "spring lamb" or "genuine spring lamb" is applicable only to carcasses of new-crop lambs slaughtered during the period beginning in March and terminating not beyond the close of the week containing the first Monday in October.

Regulation Change Effective 10/15/77

(5)*(i)* Coverings shall not be of such color, design, or kind as to be misleading with respect to color, quality, or kind of product to which they are applied. For example, transparent or semitransparent coverings for such articles as sliced bacon or fresh (uncooked) meat and meat food products shall not bear lines or other designs of red or other color which give a false impression of leanness of the product. Transparent or semitransparent wrappers, casings, or coverings for use in packaging cured, cured and smoked, or cured and cooked sausage products, and sliced ready-to-eat meat food products may be color tinted or bear red designs on 50 percent of such wrapper or covering: Provided, That the transparent or semitransparent portion of the principal display panel is free of color tinting and red designs: And provided further, That the principal display panel provides at least 20 percent unobstructed clear space, consolidated in one area so that the true nature and color of the product is visible to the consumer.

**(ii) Packages for sliced bacon that have a transparent opening shall be designed to expose, for viewing, the cut surface of a representative slice. Packages for sliced bacon which meet the following specifications will be accepted as meeting the requirements of this subparagraph provided the enclosed bacon is positioned so that the cut surface of the representative slice can be visually examined:*

(a) For shingle-packed sliced bacon, the transparent window shall be designed to reveal at least 70 percent of the length (longest dimension) of the representative slice, and this window shall be at least 1 1/2 inches wide. The transparent window shall be located not more than five-eighths inch from the top or bottom edge of a 1-pound or smaller package and not more than three-fourths inch from either the top or bottom edge of a package larger than 1 pound.

*(b) For stack-packed slice bacon, the transparent window shall be designed to reveal at least 70 percent of the length (longest dimension) of the representative slice and be at least 1 1/2 inches wide.**

(6) The word "fresh" shall not be used on labels to designate product which contains any sodium nitrate, sodium nitrite, potassium nitrate, or potassium nitrite, or which has been salted for preservation.

(7) No ingredient shall be designated on the label as a spice, flavoring, or coloring unless it is a spice, flavoring, or coloring, as the case may be, except that spice may be considered to be flavoring as provided in § 17.02 (f) (1) (i) of this Section. An ingredient which is both a spice and a coloring, or both a flavoring and a coloring, shall be designated as "spice and coloring," or "flavoring and coloring," as the case may be, unless such ingredient is designated by its specific name.

(8) As used on labels of product, the term "gelatin" shall mean:

(i) the jelly prepared in official establishments by cooking pork skins, tendons, or connective tissue from inspected and passed product, and

(ii) dry commercial gelatin or the jelly resulting from its use.

(9) Product (other than ~~meat~~ product) labeled with the term "loaf" as part of its name:

(i) If distributed from the official establishment in consumer size containers may be in any shape;

(ii) If distributed in a container of a size larger than that sold intact at retail the product shall be prepared in rectangular form, or as in (iii) of this subparagraph;

(iii) If labeled as an "Old Fashioned Loaf" shall be prepared in a traditional form, such as rectangular with rounded top or circular with flat bottom and rounded top.

(10) The term "baked" shall apply only to product which has been cooked by the direct action of dry heat and for a sufficient time to permit the product to assume the characteristics of a baked article, such as the formation of a brown crust on the surface, rendering out of surface fat, and the caramelization of the sugar if applied. Baked loaves shall be heated to a temperature of at least 160°F. and baked pork cuts shall be heated to an internal temperature of at least 170°F.

(11) When products such as loaves are browned by dipping in hot edible oil or by a flame, the label shall state such fact, e.g., by the words "Browned in Hot Cottonseed Oil" or "Browned by a Flame," as the case may be, appearing as part of the product name.

(12) The term "meat" and the names of particular kinds of meat, such as beef, veal, mutton, lamb, and pork, shall not be used in such manner as to be false or misleading.

(13) The word "ham," without any prefix indicating the species of animal from which derived, shall be used in labeling only in connection with the hind legs of swine. Ham shanks as such or ham shank meat as such or the trimmings accruing in the trimming and shaping of hams shall not be labeled "ham" or "ham meat" without qualification. When used in connection with a chopped product the term "ham" or "ham meat" shall not include the skin.

(14) The terms "shankless" and "hockless" shall apply only to hams and pork shoulders from which the shank or hock has been completely removed, thus eliminating the entire tibia and fibula, or radius and ulna, respectively, together with the overlying muscle, skin, and other tissue.

(15) Such terms as "meat extract" or "extract of beef" without qualification shall not be used on labels of connection with products prepared from organs or other parts of the carcass, other than fresh meat. Extracts prepared from any parts of the carcass other than fresh meat may be properly labeled as extracts with the true name of the parts from which prepared. In the case of extract in fluid form, the word "fluid" shall also appear on the label, as, for example, "fluid extract of beef."

§ 17.08 (b)

(16) When cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, isolated soy protein, dried milk, nonfat dry milk, or calcium reduced dried skim milk is added to sausage within the limits prescribed in Section 19 of these regulations, there shall appear on the label in a prominent manner, contiguous to the name of the product, the name of each such added ingredient, as, for example, "Cereal Added," "With Cereal," "Potato Flour Added," "Cereal and Potato Flour Added," "Soy Flour Added," "Soy Protein Concentrate Added," "Isolated Soy Protein Added," "Nonfat Dry Milk Added," "Calcium Reduced Dried Skim Milk Added," or "Cereal and Nonfat Dry Milk Added," as the case may be.

(17) When any product is enclosed in a container along with a packing substance such as brine, vinegar, or agar jelly, a declaration of the packing substance shall be printed prominently on the label as part of the name of the product, as for example, "frankfurters packed in brine," "lamb tongue packed in vinegar," or "beef tongue packed in agar jelly," as the case may be. The packing substance shall not be used in such a manner as will result in the container being so filled

as to be misleading.

(18) "Leaf Lard" is lard prepared from fresh leaf fat.

(19) When lard or hardened lard is mixed with rendered pork fat or hardened rendered pork fat, the mixture shall be designated as "rendered pork fat" or "hardened rendered pork fat," as the case may be.

(20) Oil, stearin, or stock obtained from beef or mutton fats rendered at a temperature above 170°F. shall not be designated as "oleo oil," "oleo stearin," or "oleo stock," respectively.

(21) When not more than 20 percent of beef fat, mutton fat, oleo stearin, vegetable stearin, or hardened vegetable fat is mixed with lard or with rendered pork fat, there shall appear on the label, contiguous to and in the same size and style of lettering as the name of the product, the words "beef fat added," "mutton fat added," "oleo stearin added," "vegetable stearin added," or "hardened vegetable-fat added," as the case may be. If more than 20 percent is added, the product name shall refer to the particular animal fat or fats used, such as, "Lard and Beef Fat." The designation "vegetable fat" is applicable to vegetable oil, vegetable stearin, or a combination of such oil and stearin, whereas the designations "vegetable oil" and "vegetable stearin" shall be applicable only to the oil and the stearin respectively, when used in meat food products.

(22) Cooked, cured, or pickled pigs feet, pigs knuckles, and similar products, shall be labeled to show that the bones remain in the product, if such is the case. The designation "semi-boneless" shall not be used if less than 50 percent of the total weight of bones has been removed.

(23) When monoglycerides, diglycerides, and/or polyglycerol esters of fatty acids are added to rendered animal fat or a combination of such fat and vegetable fat, there shall appear on the label in a prominent manner and contiguous to the name of the product a statement such as "With Monoglycerides and Diglycerides Added," or "With Diglycerides and Monoglycerides," or "With Polyglycerol Esters of Fatty Acids" as the case may be.

(24) Colored oleomargarine or colored margarine packed for retail sale shall be in containers not exceeding 1-pound capacity, labeled as follows:

(i) The word "oleomargarine" or "margarine" shall appear on each principal display panel of the container in type of lettering at least as large and in at least the same prominence as any other type of lettering appearing on such container.

(ii) A full and accurate statement of all the ingredients contained in such oleomargarine or margarine shall be prominently and informatively displayed contiguous to the word "oleomargarine" or "margarine" wherever such word is featured on the container. The ingredients shall be shown by their common or usual name and be arranged in the order of their predominance. Collective terms such as "animal

fat" and "vegetable fat" shall not be used unless the specific fat, oil, or steering shall be shown.

(iii) Each part of the contents of the container shall be enclosed in a wrapper bearing the word "oleomargarine" or "margarine" in type or lettering not smaller than 20-point type.

(iv) Wrapper quarter pound sticks or similar units of such oleomargarine or margarine packaged together in a container may constitute units for retail sale and they shall be individually wrapped and labeled in accordance with subdivisions (i), (ii), and (iii) of this subparagraph (24).

(25) When approved proteolytic enzymes as permitted Section 18 of these regulations are used on steaks or other meat cuts in an official establishment, there shall appear on the label contiguous to the product name, a prominent descriptive statement, such as "Dipped in a solution of Papain," to indicate the use of such enzymes.

(26) When dimethylpolysiloxane is added as an antifoaming agent to rendered fats, its presence shall be declared on the label contiguous to the name of the product. Such declaration shall read "Dimethylpolysiloxane Added."

(27) When pizzas are formulated with crust containing calcium propionate or sodium propionate, there shall appear on the label contiguous to the name of the product the statement "_____ added to retard spoilage of crust" preceded by the name of the preservative.

(28) Sausage of the dry varieties treated with potassium sorbate or propylparaben (propyl p-hydroxybenzoate) as permitted by Section 18 of these regulations, shall be marked or labeled with a statement disclosing such treatment and the purpose thereof, such as "dipped in a potassium sorbate solution to retard mold growth."

(29) Meat of goats shall be identified as goat meat or chevon.

(30) The term "Chitterlings" shall apply to the large intestines of swine, or young bovine animals when preceded with word "calf" or "veal." Meat food products that contain chitterlings or calf or veal chitterlings, in accordance with § 17.06 (b) (8) of these regulations shall be identified with product name that refer to such ingredients, as for instance, "Chitterling Loaf," "Chitterling Pie," or "Calf Chitterlings and Gravy," and shall be packed in containers having a capacity of 3 pounds or less and of a kind usually sold at retail intent and bearing such other information as is required by this section.

** (31) Products that contain blood from livestock as permitted by Section 18 of these regulations shall be labeled with a name that includes the term "blood," and the specific kind of blood shall be declared in the ingredient statement, e.g., "Swine blood," in the manner required by this part.**

** (32) A calendar date may be shown on labeling when declared in accordance with the provisions of this subparagraph.

Regulation Change Effective 4/22/74

Regulation Change Effective 5-8-75

**** (i)** The calendar date shall express the month of the year and the day of the month for all products and also the year in the case of products hermetically sealed in metal or glass containers, dried or frozen products, or any other products that the Director finds should be labeled with the year because the distribution and marketing practices with respect to such products may cause a label without a year identification to be misleading. ******

**** (ii)** Immediately adjacent to the calendar date shall be a phrase explaining the meaning of such date, in terms of "packing" date, "sell by" date, or "use before" date, with or without a further qualifying phrase, e.g., "For Maximum Freshness" or "For Best Quality," and such phrases shall be approved by the Director as prescribed in § 17.04. ******

***** (33)** *When bread, cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, or isolated soy protein is added in bockwurst as permitted in § 19.281 of these regulations, there shall appear on the label in a prominent manner and contiguous to the product name, the name of such added ingredient, e.g., "Bread Added," "Cereal Added," or "Soy Protein Concentrate Added," as the case may be.* *******

**** (34)** The terms "All," "Pure," "100%," and terms of similar connotation shall not be used on labels for products to identify ingredient content, unless the product is prepared solely from a single ingredient. ******

§ 17.09 (Reserved)

§ 17.10 Reuse of official inspection marks; reuse of containers bearing official marks, labels, etc.

(a) No official inspection legend or other official mark which has been previously used shall be used again for the identification of any product, except as provided for in paragraph (b) of this subsection.

(b) All stencils, marks, labels, or other labeling on previously used containers, whether relating to any product or otherwise, shall be removed or obliterated before such containers are used for any product, unless such labeling correctly indicates the product to be packed therein and such containers are refilled under the supervision of a Department employee.

§ 17.11 Labeling, filling of containers, handling of labeled products to be only in compliance with regulations.

**** Regulation Change Effective 5/2/75 ****

***** Regulation Change Effective 10/15/77 *****

§ 17.11 (a)

(a) No person shall in any official establishment apply or affix, or cause to be applied or affixed, any label to any product prepared or received in such establishment, or to any container thereof, or fill any container at such an establishment, except in compliance with the provisions in these regulations.

(b) No covering or other container shall be filled, in whole or in part, at any official establishment with any product unless it has been inspected and passed in compliance with the provisions in these regulations, is not adulterated, and is strictly in accordance with the statement on the label, and such filling is done under the supervision of a Department employee.

(c) No person shall remove, or cause to be removed from an official establishment any product bearing a label unless such label is in compliance with the provisions in these regulations, or any product not bearing a label required by such regulations.

§ 17.12 Relabeling products; requirements.

When it is claimed by an official establishment that any of its products which bore labels bearing official marks has been transported to a location other than an official establishment, and it is desired to relabel the product because the labels have become mutilated or otherwise damaged, a request for relabeling the product shall be sent to the Director, accompanied with a statement of the reasons therefor. Labeling material intended for relabeling inspected and passed product shall not be transported from an official establishment until permission has been received from the Director. The relabeling of inspected and passed product with labels bearing any official marks shall be done under the supervision of a Department inspector.

§ 17.13 Storage and distribution of labels and containers bearing official marks.

Labels, wrappers, and containers bearing any official marks, with or without the establishment number, may be transported from one official establishment to any other official establishment provided such shipments are made with the prior authorization of the Veterinary Supervisor at point of origin, who will notify the Veterinary Supervisor at destination concerning the date of shipment, quantity, and type of labeling material involved. No such material shall be used at the establishment to which it is shipped unless such use conforms with the requirements of these regulations.

§ 17.14 Reporting of obsolete labels.

Once a year, or oftener if necessary, the operator of each official establishment shall submit to the Director, in quadruplicate, a list of approved labels no longer used or a list of the documents issued by the Director approving the labels involved. The approved labels shall be identified by the approval number, the date of approval, and the name of the product, or other designation showing the class of labeling material.

§ 17.15 Authorization required to make labeling or other devices bearing official marks.

§ 17.15

(a) No person shall cast, print, lithograph, or otherwise make or cause to be made, any labeling or other device, bearing any official mark, or simulation thereof, except as authorized by the Director as provided for in this subsection or in § 17.03.

(b) Upon approval of a sketch under § 17.03 the operator of the official establishment involved is authorized to make or cause to be made labeling or other devices, bearing official marks, in accordance with the approved sketch. The operator of the official establishment shall supply a copy of the approved sketch to the manufacturer from which the approved labeling or device is to be obtained. Records identifying the labeling and devices, bearing official marks, which were ordered and received and the disposition of such articles shall be maintained by the operator of the official establishment, as provided in Section 20 of these regulations. Such records shall include the official approval number issued for each of labeling or device, the identity of the manufacturer, the quantity ordered and the quantity received, and the disposition of the articles.

§ 17.16 (Reserved)

** § 17.17 Interpretation and statement of labeling policy for cured products; special labeling requirements concerning nitrate and nitrite.

With respect to § 2.02 (q) (7), (9) and (12) and § 17.02 of these regulations, any substance mixed with another substance to cure a product must be identified in the ingredients statement on the label of such product. For example, curing mixtures composed of such ingredients as water, salt, sugar, sodium phosphate, sodium nitrate, and sodium nitrite or other permitted substances which are added to any product, must be identified on the label of the product by listing each such ingredient in accordance with the provisions of § 17.02 of this section.

(a) With respect to Section 2 (q), (7), (9), and (12) of these regulations § 17.02 of this section, any substance mixed with another substance to cure to a product must be identified in the ingredients statement on the label of such product. For example, curing mixtures composed of such ingredients as water, salt, sugar, sodium phosphate, sodium nitrate, and sodium nitrite or other permitted substances which are added to any product, must be identified on the label of the product by listing each such ingredient in accordance with the provisions of § 17.02 of this section.

(b) Any product, such as bacon or pepperoni, which is required to be labeled by a common or usual name or descriptive name in accordance with § 17.02 (a) (1) of this section and to which nitrate or nitrite is permitted or required to be added may be prepared without nitrate or nitrite and labeled with such common or usual name or descriptive name when immediately preceded with the term "Uncured" as part of the product name in the same size and style of lettering as the product name, provided that the product is found by the Director to be similar in size, flavor, consistency, and general appearance to such product as commonly prepared with nitrate or nitrite, or both.

(c) (1) Products described in paragraph (b) of this subsection or § 19.02 of these regulations, which contain no nitrate or nitrite shall bear the statement "No Nitrate or Nitrite Added." This statement shall be adjacent to the product name in lettering of easily readable style and at least on half the size of the product name.

Regulation Change Effective 11/10/80

§ 17.17. continued

(2) Products described in paragraph (b) of this subsection and § 19.02 of these regulations shall bear, adjacent to the product name in lettering of easily readable style and at least one-half the size of the product name, the statement "Not Preserved-Keep Refrigerated Below 40 F. At all Times" unless they have been thermally processed to F 3 or more; they have been fermented or pickled to pH of 4.6 or less; or they have been dried to a water activity of 0.92 or less.

(3) Products described in paragraph (b) of this subsection and § 19.02 of these regulations shall not be subject to the labeling requirements of paragraphs (b) and (c) of this subsection if they contain an amount of salt sufficient to achieve a brine concentration of 10 percent or more.

§ 17.18 (Reserved)

§ 17.19 Jar closures requirements.

Vacuum packed containers sealed with quick-twist, screw-on, or snap-on lids (or closures) shall not have an annular space between the inner edge of the lid's rim (lip or skirt) and the container itself or shall have such space sealed in a manner that will make it inaccessible to filth and insects.

SECTION 18 - ENTRY INTO OFFICIAL ESTABLISHMENTS;
REINSPECTION AND PREPARATION OF PRODUCTS

Subsections

- 18.01 Products and other articles entering official establishments.
- 18.02 Reinspection, retention, and disposal of meat products at official establishments.
- 18.03 Designation of places of receipt of products and other articles for reinspection.
- 18.04 Preparation of products to be officially supervised; responsibilities of official establishments.
- 18.05 Requirements concerning procedures.
- 18.06 Requirements concerning ingredients and other articles used in preparation of products.
- 18.07 Approval of substances for use in the preparation of products.
- 18.08 (Reserved)
- 18.09 Samples of products, water, dyes, chemicals, etc., to be taken for examination.
- 18.10 Prescribed treatment of pork and products containing pork to destroy trichinae.
- 18.11 Canning with heat processing and hermetically sealed containers; cleaning containers; closure; code marking; heat processing; incubation.
- 18.12 Manufacture of dog food or similar uninspected article at official establishments.
- 18.13 Mixtures containing product but not amenable to the Law.
- 18.14 Adulteration of products by flood water, etc.; procedure for handling.
- 18.15 Tagging chemicals, perservatives, cereals, spices, etc., "W.Va. retained."
- 18.16 Pesticide chemicals and other residues in products.
- 18.17 Cooking requirements for cooked beef and roast beef.
- 18.18 Handling of certain material for mechanical processing.

§ 18.01

§ 18.01 Products and other articles entering official establishments.

(a) Except as otherwise provided in paragraphs (g) and (h), of this subsection or § 18.12 of this Section, no product shall be brought into an official establishment unless it has been prepared only in an official establishment and previously inspected and passed by a Department inspector and is identified by an official inspection legend as so inspected and passed. Notwithstanding the foregoing provisions of this paragraph, Federally inspected product, State inspected product from Talmadge-Aiken establishments, and product imported in accordance with Section 23 of these regulations and not prepared in the United States outside an official establishment, may enter any official establishment subject in other respects to the same restrictions as apply to domestic product. Products received in an official establishment during the Department inspectors absence shall be identified and maintained in a manner acceptable to such employee. Product entering any official establishment shall not be used or prepared thereat until it has been reinspected in accordance with § 18.02. Any product originally prepared at any official establishment may not be returned into any part of such establishment, except the receiving area approved under § 18.03, until it has been reinspected by the inspector.

(b) No slaughtered poultry or poultry product shall be brought into an official establishment unless it has been previously inspected and passed and is identified as such in accordance with the requirements of the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) and the regulations thereunder, and has not been prepared other than in an establishment inspected under said Act.

(c) Every article for use as an ingredient in the preparation of meat food products, when entering any official establishment and at all times while it is in such establishment, shall bear a label showing the name of the article, the amount or percentage therein of any substances restricted by this Section or Section 17 of these regulations, and a list of ingredients in the article if composed of two or more ingredients: Provided, that in the case of articles received in tank car lots, only one such label shall be used to identify each lot. In addition, the label must show the name and address of the shipper.

(d) Containers of preparations which enter any official establishment for use in cooling or retort water, in hog scalding water, or in denuding of tripe shall at all times while they are in such establishment bear labels showing the chemical names of the chemicals in such preparations. In the case of any preparation containing any chemicals which are specifically limited by § 18.07 (c) (4) as to amount permitted to be used, the labels on the containers shall also show the percentage of each such chemical in the preparation.

(e) Dyes, chemicals, or other substances the use of which is restricted to certain products may be brought into or kept in an official establishment only if such products are prepared thereat. No prohibited dye, chemical, preservative, or other substance shall be brought into or kept in an official establishment.

(f) All isolated soy protein, when entering and while in any official establishment, must be labeled in accordance with, and otherwise

§ 18.01 (f)

meet the requirements of § 18.06 (b) (11).

(g) Glands and organs, such as cotyledons, ovaries, prostate glands, tonsils, spinal cords, and detached lymphatic, pineal, pituitary, parathyroid, suprarenal, pancreatic, and thyroid glands, used in preparing pharmaceutical, organotherapeutic, or technical products and which are not used as human food (whether or not prepared at official establishments) may be brought into and stored in edible product departments of inspected establishments if packaged in suitable containers so that the presence of such glands and organs will in no way interfere with the maintenance of sanitary conditions or constitute an interference with inspection. Glands or organs which are regarded as human food products, such as livers, testicles, and thymus glands, may be brought into official establishments for pharmaceutical, organotherapeutic, or technical purposes, only if W. Va. or Federal inspected and passed and so identified. Lungs and lung lobes derived from livestock slaughtered in any establishment may not be brought into any commercial establishment except as provided in § 18.12 (a).

(h) Carcasses of game animals, and carcasses derived from the slaughter by any person of animals of his own raising in accordance with the exemption provisions of Section 8 (a) (ii) of the Law, and parts of such carcasses, may be brought into an official establishment for preparation, packaging, and storing in accordance with the provisions of § 4.03 (a) (2) of these regulations.

(i) The operator of the official establishment shall furnish such information as is necessary to determine the origin of any product or other article entering the official establishment. Such information shall include, but is not limited to, the name and address of the seller or supplier, transportation company, agent, or broker involved in the sale or delivery of the product or article in question.

(j) Any product or any poultry or poultry product or other article that is brought into an official establishment contrary to any provision of this Section may be required by the Director to be removed immediately from such establishment by the operator thereof, and failure to comply with such requirement shall be deemed a violation of this regulation. If any slaughtered poultry or poultry products or other articles are received at an official establishment and are suspected of being adulterated or misbranded under the Federal Poultry Products Inspection Act or the Federal Food, Drug, and Cosmetic Act, or applicable State laws, the appropriate governmental authorities will be notified.

§ 18.02 Reinspection, retention, and disposal of meat products at official establishments.

(a) All products brought into any official establishment shall be identified by the operator of the official establishment and shall be subject to reinspection at the time of receipt at the official establishment by a Department Inspector at the official establishment in such manner and at such times as may be deemed necessary by the Veterinary Supervisor to assure compliance with these regulations.

(b) All products, whether fresh, cured, or otherwise prepared, even though previously inspected and passed, shall be reinspected by

§ 18.02 (b)

Department employees as often as they may deem necessary in order to ascertain that they are not adulterated or misbranded at the time they enter or leave official establishments and that the requirements of these regulations are complied with.

(c) Reinspection may be accomplished through use of statistically sound sampling plans that assure a high level of confidence. The Veterinary Supervisor shall designate the type of plan and the Department employee shall select the specific plan to be used in accordance with instructions issued by the Commissioner.^{1/}

(d) A W. Va. retained tag shall be placed by a Department Inspector at the time of reinspection at any official establishment on all products which are suspected on such reinspection of being adulterated or misbranded, and such products shall be held for further inspection. Such tags shall be removed only by authorized Department Inspectors. When further inspection is made, if the product is found to be adulterated, all official inspection legends or other official marks for which the product is found to be ineligible under the provisions in these regulations, shall be removed or defaced and the product will be subject to condemnation and disposal in accordance with Section 14 of these regulations, except that a determination regarding adulteration may be deferred if a product has become soiled or unclean by falling on the floor or in any other accidental way or if the product is affected with any other condition which the Inspector deems capable of correction, in which case the product shall be cleaned (including trimming if necessary) or otherwise handled in a manner approved by the Department Inspector to assure that it will not be adulterated or misbranded and shall then be presented for reinspection and disposal in accordance with this subsection. If upon final inspection, the product is found to be neither adulterated nor misbranded, the Inspector shall remove the W. Va. retained tag. If a product is found upon reinspection to be misbranded, it shall be held under a W. Va. retained tag, or a W. Va. retention tag as provided in Section 24 of these regulations, pending correction of the misbranding or issuance of an order under Section 6 of the Law to withhold from use the labeling or container of the product, or the institution of a seizure action under Section 6 of Law or other appropriate action. The Department Inspector shall make a complete record of each transaction under this paragraph and shall report his action to the Veterinary Supervisor and Director.

§ 18.03 Designation of places of receipt of products and other articles for reinspection.

Every official establishment shall designate, with the approval of the Veterinary Supervisor, a dock or place at which products and other

^{1/} Further information concerning sampling plans which have been adopted for specific products may be obtained from the Veterinary Supervisor. These sampling plans are developed for individual products by the Director's staff and will be distributed for field use as they are developed. The type of plan applicable depends on factors such as whether the product is in containers, stage of preparation, and procedures followed by the establishment operator. The specific plan applicable depends on the kind of product involved, such as liver, oxtails, etc.

§ 18.03

articles subject to reinspection under § 18.02 shall be received, and such products and articles shall be received only at such dock or place.

§ 18.04 Preparation of products to be officially supervised; responsibilities of official establishments.

(a) All processes used in curing, pickling, rendering, canning, or otherwise preparing any product in commercial establishments shall be supervised by Department employees unless such preparation is conducted as a custom operation exempted from inspection. No fixtures or appliances, such as tables, trucks, trays, tanks, vats, machines, implements, cans, or containers of any kind, shall be used unless they are of such materials and construction as will not contaminate or otherwise adulterate the product and are clean and sanitary. All steps in the preparation of edible products shall be conducted carefully and with strict cleanliness in rooms or compartments separate from those used for inedible products.

(b) It shall be the responsibility of the operator of every official establishment to comply with the Law and these regulations. In order to effectively carry out this responsibility, the operator of the establishment shall institute appropriate control programs to assure the maintenance of the establishment and the preparation, marking, labeling, packaging, and other handling of its products strictly in accordance with the sanitary and other requirements of these regulations. The efficiency of such control programs will be subject to review by a Department inspector.

§ 18.05 Requirements concerning procedures.

(a)(1) Care shall be taken to assure that product is not adulterated when placed in freezers. If there is doubt as to the soundness of any frozen product, the inspector will require the defrosting and reinspection of a sufficient quantity thereof to determine its actual condition.

(2) Frozen product may be defrosted in water or pickle solution in a manner and with the use of facilities which are acceptable to the inspector. Before such product is defrosted, a careful examination shall be made to determine its condition. If necessary, this examination shall include defrosting of representative samples by means other than in water or pickle solution.

(b) Product, such as pork tenderloins, brains, sweetbreads, stew, or chop suey, shall not be packed in hermetically sealed metal or glass containers, unless subsequently heat processed or otherwise treated to preserve the product in a manner approved by the Director in specific cases.

(c) Care shall be taken to remove bones and parts of bones from product which is intended for chopping.

(d) Heads for use in the preparation of meat food products shall be split and the bodies of the teeth, the turbinated and ethmoid bones, ear tubes, and horn butts removed, and the heads then thoroughly cleaned.

(e) Kidneys for use in the preparation of meat food products shall first be freely sectioned and then thoroughly soaked and washed. All

§ 18.05 (e)

detached kidneys, including beef kidneys with detached kidney fat, shall be inspected before being used in or shipped from the official establishment.

(f) Cattle paunches and hog stomachs for use in the preparation of meat food products shall be thoroughly cleaned on all surfaces and parts immediately after being emptied of their contents, which shall follow promptly their removal from the carcasses.

(g) Clotted blood shall be removed from hog hearts before they are shipped from the official establishment or used in the preparation of meat food products.

(h) Beef rounds, beef bungs, beef middles, beef bladders, calf rounds, hog bungs, hog middles, and hog stomachs which are to be used as containers of any meat food product shall be presented for inspection, turned with the fat surface exposed.

(i) Portions of casings which show infection with *Oesophagostomum* or other nodule-producing parasite, and weasands infected with the larvae of *Hypoderma lineatum*, shall be rejected, except that when the infestation is slight and the nodules and larvae are removed, the casing or weasand may be passed.

§ 18.06 Requirements concerning ingredients and other articles used in preparation of products.

(a) All ingredients and other articles used in the preparation of any product shall be clean, sound, healthful, wholesome, and otherwise such as will not result in the product being adulterated. Official establishments shall furnish inspectors accurate information on all procedures involved in product preparation including product composition and any changes in such procedures essential for inspectional control of the product.

(b)(1) The only animal casings that may be used as containers of product are those from cattle, sheep, swine, or goats.

(2) Casings for products shall be carefully inspected by Department inspectors. Only those casings which have been carefully washed and thoroughly flushed with clean water immediately before stuffing and are suitable for containers, are clean, and are passed on such inspection shall be used, except that preflushed animal casings packed in salt or salt and glycerine solution or other approved medium may be used without additional flushing provided they are found to be clean and otherwise acceptable and are thoroughly rinsed before use.

(3) Hog and sheep casings intended for use as containers of product may be treated by soaking in or applying thereto sound, fresh pineapple juice or papain or bromelin or pancreatic extract to permit the enzymes contained in these substances to act on the casings to make them less resistant. The casings shall be handled in a clean and sanitary manner throughout and the treatment shall be followed by washing and flushing the casings with water sufficiently to effectively remove the substance used and terminate the enzymatic action.

§ 18.06 (b)

(4) On account of the invariable presence of bone splinters, detached spinal cords shall not be used in the preparation of inedible product other than for rendering where they constitute a suitable raw material.

(5) Testicles if handled as an edible product may be shipped from the official establishment as such, but they shall not be used as an ingredient of a meat food product.

(6) Tonsils shall be removed and shall not be used as ingredients of meat food products.

(7) Hog blood shall not be used as an ingredient of meat food products unless approved by the Director. No blood which comes in contact with the surface of the body of an animal or is otherwise contaminated shall be collected for food purposes. Only blood from animals, the carcasses of which are inspected and passed, may be used for meat food products. The defibrination of blood intended for food purposes shall not be performed with the hands.

(8) Intestines shall not be used as ingredients in any meat food product **for which a standard is prescribed in Section 19 of these regulations and shall not be used in other products unless the products are labeled in accordance with § 17.08 (b) (30) of these regulations.**

(9) Poultry products and egg products (other than shell eggs) which are intended for use as ingredients of meat food products shall be considered acceptable for such use only when identified as having been inspected and passed for wholesomeness by the USDA under the USDA Regulations in 7 CFR Part *59 or 70, or 9 CFR Part 381* and when found to be sound and otherwise acceptable when presented for use. Poultry products and egg products (other than shell eggs) which have not been so inspected and passed for wholesomeness shall not be used in the preparation of such meat food products.

(10) Dry milk products which are intended for use as ingredients of meat food products shall be considered acceptable for such use only when produced in a plant approved by the USDA under the USDA Regulations in 7 CFR Part 58, and when found to be sound and otherwise acceptable when presented for use. Dry milk products prepared in a plant not so approved shall not be used in the preparation of such meat food products.

(11) All isolated soy protein used in products prepared in any official establishment shall contain not more and not less than 0.1 percent titanium incorporated as food grade titanium dioxide, and the presence of such substance must be shown on the label of the container of the isolated soy protein at all times that the article is in the official establishment.

(12) Ingredients for use in any product may not bear or contain any pesticide chemical or other residues in excess of levels permitted in § 18.16.

§ 18.07 Approval of substances for use in the preparation of products.

Regulation Change Effective 4/22/74

(a) (1) No chemical substance may be used in the preparation of any product unless it is approved in this Section of Section 19 of these regulations or by the Director in specific cases.

(2) No product shall bear or contain any substance which would render it adulterated or which is not approved in this Section or Section 19 of these regulations or by the Director in specific cases.

(b)**Requirements for the use of nitrite and sodium ascorbate or sodium erythorbate (isoascorbate) in bacon.

(1) With respect to bacon: Sodium nitrite shall be used at 120 parts per million (ppm) ingoing or an equivalent amount of potassium nitrite shall be used (148 ppm ingoing); and 550 ppm of sodium ascorbate or sodium erythorbate (isoascorbate) shall be used. Sodium ascorbate or sodium erythorbate have a molecular weight of approximately 198. Hydrated forms of these substance shall be adjusted to attain the equivalent of 550 ppm of sodium ascorbate or sodium erythorbate.

(2) The department shall collect samples of bacon from producing plants and analyze them or have them analyzed by the USDA for the level of nitrosamines by the thermal energy analyzer (TEA). In the event that a TEA analysis indicates that a confirmable level of nitrosamines might be present, additional samples shall be collected and analyzed by gas chromatography. Presumptive positive results must be confirmed by mass spectrometry before being considered positive. If, during the interval required for the Department to analyze or have them analyzed by the USDA the confirmatory samples by gas chromatography and mass spectrometry, changes are made in processing procedures which are expected to result in no confirmable levels of nitrosamines in bacon produced by these new procedures, an establishment may submit samples to USDA for analysis upon prior notification and arrangements with USDA. If, however, an establishment furnishes the Department with laboratory results from testing five consecutive lots of bacon produced under the new procedures, those results will be utilized in making the determination concerning the product produced under the new procedures. Should the results of these tests reveal that confirmable levels of nitrosamines are not indicated in any of the five consecutive lots, the confirmation analysis by the Department of the USDA shall be terminated and the establishment shall revert to normal monitoring status. In the event the test results continue to indicate nitrosamines, however, the Department or the USDA shall proceed in its confirmation analysis on the original samples taken for confirmation. If any one of the original samples collected by the Department for confirmation is found to contain confirmable levels of nitrosamines, all bacon in the producing establishment and all future production will be retained. The Department shall sample and analyze or have analyzed by the USDA such retained bacon for nitrosamines on a lot by lot basis. A production lot shall be that bacon produced by the establishment in any single shift. Samples from any lot of bacon under retention found to contain nitrosamines at a confirmable level shall cause the lot of bacon to be disposed of in a manner to assure it will not form nitrosamines when cooked. Such disposal may include incorporation of the uncooked bacon as an ingredient of another meat food product provided it is processed for eating without further preparation in a manner to preclude the formation of nitrosamines. Bacon subsequently produced shall not be retained because of nitrosamines if the operator of the establishment makes adjustments in the processing of the product and laboratory results obtained by TEA analysis of samples from five consecutive normal sized lots of bacon indicates that the product being produced contains no confirmable levels of nitrosamines. These tests from five consecutive normal sized lots of bacon shall be conducted by the Department or the USDA: Provided,

however, That if the establishment furnishes the Department with the results of tests conducted under the methodology and procedures used by the Department, such test results will be utilized in making the determination concerning the nitrosamine content of the product. All tests of bacon for nitrosamines under this subparagraph shall be made on bacon cooked 340 F. for 3 minutes on each side. In order to determine that no confirmable levels of nitrosamines are present in the sample tested, the testing must be performed by methodology and procedures that would detect the presence of any nitrosamines at 10 ppb.

(c) Under appropriate declaration as required in Sections 16 and 17 of these regulations, the following substances may be added to products:

(1) Common salt, approved sugars (sucrose (cane or beet sugar), maple sugar, dextrose, invert sugar, honey, corn syrup solids, corn syrup and glucose syrup), wood smoke, vinegar, flavorings, spices, sodium nitrate, sodium nitrite, potassium nitrate, potassium nitrite, and other substances specified in the chart in subparagraph (4) of this paragraph (c), may be added to products under conditions, if any, specified in this Section or in Section 17 of these regulations.

(2) Other harmless artificial flavorings may be added to products with approval of the Director in specific cases.

(3) Coloring matter and dyes other than those specified in the chart in subparagraph (4) of this paragraph (c), may be applied to products, mixed with rendered fat, applied to natural and artificial casings, and applied to such casings enclosing products, if approved by the Director in specific cases. When any coloring matter or dye is applied to casings, there shall be no penetration of coloring into the product. When any coloring matter or dye is added to meat fat shortening containing artificial flavoring, the product shall be packed in conventional, round shortening containers having a capacity no greater than 3 pounds.

(4) The substance specified in the following chart are acceptable for use in the preparation of products, provided they are used for the purposes indicated, within the limits of the amounts stated and under other conditions specified in this Section and Section 17 of these regulations. In addition to the substances listed in the following chart, Section 19 specifies other substances that are acceptable in preparing specified products.

* Regulation Change Effective 4-22-74*

** Revised (b) effective 11-10-80

Regulation Change Effective 11-1-80

Class of substance	Substance	Purpose	Products	Amount
Anticoagulants.	Citric acid, sodium citrate.	To prevent clotting.	Fresh blood of livestock.	0.2 percent--with or without water. When water is used to make a solution of citric acid or sodium citrate added to blood of livestock, not more than 2 parts of water to 1 part of citric acid or sodium citrate shall be used.
Antifoaming agent.	Methyl polysilicone.	To retard foaming.	Soups.	10 parts per million.
			Rendered fats.	do.
			Curing pickle.	50 parts per million.
Antioxidants and oxygen interceptors	BHA (butylated hydroxyanisole).	To retard rancidity.	Dry sausage.	0.003 percent based on } 0.006 percent total } in combination. weight } }
	BHT (butylated hydroxy- toluene).	do	do	do } }
	Propyl gallate.	do	do	do }
	TBHQ (tertiary butylhydro- quinone).	do	do	do } 0.006 percent } in combination } only with BHA } and/or BHT.
	BHA (butylated hydroxyanisole).	do	Rendered animal fat or a combi-	0.01 percent }

Class of substance	Substance	Purpose	Products	Amounts
	BHT (butylated hydroxy-toluene).	do	nation of such fat and vegetable fat.	} } }
	Glycine.	do	do	} }0.02 percent in } combination.
	Propyl gallate.	do	do	}
	Resin guaiac.	do	do	}
	TBHQ (tertiary butylhydro-quinone).	do	do	}0.02 percent in } combination } only with BHA } and/or BHT.
	Tocopherols.	do	do	0.03 percent. A 30 percent concentration of tocopherols in vegetable oils shall be used when added as an antioxidant to products designated as "lard" or "rendered pork fat."
	BHA (butylated hydroxyanisole).	do	Fresh pork sausage, brown and serve sausage, Italian sausage products, pre-grilled beef patties and	} }0.01 percent based on fat content. }0.02 percent } cent in combination based on } fat content. }

Class of substance	Substance	Purpose	Products	Amount
	BHT (butylated hydroxytoluene).	do	fresh sausage made from beef or beef and pork.	)))
	Propyl gallate.	do	do	)
	TBHQ (tertiary butylhydroquinone.)	do	do	) 0.02 percent in combination only with BHA and/or BHT based on fat content.
	BHA (butylated hydroxyanisole).	do	Dried meats.	) 0.01 percent based on total weight.)) 0.01 percent in combination.
	BHT (butylated hydroxytoluene).	do	do	))
	Propyl gallate.	do	do	)
	TBHQ (tertiary butylhydroquinone).	do	do	) 0.01 percent in combination only with BHA and/or BHT.
Binders.	Algin.	To extend and stabilize product.	Breading mix; sauces.	Sufficient for purpose.

Class of substance	Substance	Purpose	Products	Amount
	Carrageenan.	do	do	do
	Carboxymethyl cellulose (cellulose gum).	do	Baked pies.	do
	Gums, vegetable.	do	Egg roll.	do
	Methyl cellulose.	To extend and to stabilize product (also carrier).	Meat and vegetable patties.	0.15 percent
	Isolated soy protein.	To bind and extend product.	Sausage, as provided for in Part 319 of this subchapter.	2 percent.
			Imitation sausage; nonspecific loaves; soups; stews.	Sufficient for purpose.
	Sodium caseinate.	do	do	do
	Whey (dried).	do	do	do
	Xanthan gum.	To maintain: Uniform viscosity; suspension of particulate matter; emulsion stability; freeze-thaw stability.	Meat sauces, gravies or sauces and meats, canned or frozen and/or refrigerated meat salads, canned or frozen meat stews, canned chili or chili with beans, pizza topping mixes and batter or breading mixes.	do

Class of substance	Substance	Purpose	Products	Amount
Bleaching agent.	Hydrogen peroxide.	To remove color.	Tripe (substance must be removed from product by rinsing with clear water).	do.
Catalysts (substances must be eliminated during process).	Nickel.	To accelerate chemical reaction.	Rendered animal fats or a combination of such fats and vegetable fats.	do.
	Sodium amide.	Rearrangement of fatty acid radicals.	do	do.
	Sodium methoxide.	do	do	do.

Class of substance	Substance	Purpose	Products	Amount
Coloring agents (natural).	Alkanet, annatto, carotene, cochineal, green chlorophyl, saffron and tumeric.	To color casings or rendered fats; marking and branding product.	Sausage casings, oleomargarine, shortening, marking or branding ink on product.	Sufficient for purpose. (may be mixed with approved artificial dyes or harmless inert material such as common salt and sugar).
Coloring agents (artificial).	Coal tar dyes approved under the Federal Food, Drug, and Cosmetic Act (Operator must furnish evidence to the Director that dye has been certified for use in connection with foods by the Food and Drug Administration).	do	do	Sufficient for purpose. (may be mixed with approved natural coloring matters or harmless inert material such as common salt or sugar).
Cooling and retort water treatment agents.	Titanium dioxide.	do	Canned ham salad spread and creamed type canned products.	0.5 percent.
	Calcium chloride.	To prevent staining on exterior of canned goods.	Any.	Sufficient for purpose.
	Citric acid.	do	do	do.
	Diethyl sodium sulfosuccinate.	do	do	0.05 percent.

18.07 (c)

Class of substance	Substance	Purpose	Products	Amount
	Disodium calcium ethylenediamine-tetraacetate.	do	do	Sufficient for purpose.
	Disodium ethylenediamine-tetraacetate.	do	do	do.
	Disodium phosphate.	do	do	do.
	Ethylenediamine-tetraacetic acid.	do	do	do.
	Isopropanol.	do	do	0.002 percent.
	Potassium pyrophosphate.	do	do	Sufficient for purpose.
	Propylene glycol.	do	do	do.
	Sodium bicarbonate.	do	do	do.
	Sodium carbonate.	do	do	do.
	Sodium dodecylbenzene sulfonate.	do	do	0.05 percent.
	Sodium gluconate.	do	do	Sufficient for purpose.
	Sodium hexametaphosphate.	do	do	do.
	Sodium laurylsulfate.	do	do	0.05 percent.

Class of substance	Substance	Purpose	Products	Amount
	Sodium metasilicate.	do	do	Sufficient for purpose.
	Sodium n-alkylbenzene sulfonate (alkyl group predominantly C ₁₂ and C ₁₃ and not less than 95 percent C ₁₀ to C ₁₆).	do	do	0.05 percent.
	Sodium bisulfate.	To inhibit corrosion on exterior of canned goods.	do	0.001 percent.
	Sodium nitrite. (The dry nitrite must be decharactarized with 0.05 percent powdered charcoal or 0.03 percent nigrosine. Bulk decharacterized sodium nitrite when in cook room shall be held in a locked container conspicuously labeled "Decharactarized Sodium Nitrite-to be used by authorized personnel only.").	do	do	600 parts per million.

Class of substance	Substance	Purpose	Products	Amount
Curing accelerators; must be used only in combination with curing agents.	Sodium pyrophosphate.	To prevent staining on canned goods.	do	0.05 percent.
	Sodium tripolyphosphate.	do	do	do.
	Zinc oxide.	do	do	0.01 percent.
	Zinc sulfate.	do	do	do.
	Ascorbic acid.	To accelerate color fixing or preserve color during storage.	Cured pork and beef cuts, cured comminuted meat food product.	75 ozs. to 100 gals. pickle at 10 percent pump level; 3/4 oz. to 100 lbs. meat or meat byproduct; 10 percent solution to surfaces of cured cuts prior to packaging. (The use of such solution shall not result in the addition of a significant amount of moisture to the product.)
	Erythorbic acid.	do	do	do.
	Glucono delta lactone.	To accelerate color fixing.	Cured, comminuted meat or meat food product.	8 ozs. to each 100 lbs. of meat or meat byproduct.
			Genoa salami.	16 ozs. to 100 lbs. of meat (1.0 percent).

Class of substance	Substance	Purpose	Products	Amount
	Sodium acid pyro-phosphate.	To accelerate color fixing.	Frankfurters, wieners, vienna, bologna, garlic bologna, knock-wurst, and similar products.	Not to exceed, alone or in combination with other curing accelerators, the following: 8 ozs. in 100 lbs. of the meat, or meat and meat byproducts, content of the formula; nor 0.5 percent in the finished product.
	Sodium ascorbate.	To accelerate color fixing or preserve color during storage.	Cured pork and beef cuts, cured comminuted meat food product.	87.5 ozs. to 100 gals. pickle at 10 percent pump level; 7/8 ozs. to 100 lbs. meat or meat byproduct; 10 percent solution to surfaces of cured cuts prior to packaging. (The use of such solution shall not result in the addition of a significant amount of moisture to the product.)
	Sodium erythorbate.	do	do	do.
	Citric acid or sodium citrate.	do	do	May be used in cured products or in 10 percent solution used to spray surfaces of cured cuts prior to packaging to replace up to 50 percent of the ascorbic acid, erythorbic acid, sodium ascorbate

Class of substance	Substance	Purpose	Products	Amount
Curing agents.	Sodium or potassium nitrate.	Source of nitrite.	Cured products other than bacon. Nitrates may not be used in baby, junior, and toddler foods.	7 lbs. to 100 gals. pickle; 3 1/2 ozs. to 100 lbs. meat (dry cure); 2 3/4 ozs. to 100 lbs. chopped meat.
				or sodium erythorbate that is used.
	Sodium or potassium nitrite. (Supplies of sodium nitrite and potassium nitrite and mixtures containing them must be kept securely under the care of a responsible employee of the establishment. The specific nitrite content of such supplies must be known and clearly marked accordingly.)	To fix color.	Cured products. Nitrites may not be used in baby, junior, and toddler foods.	2 lbs. to 100 gals. pickle at 10 percent pump level; 1 oz. to 100 lbs. meat (dry cure); 1/4 oz. to 100 lbs. chopped meat and/or meat byproduct. The use of nitrites, nitrates, or combination shall not result in more than 200 parts per million of nitrite, calculated as sodium nitrite, in finished product. Except that nitrites may be used in bacon only in accordance with paragraph (b) of this section.

18.07 (c)

Class of substance	Substance	Purpose	Products	Amount
Denuding agents: may be used in combination. Must be removed from tripe by rinsing with potable water.	Lime (calcium oxide, calcium hydroxide).	To denude mucous membrane.	Tripe.	Sufficient for purpose.
	Sodium carbonate.	do	do	do.
	Sodium gluconate.	do	do	do.
	Sodium hydroxide.	do	do	do.

Class of substance	Substance	Purpose	Products	Amount
Emulsifying agents.	Sodium metasilicate.	do	do	do.
	Sodium persulfate.	do	do	do.
	Trisodium phosphate	do	do	do.
	Acetylated mono-glycerides.	To emulsify product.	Shortening.	do.
	Diacetyl tartaric acid esters of mono and diglycerides.	do	Rendered animal fat or a combination of such fat with vegetable fat.	do.
	Glycerol-lactostearate, oleate, or palmitate.	do	do	do.
	Lecithin.	To emulsify product (also as antioxidant).	Oleomargarine, shortening.	do.
	Mono and diglycerides (glycerol palmitate, etc.).	To emulsify product.	Rendered animal fat or a combination of such fat with vegetable fat.	Sufficient for purpose in lard and shortening; 0.5 percent in oleomargarine.
	Polyglycerol esters of fatty acids (polyglycerol esters of fatty acids are restricted to	do	Rendered animal fat or a combination of such fat with vegetable fat. Use is not precluded by	Sufficient for purpose.

standards of identity or composition.

those up to and including the decaglycerol esters and otherwise meeting the requirements of § 121.1120(a) of the Food Additive Regulations).

Polysorbate 80 (polyoxyethylene (20) sorbitan monooleate).

do

Shortening for use in nonstandardized baked goods, baking mixes, icings, fillings, and toppings and in the frying of foods.

1 percent when used alone.
If used with polysorbate 60 the combined total shall not exceed 1 percent.

Propylene glycol mono and diesters of fats and fatty acids.

do

Rendered animal fat or a combination of such fat with vegetable fat.

Sufficient for purpose.

Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate).

do

Shortening for use in nonstandardized baked goods, baking mixes, icings, fillings, and toppings and in the frying of foods.

1 percent when used alone.
If used with polysorbate 80 the combined total shall not exceed 1 percent.

Stearyl-2-lactic acid. do

Shortening to be

3.0 percent.

Class of substance	Substance	Purpose	Products	Amount
			used for cake icings and fillings.	
	Stearyl monoglyceridyl citrate.	do	Shortening.	Sufficient for purpose.
Flavoring agents; protectors and developers.	Program approved ¹ artificial smoke uct. flavoring.	To flavor prod-	Various. ²	do.
	Program approved ¹ smoke flavoring.	do	do	do.
	Autolyzed yeast extract.	do	do	do.
	Harmless bacteria starters of the acidophilus type, lactic acid starter or culture of <u>Pediococcus cerevisiae</u> .	To develop flavor.	Dry sausage, pork roll, thuringer, lebanon bologna, cervelat, and salami.	0.5 percent.
	<u>Pediococcus cerevisiae</u> .	To dissipate nitrite.	Bacon	Sufficient for purpose.
	Benzoic acid, sodium benzoate.	To retard flavor reversion.	Oleomargarine	0.1 percent.
	Citric acid.	To protect flavor.	do	Sufficient for purpose.
		Flavoring.	Chili con carne.	Sufficient for purpose.

Corn syrup solids, corn syrup, glucose syrup.	To flavor.	Chili con carne, sausage, hamburger, meat loaf, luncheon meat, chopped or pressed ham.	2.0 percent individually or collectively, calculated on a dry basis.
Dextrose.	To flavor product.	Sausage, ham and cured products.	Sufficient for purpose.
Diacetyl.	do	Oleomargarine.	do.
Disodium guanylate.	do	Various. ²	do.
Disodium inosinate.	do.	do ²	do.
Hydrolyzed plant protein.	do	do ²	do.
Isopropyl citrate.	To protect flavor.	Oleomargarine.	0.02 percent.
Malt syrup.	To flavor product.	Cured products.	2.5 percent.
Milk protein hydrolysate.	do	Various. ²	Sufficient for purpose.
Monosodium glutamate.	do	do	do.
Sodium sulfocacetate derivative of mono and diglycerides.	do	do	0.5 percent.

Class of substance	Substance	Purpose	Products	Amount
	Sodium tripolyphosphate.	To help protect flavor.	"Fresh Beef," "Beef for Further Cooking," "Cooked Beef," and similar products which are frozen after processing.	do.
	Mixtures of sodium tripolyphosphate and sodium hexametaphosphate.	do	do	do.
	Sorbitol.	To flavor, to facilitate the removal of casings from product and to reduce caramelization and charring.	Cooked sausage labeled frankfurter, frankfurter, wieners, knockwurst.	Not more than 2 percent of the weight of the formula, excluding the formula weight of water or ice; not permitted in combination with corn syrup, and/or corn syrup solids.
	Starter distillate.	do	Oleomargarine.	Sufficient for purpose.
	Stearyl citrate.	To protect flavor.	do	0.15 percent.
	Sugars (sucrose and dextrose).	To flavor product.	Various. ²	Sufficient for purpose.

Gases.	Carbon dioxide solid (dry ice).	To cool prod- uct.	Chopping of meat, packaging of product.	do.
	Nitrogen.	To exclude oxygen.	Sealed container.	do.
	Hog scald agents; must be removed by subsequent cleaning opera- tions.	To remove hair.	Hog carcasses.	do.

§ 18.07 (c)

Class of substance	Substance	Purpose	Products	Amount
	Diethyl sodium sulfosuccinate.	do	do	do.
	Lime.	do	do	do.
	Methyl polysilicone.	do	do	do.
	Sodium carbonate.	do	do	do.
	Sodium dodecylbenzene sulfonate.	do	do	do.
	Sodium hexametaphosphate.	do	do	do.
	Sodium lauryl sulfate.	do	do	do.
	Sodium metasilicate.	do	do	do.
	Sodium n-alkylbenzene sulfonate (alkyl group predominantly C ₁₂ and C ₁₃ and not less than 95 percent C ₁₀ to C ₁₆).	do	do	do.
	Sodium sulfate.	do	do	do.
	Sodium tripolyphosphate.	do	do	do.
	Sucrose.	do	do	do.

Miscellaneous.	Trisodium phosphate.	do	do	do.
	Potassium sorbate.	To retard mold growth.	Dry sausage.	2.5 percent in water solution may be applied to casings after stuffing or casings may be dipped in solution prior to stuffing.
		To preserve product and to retard mold growth.	Oleomargarine or margarine.	0.1 percent by weight of the finished oleomargarine or margarine.
	Calcium disodium, EDTA (calcium disodium ethylenediaminetetraacetate).	To preserve product and to protect flavor.	do	75 parts per million by weight of the finished oleomargarine or margarine.
	Propylparaben (propyl p-hydroxy benzoate).	To retard mold growth.	Dry sausage.	3.5 percent in water solution may be applied to casings after stuffing or casings may be dipped in solution prior to stuffing.
	Sodium bicarbonate.	To neutralize excess acidity, cleaning vegetables.	Rendered fats, soups, curing pickle.	Sufficient for purpose.
	Calcium propionate.	To retard mold growth.	Pizza crust.	] 0.32 percent alone or in] combination based on] weight of the flour used.

Class of substance	Substance	Purpose	Products	Amount
	Sodium propionate.	do	do	]
	Sodium hydroxide.	To decrease amount of cooked out juices.	Cured hams, pork shoulder picnics and loins, canned hams and pork shoulder picnics, and products covered by § 319.104(d); chopped ham and bacon.	May be used only in combination with phosphates in ratio of four parts phosphate to one part sodium hydroxide; the combination shall not exceed 5 percent in pickle at 10 percent pump level; 0.5 percent in product.
Phosphates.	Disodium phosphate.	do	do	5 percent of phosphate in pickle at 10 percent pump level; 0.5 percent of phosphate in product (only clear solution may be injected into product).
	Monosodium phosphate.	do	do	do.
	Sodium hexameta-phosphate.	do	do	do.
	Sodium tripolyphosphate.	do	do	do.
	Sodium pyro-phosphate.	do	do	do.

Proteolytic enzymes.	Sodium acid pyrophosphate.	do	do	do.
	Aspergillus oryzae.	To soften tissues.	Raw meat cuts.	Solutions consisting of water and approved proteolytic enzymes applied or injected into raw meat cuts shall not result in a gain of more than 3 percent above the weight of the untreated product.
	Aspergillus flavus oryzae group.	do	do	do.
	Bromelin.	do	do	do.
	Ficin.	do	do	do.
	Papain.	do	do	do.
Refining agents (must be eliminated during process of manufacturing).	Acetic acid.	To separate fatty acids and glycerol.	Rendered fats.	Sufficient for purpose.
	Bicarbonate of soda.	do	do	do.

Class of substance	Substance	Purpose	Products	Amount
	Carbon (purified charcoal).	To aid in refining of animal fats.	do	do.
	Caustic soda (sodium hydroxide).	To refine fats.	do	do.
	Diatomaceous earth; Fuller's earth.	do	do	do.
	Sodium carbonate.	do	do	do.
	Tannic acid.	do	do	do.
Rendering agents.	Tricalcium phosphate.	To aid rendering.	Animal fats.	do.
	Trisodium phosphate.	do	do	do.
Artificial sweeteners.	Saccharin.	To sweeten product.	Bacon.	0.01 percent.
Synergists (used in combination with antioxidants).	Citric acid.	To increase effectiveness of antioxidants.	Lard and shortening.	0.01 percent alone or in combination with antioxidants in lard or shortening.
			Dry sausage.	0.003 percent in dry sausage in combination with antioxidants.
			Fresh pork sausage.	0.01 percent on basis of fat content, in combination with antioxidants.

	Dried meats.	0.01 percent on basis of total weight in combination with antioxidants.
Malic acid.	do	Lard and shortening. do
Monoisopropyl citrate.	To increase effectiveness of antioxidants.	Lard, shortening, oleomargarine, fresh pork sausage, dried meats. 0.02 percent.
Phosphoric acid.	do	Lard and shortening. 0.01 percent.
Monoglyceride citrate.	do	Lard, shortening, fresh pork sausage, dried meats. 0.02 percent.

¹ These are proprietary products, and a list thereof can be obtained from Scientific Services, Meat and Poultry Inspection, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250.

² Information as to the specific products for which use of this substance is approved may be obtained upon inquiry addressed to Scientific Services, Meat and Poultry Inspection, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250.

§ 18.07 (d)

(d) No substance may be used in or on any product if it conceals damage or inferiority or makes the product appear to be better or of greater value than it is. Therefore:

*** (1) Paprika or oleoresin paprika may not be used in or on fresh meat, such as steaks, or comminuted fresh meat food product, such as chopped and formed steaks or patties; or in any other meat food products consisting of fresh meat (with or without seasoning), except chorizo sausage and except other meat food products in which paprika or oleoresin paprika is permitted as an ingredient in a standard of identity or composition in Section 19 of these regulations.***

(2) Sorbic acid, calcium sorbate, sodium sorbate, and other salts of sorbic acid may not be used in cooked sausage or any other product; sulfurous acid and salts of sulfurous acid may not be used in or on any product and niacin or nicotinamide may not be used in or on fresh product; except that potassium sorbate, propylparaben (propyl p-hydroxybenzoate), calcium propionate, sodium propionate, benzoic acid, and sodium benzoate may be used in or on any product only as provided in the chart in § 18.07 (c) (4) or as approved by the Director in specific cases.

§ 18.08 (Reserved)

§ 18.09 Samples of products, water dyes, chemicals etc., to be taken for examination.

Samples of products, water dyes, chemicals, preservatives, spices, or other articles in any official establishment shall be taken, without cost to the Department, for examination, as often as may be deemed necessary for the efficient conduct of the inspection.

§ 18.10 Prescribed treatment of pork and products containing pork to destroy trichinae.

(a) All forms of fresh pork, including fresh unsmoked sausage containing pork muscle tissue, and pork such as bacon and jowls, other than those covered by paragraph (b) of this subsection, are classed as products that are customarily well cooked in the home or elsewhere before being served to the consumer. Therefore, the treatment of such products for the destruction of trichinae is not required.

(b) Products named in this paragraph, and products of the character hereof, containing pork muscle tissue (not including pork hearts, pork stomachs, and pork livers), or the pork muscle tissue which forms an ingredient of such products, shall be effectively heated, refrigerated, or cured to destroy any possible live trichinae, as prescribed in this subsection at the official establishment where such products are prepared: Bologna, frankfurter, vienna, *and other cooked sausage; * smoked sausage; knoblauch sausage; mortadella; all forms of summer or dried sausage including mettwurst; flavored pork sausages such as those containing wine or similar flavoring materials; cured pork sausage; sausage containing cured and/or smoked pork; cooked loaves; roasted, baked, boiled, or cooked hams, pork shoulders, or pork shoulder picnics; Italian-style hams; Westphalia-style hams; smoked boneless pork

Regulation Change Effective 4/22/74

Regulation Change Effective 10/15/77

§ 18.10 (b)

shoulder butts; cured meat rolls; capicola (capicola, capicola); fresh or cured boneless pork shoulder butts, hams, loins, shoulders, shoulder picnics, and similar pork cuts, in casings or other containers in which ready-to-eat delicatessen articles are customarily enclosed (excepting Scotch-style hams); breaded pork products, cured boneless pork loins; boneless back bacon; bacon used for wrapping around patties; steaks and similar products; and smoked pork cuts such as hams, shoulders, loins, and pork shoulder picnics; ground meat mixtures containing pork and beef, veal, lamb, mutton, or goat meat and other product consisting of mixtures of pork and other ingredients, which the Director determines at the time the labeling for the product is submitted for approval in accordance with Section 17 of these regulations or upon subsequent re-evaluation of the product, would be prepared in such a manner that the product might be eaten rare or without thorough cooking because of the appearance of the finished product or otherwise.* Cured boneless pork loins shall be subjected to prescribed treatment for destruction of trichinae prior to being shipped from the establishment where cured.

(c) The treatment shall consist of heating, refrigerating or curing, as follows:

(1) Heating.

(i) All parts of the pork muscle tissue shall be heated to a temperature not lower than 137° F., and the method used shall be one known to insure such a result. On account of differences in methods of heating and in weights of products undergoing treatment it is impracticable to specify details of procedures for all cases.

(ii) Procedures which insure the proper heating of all parts of the product shall be adopted. It is important that each piece of sausage, each ham, and other product treated by heating in water be kept entirely submerged throughout the heating period; and that the largest pieces in a lot, the innermost links of bunched sausage or other massed articles, and pieces placed in the coolest part of a heating cabinet or compartment or vat be included in the temperature tests.

(2) Refrigerating. At any stage of preparation and after preparatory chilling to a temperature of not above 40°F., or preparatory freezing, all parts of the muscle tissue of pork or product containing such tissue shall be subjected continuously to a temperature not higher than one of these specified in Table 1, the duration of such refrigeration as the specified temperature being dependent on the thickness of the meat or inside dimensions of the container.

Table 1 - Required Period of Freezing
at Temperature Indicated

Temperature	Group 1	Group 2
°F.	Days	Days
5	20	30
-10	10	20
-20	6	12

Regulation Change Effective 4/22/74

§ 18.10 (c)

(i) Group 1 comprises product in separate pieces not exceeding 6 inches in thickness, or arranged on separate racks with the layers not exceeding 6 inches in depth, or stored in crates or boxes not exceeding 6 inches in depth, or stored as solidly frozen blocks not exceeding 6 inches in thickness.

(ii) Group 2 comprises product in pieces, layers, or within containers, the thickness of which exceeds 6 inches but not 27 inches, and product in containers including tierces, barrels, kegs, and cartons having a thickness not exceeding 27 inches.

(iii) The product undergoing such refrigeration or the containers thereof shall be so spaced while in the freezer as will insure a free circulation of air between the pieces of meat, layers, blocks, boxes, barrels, and tierces in order that the temperature of the meat throughout will be promptly reduced to not higher than 5°F., -10°F., or -20°F., as the case may be.

(iv) In lieu of the methods prescribed in Table 1, the treatment may consist of refrigeration to a temperature of -30°F. in the center of the pieces of meat or commercial freeze drying.

(v) During the period of refrigeration the product shall be kept separate from other products and in the custody of the Department inspector in rooms or compartments equipped and made secure with all official Department lock or seal. The rooms or compartments containing product undergoing freezing shall be equipped with accurate thermometers placed at or above the highest level at which the product undergoing treatment is stored and away from refrigerating coils. After completion of the prescribed freezing of pork to be used in the preparation of product covered by paragraph (b) of this subsection the pork shall be kept under close supervision of an inspector until it is prepared in finished form as one of the products enumerated in paragraph (b) of this subsection or until it is transferred under Department control to another official establishment for preparation in such finished form.

(vi) Pork which has been refrigerated as specified in this subdivision may be transferred in sealed railroad cars, sealed motor trucks, sealed trailers, or sealed closed containers to another official establishment at the same or another location, for use in the preparation of product covered by subdivision (b) of this subsection. ***Such vehicles and containers shall be sealed and transported between official establishments in accordance with § 22.07 (b) of these regulations.***

****Regulation Change Effective 5-2-75****

(3) Curing.

(i) Sausage. The sausage may be stuffed in animal casings, hydrocellulose casings, or cloth bags. During any stage of treating the sausage for the destruction of live trichinae, except as provided in Method 5, these coverings shall not be coated with paraffin or like substance, nor shall any sausage be washed during any prescribed period of drying. In the preparation of sausage, one of the following methods may be used:

Method No. 1. The meat shall be ground or chopped into pieces not exceeding three-fourths of an inch in diameter. A dry-curing mixture containing not less than 3 1/3 pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After being stuffed, sausage having a diameter not exceeding 3 1/2 inches, measured at the time of stuffing, shall be held in a drying room not less than 20 days at a temperature not lower than 45°F., except that in sausage of the variety known as pepperoni, if in casings not exceeding 1 3/8 inches in diameter measured at the time of stuffing, the period of drying may be reduced to 15 days. In no case, however, shall the sausage be released from the drying room in less than 25 days from the time the curing materials are added, except that sausage of the variety known as pepperoni, if in casings not exceeding the size specified, may be released at the expiration of 20 days from the time the curing materials are added. Sausage in casings exceeding 3 1/2 inches, but not exceeding 4 inches, in diameter at the time of stuffing, shall be held in a drying room not less than 35 days at a temperature not lower than 45°F., and in no case shall the sausage be released from the drying room in less than 40 days from the time the curing materials are added to the meat.

Method No. 2. The meat shall be ground or chopped into pieces not exceeding three-fourths of an inch in diameter. A dry-curing mixture containing not less than 3 1/3 pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After being stuffed, sausage having a diameter not exceeding 3 1/2 inches, measured at the time of stuffing, shall be smoked not less than 40 hours at a temperature not lower than 80°F., and finally held in a drying room not less than 10 days at a temperature not lower than 45°F. In no case, however, shall the sausage be released from the drying room in less than 18 days from the time the curing materials are added to the meat. Sausage exceeding 3 1/2 inches, but not exceeding 4 inches, in diameter at the time of stuffing, shall be held in a drying room, following smoking as above indicated, not less than 25 days at a temperature not lower than 45°F., but in no case shall the sausage be released from the drying room in less than 33 days from the time the curing materials are added to the meat.

Method No. 3. The meat shall be ground or chopped into

Regulation Change Effective 5-2-75

§ 18.10 (c)

pieces not exceeding three-fourths of an inch in diameter. A dry-curing mixture containing not less than 3 1/3 pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After admixture with the salt and other curing materials and before stuffing, the ground or chopped meat shall be held at a temperature not lower than 34°F. for not less than 36 hours. After being stuffed, the sausage shall be held at a temperature not lower than 34°F. for an additional period of time sufficient to make a total of not less than 144 hours from the time the curing materials are added to the meat, or the sausage shall be held for the time specified in a pickle-curing medium of not less than 50° strength (salometer reading) at a temperature not lower than 44°F. Finally, sausage having a diameter not exceeding 3 1/2 inches, measured at the time of stuffing, shall be smoked for not less than 12 hours. The temperature of the smokehouse during this period at no time shall be lower than 90°F.; and for 4 consecutive hours of this period the smokehouse shall be maintained at a temperature not lower than 128°F. Sausage exceeding 3 1/2 inches, but not exceeding 4 inches, in diameter at the time of stuffing shall be smoked, following the prescribed curing, for not less than 15 hours. The temperature of the smokehouse during the 15-hour period shall at no time be lower than 90°F., and for 7 consecutive hours of this period the smokehouse shall be maintained at a temperature not lower than 128°F. In regulating the temperature of the smokehouse for the treatment of sausage under this method, the temperature of 128°F. shall be attained gradually during a period of not less than 4 hours.

Method No. 4. The meat shall be ground or chopped into pieces not exceeding one-fourth of an inch in diameter. A dry-curing mixture containing not less than 2 1/2 pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After admixture with the salt and other curing materials and before stuffing, the ground or chopped sausage shall be held as a compact mass, not more than 6 inches in depth, at a temperature not lower than 36°F. for not less than 10 days. At the termination of the holding period, the sausage shall be stuffed in casings or cloth bags not exceeding 3 1/3 inches in diameter, measured at the time of stuffing. After being stuffed, the sausage shall be held in a drying room at a temperature not lower than 45°F. for the remainder of a 35-day period, measured from the time the curing materials are added to the meat. At any time after stuffing, if the establishment operator deems it desirable, the product may be heated in a water bath for a period not to exceed 3 hours at a temperature not lower than 85°F., or subjected to smoking at a temperature not lower than 80°F., or the product may be both heated and smoked as specified. The time consumed in heating and smoking, however, shall be in addition to the 35-day holding period specified.

Method No. 5. The meat shall be ground or chopped into pieces not exceeding three-fourths of an inch in diameter. A dry-curing mixture containing not less than 3 1/3 pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After being stuffed, the sausage shall be held for not less than 65 days at a temperature not lower than 45°F. The coverings for sausage prepared according to this method may be coated at any stage of the preparation before or during the holding period with paraffin or other substance approved by the Director.

(ii) Capocollo (capicola, capicola). Boneless pork butts for capocollo shall be cured in a dry-curing mixture containing not less than 4 1/2 pounds of salt per hundredweight of meat for a period of not less than 25 days at a temperature not lower than 36°F. If the curing materials are applied to the butts by the process known as churning, a small quantity of pickle may be added. During the curing period the butts may be overhauled according to any of the usual processes of overhauling, including the addition of pickle or dry salt if desired. The butts shall not be subjected during or after curing to any treatment designed to remove salt from the meat, except that superficial washing may be allowed. After being stuffed, the product shall be smoked for a period of not less than 30 hours at a temperature not lower than 80°F., and shall finally be held in a drying room not less than 20 days at a temperature not lower than 45°F.

(iii) Coppa. Boneless pork butts for coppa shall be cured in a dry-curing mixture containing not less than 4 1/2 pounds of salt per hundredweight of meat for a period of not less than 18 days at a temperature not lower than 36°F. If the curing mixture is applied to the butts by the process known as churning, a small quantity of pickle may be added. During the curing period the butts may be overhauled according to any of the usual processes of overhauling, including the addition of pickle or dry salt if desired. The butts shall not be subjected during or after curing to any treatment designed to remove salt from the meat, except that superficial washing may be allowed. After being stuffed, the product shall be held in a drying room not less than 35 days at a temperature not lower than 45°F.

(iv) Hams and pork shoulder picnics. In the curing of hams and pork shoulder picnics either of the following methods may be used:

Method No. 1. The hams and pork shoulder picnics shall be cured by a dry-salt curing process not less than 40 days at a temperature not lower than 36°F. The products shall be laid down in salt, not less than 4 pounds to each hundredweight of product, the salt being applied in a thorough manner to the lean meat of each item. When placed in cure the products may be pumped with pickle if desired. At least once during the curing process the products shall be overhauled and additional salt applied, if necessary, so that the lean meat of each item is thoroughly covered. After removal from cure the products may be soaked in water at a temperature not higher than 70°F. for not more than 15 hours, during which time the water may be changed once; but they shall not be subjected to any other treatment designed to remove salt from the meat, except that superficial washing may be allowed. The products shall finally be dried or smoked not less than 10 days at a temperature not lower than 95°F.

Method No. 2. The products shall be cured by a dry-salt curing process at a temperature not lower than 36°F. for a period of not less than 3 days for each pound of weight (green) of the individual items. The time of cure of each lot of such products placed in cure shall be calculated on a basis of the weight of the heaviest item of the lot. Products cured by this method, before they are placed in cure, shall be pumped with pickle solution of not less than 100° strength (salometer), about 4 ounces of the solution being injected into the shank

§ 18.10 (c)

and a like quantity along the flank side of the body bone (femur). The products shall be laid down in salt, not less than 4 pounds of salt to each hundredweight of product, the salt being applied in a thorough manner to the lean meat of each item. At least once during the curing process the products shall be overhauled and additional salt applied, if necessary, so that the lean meat of each item is thoroughly covered. After removal from the cure the product may be soaked in water at a temperature not higher than 70°F. for not more than 4 hours, but shall not be subjected to any other treatment designed to remove salt from the meat, except that superficial washing may be allowed. The products shall then be dried or smoked not less than 48 hours at a temperature not lower than 80°F., and finally shall be held in a drying room not less than 20 days at a temperature not lower than 45°F.

(v) Boneless pork loins and loin ends. In lieu of heating or refrigerating to destroy possible live trichinae in boneless loins, the loins may be cured for a period of not less than 25 days at a temperature not lower than 36°F. by the use of one of the following methods:

Method No. 1. Application of a dry-salt curing mixture containing not less than 5 pounds of salt to each hundredweight of meats.

Method No. 2. Application of a pickle solution of not less than 80° strength (salometer) on the basis of not less than 60 pounds of pickle to each hundredweight of meat.

Method No. 3. Application of a pickle solution added to the dry-salt cure prescribed as Method No. 1 in this subdivision (v) provided the pickle solution is not less than 80° strength (salometer).

After removal from cure, the loins may be soaked in water for not more than 1 hour at a temperature not higher than 70°F. or washed under a spray but shall not be subjected, during or after the curing process, to any other treatment designed to remove salt.

Following curing, the loins shall be smoked for not less than 12 hours. The minimum temperature of the smokehouse during this period at no time shall be lower than 100°F., and for 4 consecutive hours of this period the smokehouse shall be maintained at a temperature not lower than 125°F.

Finally, the product shall be held in a drying room for a period of not less than 12 days at a temperature not lower than 45°F.

(d) General instructions. When necessary to comply with the requirements of this subsection, the smokehouses, drying rooms, and other compartments used in the treatment of pork to destroy possible live trichinae shall be suitably equipped, by the operator of the official establishment, with accurate automatic recording thermometers. Veterinary Supervisors are authorized to approve for use in sausage smokehouses, drying rooms, and other compartments, such automatic recording thermometers as are found to give satisfactory service and to disapprove and require discontinuance of use, for purposes of these regulations, any thermometers (including any automatic recording thermometers) of the establishment that are found to be inaccurate or unreliable.

(e) The treatment for dry cured ham or dry cured pork shoulder.

(1) Table A - specifies minimum curing time for dry cured hams and dry cured pork shoulders by weight:

<u>HAMS</u>		<u>SHOULDERS</u>	
Weight **(Pounds)**	Days in Cure <u>1/</u>	Weight **(Pounds)**	Days in Cure <u>1/</u>
20-or less-----	40	**30-or less-----	40**
25-----	45	**35-----	45**
30-----	50	40-----	50
35-----	55		
40-----	60		
45-----	65		
50-----	70		

(2) Table B - specifies minimum drying time for dry cured hams and dry cured pork shoulders after they have been removed from curing:

Days of Drying Time	Temperature <u>2/</u>	Days of Drying Time	Temperature <u>2/</u>
**5-----	110° F.	35-----	70° F.
5 1/2-----	105° F.	47-----	65° F.
6 1/2-----	100° F.	60-----	60° F.
8-----	95° F.	74-----	55° F.
10-----	90° F.	87-----	50° F.
15-----	85° F.	103-----	45° F.
20-----	80° F.	120-----	40° F.
28-----	75° F.	140-----	35° F. **

(3) Examples and instructions for the utilization of Tables A and B.

(1) Example and instruction: A 20 ***or less*** pound ham would stay in salt or curing compound for 40 days, be cleaned and hung to dry for a period of ***120*** days at 40°F. Any day the temperature dropped below 40°F. an additional day drying time must be added.

1/ Ideal temperatures for dry curing hams or shoulders are from 36° to 40°F. When temperatures go above 50°F. for any length of time there is some chance of spoilage. *There is little chance of spoilage due to temperature as long as the internal temperature stays below 45°F. ****At no time should temperature drop below 36°F.*****

2/ Drying time reflected in these charts are minimums. The temperature should be brought up to 70°F. or above for the last ***7 days*** when the temperature range has been below 70°F., ***and when the temperature was less than that stated in the approved establishment's procedures or determine the lowest temperature recorded, and hold product for the total indicated time as outlined in Table B*** for the majority of the drying period. This is to compensate for error in recording temperatures in the lower range when drying process has been slowed down.

****Regulation Change Effective 5-2-75****

§ 18.10

(ii) Instruction and Example: Hams or shoulders that are salted and wrapped for curing and drying in a single operation must meet the requirements of both curing and drying time combined. Temperature and number of days drying would apply after they have passed minimum time in cure (e.g., a 20 pound ham would be permitted curing time of 40 days, with the additional days governed by temperature held).

**(4) Any dry cured ham or dry cured pork shoulder treated as prescribed in subparagraph (1) and (2) of this paragraph (e) shall comply with requirements of § 18.10 (d) of these regulations.*

*(5) In lieu of subparagraph (1) and (2) of this paragraph (e) a minimum holding time combination curing and drying for six (6) months will meet the requirements for treatment to destroy possible live trichina.**

§ 18.11

§ 18.11 Canning with heat processing and hermetically sealed containers; cleaning containers; closure; code marking; heat processing; incubation.

(a) Containers which are intended to be hermetically sealed shall be cleaned thoroughly immediately before filling, and precaution must be taken to avoid soiling the inner surfaces subsequently. However, cans in which lard is to be hermetically sealed may be examined immediately before filling and if found to be acceptably clean by a Department inspector need not be washed.

(b) Containers of metal, glass, or other material shall be washed in an inverted position with a water spray. The nozzle on the spray attachment shall be of such design and the water delivered with such pressure as will effectively rinse all of the inner surface of each container. Such containers shall not contain an accumulation of water when received at the filling station. In lieu of cleaning with water, the use of efficient jet-vacuum type equipment for cleaning containers is permitted, immediately prior to filling.

(c) Nothing less than perfect closure is acceptable for hermetically sealed containers. Heat processing shall follow promptly after closing.

(d) Careful inspection shall be made of the containers by competent establishment employees immediately after closing, and containers which are defectively filled or defectively closed or show inadequate vacuum shall not be processed until the defect has been corrected. The containers shall again be inspected by establishment employees when they have cooled sufficiently for handling after processing by heating. The contents of defective containers shall be condemned unless correction of the defect is accomplished within 6 hours following the sealing of the containers or completion of the heat processing, as the case may be, except that:

(1) if the defective condition is discovered during an afternoon run, the cans of product may be held in coolers at a temperature not exceeding 38° F. under conditions that will promptly and effectively chill them until the following day when the defect may be corrected;

(2) short vacuum or overstuffed cans of product which have not been handled in accordance with subparagraph (1) of this paragraph (d) may be incubated under Department supervision, after which the cans shall be opened and the sound product passed for food; and

(3) short vacuum or overstuffed cans of product of a class required to be labeled "Perishable, Keep Under Refrigeration" and which have been kept under adequate refrigeration since processing may be opened and the sound product passed for food.

(e) Canned products shall not be passed unless after cooling to atmospheric temperature, they show the external characteristics of sound cans, that is, the cans shall not be overfilled; they shall have concave sides, excepting the seam side, and all ends shall be concave; there shall be no bulging; the sides and ends shall conform to the product; and there shall be no slack or loose tin.

(f) All canned products shall be plainly and permanently marked on the containers by code or otherwise with the identity of the contents and date of canning. The code used and its meaning shall be on record in the office of the Veterinary Supervisor. ***If calendar dating is used, it must be accompanied by an explanatory statement, as provided in § 17.08 (b) (3) (ii). ***

(g) Canned product must be processed at such temperature and for such period of time as will assure keeping without refrigeration under usual conditions of storage and transportation when heating is relied on for preservation, with the exception of those canned products which are processed without steam-pressure cooking by permission of the Director in specific cases and labeled "Perishable, Keep Under Refrigeration."

(h) Lots of canned product shall be identified during their handling preparatory to heat processing by tagging the baskets, cages, or cans with a tag which will change color on going through the heat processing or by other effective means so as to positively preclude failure to heat process after closing.

(i) Facilities shall be provided by the operator of the official establishment for incubation of representative samples of fully processed canned product. The incubation shall consist of holding the canned product for the periods of time and at the temperatures prescribed in subparagraph (4) of this paragraph (i).

(1) Incubation test shall be made to the extent required by the Veterinary Supervisor. The extent to which incubation tests shall be required depends on conditions such as the record of the official establishment in conducting canning operations the extent to which the establishment furnishes competent supervision and inspection in connection with the canning operations, the character of the equipment used, and the degree to which such equipment is maintained at maximum efficiency. Such factors shall be considered by the Veterinary Supervisor in determining the extent of incubation testing at a particular establishment.

(2) In the event of failure by an official establishment to provide suitable facilities for incubation of test samples, the Veterinary Supervisor may require holding of the entire lot under such conditions and for such period of time as may, in his discretion, be necessary to establish the stability of the product.

(3) The Veterinary Supervisor may permit lots of canned product to be shipped from the official establishment prior to completion of sample incubation when he has no reason to suspect unsoundness in the particular lots, and under circumstances which will assure the return of the product to the establishment for reinspection should such action be indicated by the incubation results.

(4) Incubation shall consist of holding the samples at 95° (+ 2°F.) for no less than 10 days; except

(i) Samples of firmly packed products such as luncheon meat, and products with high fat content, such as chorizos packed in lard, and products weighing 3 pounds or more shall be held at 95° (+ 2°F.) for no less than 20 days.

§ 18.11 (ii)

(ii) Samples of products composed of chunks or patties of meat in a medium or sauce wherein the pH of the meat component and the medium or sauce are significantly different shall be incubated at 95° ($\pm$ 2°F.) for no less than 30 days.

§ 18.12 Manufacture of dog food or similar uninspected article at official establishments.

(a) When dog food, or similar uninspected article is manufactured in an edible product department, there shall be sufficient space allotted and adequate equipment provided so that the manufacture of the uninspected article in on way interferes with the handling or preparation of edible products. Where necessary to avoid adulteration of edible products, separate equipment shall be provided for the uninspected article. To assure the maintenance of sanitary conditions in the edible product departments, the operations incident to the manufacture of the uninspected article will be subject to the same sanitary requirements that apply to all operations in edible product departments. The manufacture of the uninspected article shall be limited to those hours during which the establishment operates under inspectional supervision; and there shall be no handling, other than receiving at the official establishment, of any of the product ingredient of the uninspected article, other than during the regular hours of inspection. The materials used in the manufacture of the uninspected article shall not be used so as to interfere with the inspection of edible product or the maintenance of sanitary conditions in the department or render any edible product adulterated. The meat, meat by-products, and meat food product ingredients of the uninspected article may be admitted into any edible products department of an official establishment only if they are W. Va. or Federal or State (Talmadge-Aiken establishment) Inspected and Passed. Products within § 14.11 of these regulations or parts of carcasses of kinds not permitted under these regulations to be prepared for human food (e.g., lungs or intestines), which are produced at any official establishment, may be brought into the inedible products department of any official establishment for use in uninspected articles under this subsection. The uninspected article may be stored, and distributed from, edible product departments: Provided, That adequate facilities are furnished, there is no interference with the maintenance of sanitary conditions, and such article is properly identified.

(b) When dog food or similar uninspected article is manufactured in a part of an official establishment other than an edible product department, the area in which the article is manufactured shall be separated from edible product departments in the manner required for separation between edible product departments and inedible product departments. Sufficient space must be allotted and adequate equipment provided so that the manufacture of the uninspected article does not interfere with the proper functioning of the other operations at the establishment. Except as provided in § 14.11 of these regulations, nothing in this paragraph shall be construed as permitting any deviation from the requirement that dead animals, condemned products, and similar materials of whatever origin, must be placed in the inedible product rendering equipment, and without undue delay. The manufacture of the uninspected article must be such as not to interfere with the maintenance of general sanitary conditions on the premises, and it shall be subject to inspectional supervision similar to that exercised over

§ 18.12 (b)

other inedible product departments. There shall be no movement of any product from an inedible product department to any edible product department. Trucks, barrels, and other equipment shall be cleaned before being returned to edible product departments from inedible product departments. Unoffensive material prepared outside edible product departments may be stored in, and distributed from, edible product departments only if packaged in clean, properly identified, sealed containers.

(c) Animal food shall be distinguished from articles of human food, so as to avoid distribution of such animal food as human food. To accomplish this, such animal food shall be labeled or otherwise identified in accordance with § 22.11 **(f)** of these regulations.

§ 18.13 Mixtures containing product but not amenable to the Law.

Mixtures containing product but not classed as a meat food product under the Law shall not bear the inspection legend or any abbreviation or representation thereof. When such mixtures are manufactured in any part of an official establishment, the sanitation of that part of the establishment shall be supervised by Department inspectors, and the manufacture of such mixtures shall not cause any deviation from the requirements of § 18.01 of this Section.

§ 18.14 Adulteration of products by **Polluted water;** procedure for handling.

(a) **In the event there is polluted water (including but not limited to flood water) in an official establishment, all products and ingredients for use in the preparation of such products that have been rendered adulterated by the water* shall be condemned.*

(b) *After *the polluted water has receded from an official establishment, all walls, ceilings, posts, and floors of the rooms and compartments involved, including the equipment therein, shall, under the supervision of an inspector, be cleaned thoroughly by the official establishment personnel. An adequate supply of hot water under pressure is essential to make such cleaning effective. After cleaning, a solution of sodium hypochlorite containing approximately one-half of 1 percent available chlorine (5,000 p/m) or other equivalent disinfectant approved by the Director 1/ shall be applied to the surface of the rooms and equipment and* rinsed with potable water before use.*

(c) *Hermetically sealed containers of product which have been contaminated by *Polluted water shall be examined promptly by the official establishment under supervision of an* inspector and rehandled as follows:*

*1/ A list of approved disinfectants is available upon request to *Scientific Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service,* U.S. Department of Agriculture, Washington, D.C. 20250.*

§ 18.14 (c)

(1) Separate and condemn all product **in damaged or extensively* rusted containers.*

(2) Remove paper labels and wash the **remaining* containers in warm soapy water, using a brush where necessary to remove rust or other foreign material. *Disinfect these containers by either of the following methods:**

**(i) Immerse in a solution of sodium hypochlorite containing not less than 100 p/m of available chlorine or other equivalent disinfectant approved by the Director, 1/ rinse in potable water, and dry thoroughly; or*

*(ii) Immerse in 212⁰F. water bring temperature of the water back to 212⁰F. and maintain the temperature at 212⁰F. for 5 minutes then remove containers from water and cool them to 95⁰F. and dry thoroughly.**

(3) After handling as described in paragraph **c* (2) of this section,*** the containers may be relacquered, if necessary, and then relabeled with approved labels applicable to the product therein.

(4) The identity of the canned product shall be maintained throughout all stages of the rehandling operations to insure correct labeling of the containers.

§ 18.15 Tagging chemicals, preservatives, cereals, spices, etc.,
"W. Va. retained."

When any chemical, preservative, cereal, spice, or other substance is intended for use in an official establishment, it shall be examined by a Department inspector and if found to be unfit or otherwise unacceptable for the use intended, or if final decision regarding acceptance is deferred pending laboratory or other examination, the inspector shall attach a "W. Va. retained" tag to the substance or container thereof. The substance so tagged shall be kept separate from other substances as the Veterinary Supervisor may require and shall not be used until the tag is removed, and such removal shall be made only by a Department inspector after a finding that the substance can be accepted, or, in the case of an unacceptable substance, when it is removed from the establishment.

§ 18.16 Pesticide chemicals and other residues in products.

(a) Nonmeat ingredients. Residues of pesticide chemicals, food additives and color additives or other substances in or on ingredients (other than meat, meat by-products, and meat food products) used in the

1/ A list of approved disinfectants is available upon request to the **Scientific Services, Meat & Poultry Inspection Program** Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 or a Department inspector. All products listed meet with the approval of the Commissioner.

§ 18.16 (a)

formulation of products shall not exceed the levels permitted under the Federal Food, Drug, and Cosmetic Act, and such nonmeat ingredients must otherwise be in compliance with the requirements under that Act.

(b) Products, and meat, meat by-product, or other meat food product ingredients. Products, and products used as ingredients of products, shall not bear or contain any pesticide chemical, food additive, or color additive residue in excess of the level permitted under the Federal Food, Drug, and Cosmetic Act and the regulations in this Section, or any other substance that is prohibited by such regulations or that otherwise makes the products adulterated.

(c) Standards and procedures. Instructions specifying the standards and procedures for determining when ingredients of finished products are in compliance with this Section shall be issued to the inspectors by the Director. Copies of such instructions will be made available to interested persons upon request made to the Veterinary Supervisor.

§*18.17 Cooking requirements for cooked beef and roast beef.

(a) Cooked beef and roast beef shall be prepared by a cooking procedure that produces a minimum temperature of 145 F. (63 C.) in all parts of each roast or prepared as provided in paragraphs (b) and (c) of this subsection.

(b) Cooked beef may also be prepared by any one of the cooking procedures described in the following table and in paragraphs (c) (1) and (d), of this subsection, and roast beef may also be prepared by any one of the cooking procedures described in the following tables and in paragraph (c) (2) and (d) of this subsection provided that the procedure produces and maintains the minimum temperature required, in all parts of each roast, for at least the stated period:

TABLE FOR ALTERNATIVE PROCESSING
PROCEDURES FOR COOKED BEEF AND ROAST
BEEF

Minimum internal temperature		Minimum processing time in minutes
F	C	
130	54.4	121
131	55.0	97
132	55.6	77
133	56.1	62
134	56.7	47
135	57.2	37
136	57.8	32
137	58.4	24
138	58.9	19
139	59.5	15
140	60.0	12
141	60.6	10
142	61.1	8
143	61.7	6
144	62.2	5

S18.17 continued**

(c) (1) Bag cook: Each roast to be moist cooked shall be placed in a moisture impermeable film, either vacuum packaged or excess air removed, and the bag sealed prior to immersion cooking in a water bath or cooking in an oven.

(2) (i) Unbagged cook (netted or racked roasts): Roasts processed entirely by dry heat must weigh 10 pounds or more before processing and must be dry cooked in an oven maintained at 250 F. (121 C.) or higher throughout the process; or

(ii) An oven temperature less than 250 F. (121 C.) may be used for dry cooking of roast of any size provided that the relative humidity, as measured in either the chamber or exit vent of the oven in which they are prepared, is greater than 90 percent or at least 25 percent of the total cooking time for the process, but in no case for a lesser period than 1 hour. This relative humidity may be achieved by use of steam injection or by sealed ovens capable of producing and maintaining the required 90 percent relative humidity.

(d) A processor who selects any of the alternative procedures specified in paragraphs (b) and (c) of this subsection must have equipment designed to insure that beef roasts do not contact each other during processing and shall have sufficient monitoring equipment to assure that the time (within 1 minute), temperature (within 1 F.), and relative humidity (within 5 percent) limits required by this process are being met. The processor shall provide proper recording devices, and make the data from these available to the Director upon request, as provided in Section 20 of these regulations. Continuous recording devices with the prescribed accuracies will be acceptable for all product prepared under paragraphs (a) and (b) of this subsection:

S18.18** Handling of certain material for mechanical processing. Material to be processed into "Mechanically Processed (Species) Product" or into an imitation of such product shall be so processed within 1 hour from the time it is cut or separated from carcasses or parts of carcasses, except that such product may be held for no more than 72 hours at 40 F. (4 C) or less, or held indefinitely at 0 F. (-18 C) or less. "Mechanically Processed (Species) Product" or an imitation of such product shall, directly after being processed, be used as an ingredient in a meat food product except that it may be held prior to such use for no more than 72 hours at 40 F. (4 C.) or less or indefinitely at 0 F. (-18 C.) or less.

****Regulation Change Effective 11/10/80****

SECTION 19 - DEFINITIONS AND STANDARDS OF
IDENTITY OR COMPOSITION

Subpart A - General

Subsections

- 19.01 Labeling and preparation of standardized products.
- 19.02 Products and nitrates and nitrites.
- 19.03 (Reserved).
- 19.04 (Reserved).
- 19.05 Standards for Mechanically Processed (Species) Product.
- 19.06 Limitations with respect to use of Mechanically Processed (Species) Product.

Subpart B - Raw Meat Products

- 19.15 Miscellaneous beef products.
- 19.29 Miscellaneous pork products.

Subpart C - Cooked Meats

- 19.80 Barbecued meats.
- 19.81 Roast beef parboiled and steam roasted.

Subpart D - Cured, Meats, Unsmoked and Smoked

- 19.100 Corned beef.
- 19.101 Corned beef brisket.
- 19.102 Corned beef round and other corned beef cuts.
- 19.103 Cured beef tongue.
- 19.104 Cured pork products, unsmoked or smoked.
- 19.105 Chopped ham.
- 19.106 Country hams (or country style hams) and country pork shoulders (or country style pork shoulders).

Subpart E - Fresh Sausage

- 19.140 Sausage.
- 19.141 Fresh pork sausage.
- 19.142 Fresh beef sausage.
- 19.143 Breakfast sausage.
- 19.144 Whole hog sausage.

19.145 Italian sausage products.

Subpart F - Uncooked, Smoked Sausage

19.160 Smoked pork sausage.

Subpart G - Cooked, Smoked Sausage

19.180 Frankfurter, wiener, vienna, bologna, garlic bologna, knockwurst, and similar products.

19.181 Cheesefurters and similar products.

Subpart H - Other Cooked Sausages

19.200 Liver sausage and braunschweiger.

Subpart I - Semi-Dry Fermented Sausage

(Reserved).

Subpart J - Dry Fermented Sausage

(Reserved).

Subpart K - Luncheon Meat, Loaves and Jellied Products

19.260 Luncheon meat.

19.261 Meat loaf.

Subpart L - Cooked, Meat Specialties, Puddings and Nonspecific Loaves

19.280 Scrapple.

19.281 Bockwurst.

Subpart M - Canned, Frozen, or Dehydrated Meat Food Products

19.300 Chili con carne.

19.301 Chili con carne with beans.

19.302 Hash.

19.303 Corned beef hash.

19.304 Meat stews.

19.305 Tamales.

19.306 Spaghetti with meat balls and sauce, spaghetti with meat and sauce, and similar products.

19.307 Spaghetti sauce with meat.

19.308 Tripe with milk.

19.309 Beans with frankfurters in sauce, sauerkraut with wieners and juice, and similar products.

- 19.310 Lima beans with ham in sauce, beans with ham in sauce, beans with bacon in sauce, and similar products.
- 19.311 Chow mein vegetables with meat and chop suey vegetables with meat.
- 19.312 Prok with barbecue sauce and beef with barbecue sauce.
- 19.313 Beef with gravy and gravy with beef.

Subpart N - Meat Food Entree Products, Pies, and Turnovers

- 19.500 Meat pies.

Subpart O - Meat Snacks, Hors d'Oeuvres, Pizza, and Specialty Items

- 19.600 Pizza.

Subpart P - Fats, Oils, Shortenings

- 19.700 Oleomargarine or margarine.
- 19.701 Mixed fat shortening.
- 19.702 Lard, leaf lard.
- 19.703 Rendered animal fat or mixture thereof.

Subpart Q - Meat Soups, Soup Mixes, Broths, Stocks, Extracts

- 19.720 Meat extract.
- 19.721 Fluid extract of meat.

Subpart R - Meat Salads and Meat Spreads

- 19.760 Deviled ham, deviled tongue, and similar products.
- 19.761 Potted meat food product and deviled meat food product.
- 19.762 Ham spread, tongue spread, and similar products.

Subpart S - Meat Baby Foods

(Reserved).

Subpart T - Dietetic Meat Foods

(Reserved).

Subpart U - Miscellaneous

- 19.880 Breaded products.
- 19.881 Liver meat food products.

Subpart V - Combination Meat and Non-Meat Protein Products

- 19.900 Combination cured meat cuts.

Subpart A - General

§ 19.01 Labeling and preparation of standardized products.

Labels for products for which standards of identity or composition are prescribed in this Section shall show the appropriate product name, an ingredient statement, and other label information in accordance with the special provisions, if any, in this Section, and otherwise in accordance with the general labeling provisions in Section 17 of these regulations, and such products shall be prepared in accordance with the special provisions, if any, in this Section and otherwise in accordance with the general provisions in these regulations. Any product for which there is a common or usual name must consist of ingredients and be prepared by the use of procedures common or usual to such products insofar as specific ingredients or procedures are not prescribed or prohibited by the provisions of these regulations.

§ 19.02 Products and nitrates and nitrites.

Any product, such as frankfurters and corned beef, for which there is a standard in this Section and to which nitrate or nitrite is permitted or required to be added, may be prepared without nitrite or nitrate and labeled with such standard name when immediately preceded with the term "Uncured" in the same size and style of lettering as the rest of such standard name: Provided, that the product is found by the Director to be similar size, flavor, consistency, and general appearance to such product as commonly prepared with nitrate and nitrite; And provided further, that labeling for such product complies with the provisions of § 17.17(c) of these regulations.

§ 19.03 (Reserved)

§ 19.04 (Reserved)

§ 19.05 Standards for Mechanically Processed (Species) Product

(a) Mechanically processed (species) product is any product resulting from the mechanical separation and removal of most of the bone from attached skeletal muscle and meeting the other provisions of this paragraph. At least 98% of the bone particles present shall have a maximum size no greater than 0.5 millimeter in their greatest dimension and there shall be no bone particles larger than 0.85 millimeter in their greatest dimension. The product resulting from the separating process shall not have a calcium content exceeding 0.75%; shall have a minimum protein content of not less than 14.0% with a minimum PER of 2.5 (except as modified in paragraph (e) (1) of this section), and a fat content of not more than 30%. Such product failing to meet the calcium requirements of this paragraph shall only be used in producing animal fats. Such product failing to meet any of the other requirements of this paragraph shall only be used in producing animal fats, or alternatively may be used in the formulation of imitation product.

(b) (Reserved)

(c) (Reserved)

(d) (Reserved)

** (e) (1) An essential amino acid content of at least 33% of the total amino acids present in "Mechanically Processed (Species) Product" shall be accepted
 Regulation Change Effective 11/10/80

§ 19.05 (e) (1)

as evidence of compliance with the protein quality requirement set forth in paragraph (a) of this subsection. The percent of essential amino acid content is calculated as the total of the percentages of isoleucine, leucine, lysine, methioine, phenylalanine, threonine, and valine, divided by the percentage of total amino acids and multiplied by 100.

§ 19.05 (e) (2) A prerequisite for label approval for products consisting of or containing "Mechanically Processed (Species) Product" is that such "Mechanically Processed (Species) Product", shall have been produced by an establishment under an approved plant quality control system. Such a plant quality control system shall be approved if the Director determines that it meets the requirements of this subsection. The system must provide the controls and information necessary to assure that the product will meet the requirements described in § 19.05(a) and to enable establishment personnel and Department employees to monitor the system for effectiveness. The system shall include a written description of the methods used by the establishment to maintain uniformity of the raw ingredients used in manufacturing product, to control the handling and processing of the raw ingredients and the finished product, and shall contain provisions for chemical analyses of the product to determine compliance with standards for the product. Analysis of a sample of at least 1 pound from each lot to verify contents of fat, protein and calcium in "Mechanically Processed (Species) Product" shall be performed by the operator of the establishment or his agent to assure that finished product will meet the requirements in § 19.05(a), except that such analyses with respect to fat, protein, and calcium shall be required to be performed with respect to only one randomly selected lot of every five lots if the preceeding ten analyses and all such analyses performed by the Department during the preceeding ten-analysis period establish compliance with the requirements of § 19.05(a) an analysis of a sample of at least 1 pound to verify content of essential amino acids and protein efficiency ratio in "Mechanically Processed (Species) Product" shall be performed by the operator of the establishment or his agent at the rate of at least one per month during production to assure that finished product will meet the requirements of § 319.5(a), except, that such analyses with respect to essential amino acid content and protein efficiency ratio shall be required to be performed only once every 6 months if the preceeding three analyses and all such analyses performed by the Department during the preceeding three-analyses period establish compliance with the requirements of § 19.05(a). Finished product samples shall be analyzed by a laboratory in accordance with methods prescribed in the current "Official Methods of Analysis of the Association of Official Analytical Chemists". The plant quality control system shall be subject to periodic review, and the designation of approval of such system may be terminated by the Director if he finds, after notice and reasonable opportunity to present views ~~has been~~ accorded to the establishment, that such system is not adequate to assure compliance with the requirements of the act with respect to such preparation. As soon as possible after such termination, the establishment shall be notified in writing by the Director of the reason therefore and afforded reasonable opportunity to present views thereon, and if there is a conflict as to any material fact, a hearing shall be held to resolve such conflict. This paragraph applies only to aspects of preparation of products not required to be conducted under current or future mandatory quality control programs or systems.

(a) When the Mechanically Processed (Species) Product described in § 19.05 is used as an ingredient in other meat food products, the finished product shall be labeled in accordance with § 17.02 (j) (13) of these regulations. Products required to be prepared from meat or meat by-products of one species may contain Mechanically Processed (Species) Product only of the same species.

(b) Mechanically Processed (Species) Product described in § 19.05 may constitute up to 20% of the meat portion of any meat food product except those listed in paragraph (c) of this subsection.

(c) Mechanically Processed (Species) Product described in § 19.05 may not be used in baby, junior, or toddler foods, ground beef, hamburger, fabricated steaks § 19.15 (a), (b) and (f), barbecued meats § 19.80, roast beef-parboiled and steam roasted § 19.81, corned beef cuts § 19.100, lima beans with ham and similar products § 19.310, beef with gravy and gravy with beef § 19.313, and meat pies § 19.500.

Subpart B - Raw Meat Products

§ 19.15 Miscellaneous beef products.

(a) Chopped beef, ground beef. "Chopped Beef" or "Ground Beef" shall consist of chopped fresh and/or frozen beef with or without seasoning and without the addition of beef fat as such, shall not contain more than 30% fat, and shall not contain added water, binders, or extenders. When beef cheek meat (trimmed beef cheeks) is used in the preparation of chopped or ground beef, the amount of such cheek meat shall be limited to 25%; and if in excess of natural proportions, its presence shall be declared on the label, in the ingredient statement required by § 17.02 of these regulations, if any, and otherwise contiguous to the name of the product.

(b) Hamburger. "Hamburger" shall consist of chopped fresh and/or frozen beef with or without the addition of beef fat as such and/or seasoning, shall not contain more than 30% fat, and shall not contain added water, binders, or extenders. Beef cheek meat (trimmed beef cheeks) may be used in the preparation of hamburger only in accordance with the conditions prescribed in paragraph (a) of this subsection.

(c) Chopped chuck, ground chuck. "Chopped Chuck" or "Ground Chuck" shall consist only of chopped fresh and/or frozen meat from the shoulder or chuck of beef forequarter remaining after removal of the foreshank, brisket, short plate and rib, with or without seasoning and without the addition of beef fat as such, shall not contain over 25% fat, and shall not contain added water, binders, or extenders.

(d) Chopped round, ground round. "Chopped Round" or "Ground Round" shall consist only of chopped fresh and/or frozen meat from that portion of the beef hindquarter remaining after the removal of the untrimmed loin and flank, with or without seasoning and without the addition of beef fat as such, shall not contain over 20% fat, and shall not contain added water, binders, or extenders.

(e) Beef patties. "Beef Patties" shall consist of chopped fresh and/or frozen beef with or without the addition of beef fat as such and/or seasonings. Binders or extenders and/or partially defatted beef fatty tissue may be used without added water or with added water only in amounts such that the product's characteristics are essentially that of a meat patty.

(f) Fabricated steak. Fabricated beef steaks, veal steaks, beef and veal steaks, or veal and beef steaks, and similar products, such as those labeled "Beef Steak, Chopped, Shaped, Frozen," "Minute Steak, Formed, Wafer Sliced, Frozen," "Veal Steaks, Beef Added, Chopped-Molded-Cubed-Frozen, *Hydrolyzed* Plant Protein, and Flavoring" shall be prepared by comminuting and forming the product from fresh and/or frozen meat, with or without added fat, of the species indicated on the label. Such products shall not contain more than 30% fat and shall not contain added water, binders, or extenders. Beef cheek meat (trimmed beef cheeks) may be used in the preparation of fabricated beef steaks only in accordance with the conditions prescribed in paragraph (a) of this subsection.

(g) Partially defatted beef fatty tissue. "Partially Defatted Beef Fatty Tissue" is a beef by-product derived from the low temperature rendering (not exceeding 120°F.) of fresh beef fatty tissue. Such product shall have a pinkish color and a fresh odor and appearance.

Partially defatted pork fatty tissue. "Partially Defatted Pork Fatty Tissue" is a pork by-product derived from the low temperature rendering (not exceeding 120°F.) of fresh pork fatty tissue, exclusive of skin. Such product shall have a pinkish color and a fresh odor and appearance.

Subpart C - Cooked Meats

Barbecued meats, such as product labeled "Beef Barbecue" or "Barbecued Pork", shall be cooked by the direct action of dry heat resulting from the burning of hardwood or the hot coals therefrom for a sufficient period to assume the usual characteristics of a barbecued article, which include the formation of a brown crust on the surface and the rendering of surface fat. The product may be basted with a sauce during the cooking process. The weight of barbecued meat shall not exceed 70% of the weight of the fresh uncooked meat.

"Roast Beef Parboiled and Steam Roasted" shall be prepared so that the weight of the finished product, excluding salt and flavoring material, shall not exceed 70% of the fresh beef weight. Beef cheek meat and beef head meat from which the overlying glandular and connective tissues have been removed, and beef heart meat, exclusive of the heart cap may be used individually or collectively to the extent of 5% of the meat ingredients in the preparation of canned product labeled "Roast Beef Parboiled and Steam Roasted". When beef cheek meat, beef head meat, or beef heart meat *is* used in the preparation of this product, its presence shall be reflected in the statement of ingredients required by Section 17 of these regulations.

Regulation Change Effective 4/22/74

§ 19.100

§ 19.100 Corned beef.

"Corned Beef" shall be prepared from beef briskets, navels, clods, middle ribs, rounds, rumps, or similar cuts using one or a combination of the curing ingredients specified in § 18.07 (c) (1) and (4) of these regulations. Canned product labeled "Corned Beef" shall be prepared so that the weight of the finished product, excluding cure, salt, and flavoring material, shall not exceed 70 percent of the fresh beef weight. Corned beef other than canned shall be cured in pieces weighing not less than one pound, and if cooked, its weight shall not exceed the weight of the fresh uncured beef. Beef cheek meat, beef head meat and beef heart meat may be used to the extent of 5 percent of the meat ingredient in preparation of this product when trimmed as specified in § 19.81. When beef cheek meat, beef head meat, or beef heart meat *is* used in preparation of this product, its presence shall be reflected in the statement of ingredients required by Section 17 of these regulations. The application of curing solution to beef cuts, other than briskets, which are intended for bulk corned beef shall not result in an increase in the weight of the finished cured product of more than 10 percent over the weight of the fresh uncured meat.

§ 19.101 Corned beef brisket.

In preparing "Corned Beef Brisket," the application of curing solution to the beef brisket shall not result in an increase in the weight of the finished cured product of more than 20 percent over the weight of the fresh uncured brisket. If the product is cooked, the weight of the finished product shall not exceed the weight of the fresh uncured brisket.

§ 19.102 Corned beef round and other corned beef cuts.

In preparing "Corned Beef Round" and other corned beef cuts, except "Corned Beef Briskets," the curing solution shall be applied to pieces of beef weighing not less than one pound and such application shall not result in an increased weight of the cured beef product of more than 10 percent over the weight of the fresh uncured beef cut. If the product is cooked, the weight of the finished product shall not exceed the weight of the fresh uncured beef cut.

§ 19.103 Cured beef tongue.

In preparing "Cured Beef Tongue," the application of curing solution to the fresh beef tongue shall not result in an increase in the weight of the cured beef tongue of more than 10 percent over the weight of the fresh uncured beef tongue.

§ 19.104 Cured pork products, unsmoked and smoked.

(a) Cured, unsmoked products. Cured, unsmoked, "Boneless Pork Shoulder," "Boneless Pork Shoulder Butts," or pieces of pork loin in casings or similar containers of consumer size, shall not contain more than 10 percent added substances as a result of the curing process.

(b) Smoked products. The weight of any smoked products such as "Ham," "Pork Shoulder," "Pork Shoulder Picnic," "Pork Shoulder Butt,"

Reg. Change Effective 4/22/74

§ 19.104 (b) Cured pork products, unsmoked or smoked.

§ 19.104 (b)

or similar products, except such products prepared for canning, shall not exceed the weight of the fresh uncured article.

(c) Other cooked, cured products. The preparation of any cooked, cured products, such as "Ham" "Pork Shoulder", "Pork Shoulder Picnic", "Pork Shoulder Butt", and "Pork Loin", or similar products, either by moist or dry heat, (except such products prepared for canning), shall not result in the finished cooked product weighing more than the fresh uncured article.

(d) Cured, water added products. Products resembling standardized ham and other pork products of the kinds provided for in paragraph (b) or (c) of this subsection, which do not conform to such provisions because they contain added water not in excess of 10% of the weight of the fresh, uncured products, shall bear on their labels the term "Water Added", as a part of the product name, in prominent lettering not less than three-eighths inch in height, and if not placed in a consumer-size package labeled in accordance with this Section and Section 17 of these regulations, shall be marked with the term "Water Added" the full length of the product. However, the Director may approve smaller lettering for labels of small packages, such as 4-ounce packages, when he finds that the size and style of the lettering in connection with the product name are such as to insure the prominence of the required terms. The qualifying phrase "Up to 10%" or equivalent phrase may be used in labeling such products in connection with the term "Water Added" at the option of the operator of the establishment, provided the qualifying phrase does not detract from the prominence of the term "Water Added".

** (e) Canned products. The preparation of any canned products such as "Ham", "Pork Shoulder Picnic", or similar products, shall not result in an increase in weight of more than 8% over the weight of the fresh uncured article.

(f) Pressed ham, spiced ham, and similar products. "Pressed Ham", "Pressed Ham with Natural Juices", "Spiced Ham", and similar products may contain finely chopped ham shank meat to the extent of 25% over that normally present in the boneless ham. The weight of the cured chopped ham prior to processing not to exceed the weight of the fresh uncured ham, exclusive of the bone and fat removed in the boning operation, plus the weight of the curing ingredients and 3% moisture. *Mechanically Processed (Species) Product may be used in accordance with § 19.06.

§ 19.105 Chopped Ham.

(a) "Chopped Ham" is the semi-solid meat food product, in the form of a compact mass with a limited amount of cooked out juices, which is prepared with ham, curing agents, seasonings, and any of the optional ingredients listed in paragraph (b) of this subsection, in accordance with the provisions of subparagraph (1), (2), and (3) of this paragraph.

(1) Fresh ham, cured ham, or smoked ham, or a mixture of two or more of such meat components may be used. The weight of the cured chopped ham prior to processing shall not exceed the weight of the fresh uncured ham and fresh uncured ham shank meat if any is used, exclusive of the bones and fat removed in the boning operations, plus the weight of the curing ingredients and 3% moisture.

Regulation Change Effective 11/10/80 ** Regulation Change Effective 11/10/80**

§ 19.105 (a)

(2) The curing agents that may be used, singly or in combination, are salt, sodium nitrate, sodium nitrite, potassium nitrate, and potassium nitrite. When sodium nitrate, sodium nitrite, potassium nitrate, or potassium nitrite is used, singly or in combination, the amount thereof shall not exceed that permitted in § 18.07 (c) (4) of these regulations.

(3) The seasonings that may be used, singly or in combination, are salt, sugar (sucrose or dextrose), spice, and flavoring, including essential oils, oleoresins and other spice extractives.

(b) Chopped ham may contain one or more of the following optional ingredients:

(1) Finely chopped ham shank meat (fresh, cured, or smoked, or a combination thereof) to the extent of not more than 25% over that normally present in the boneless ham;

(2) Water, for the purpose of dissolving the curing agents, and not in excess of the amount permitted in subparagraph (a)(1) of this subsection;

(3) Monosodium glutamate;

(4) Hydrolyzed plant protein;

(5) Corn syrup solids, corn syrup and glucose syrup, singly or in combination, in an amount not to exceed 2% (calculated on a dry basis) of all the ingredients used in preparing the chopped ham;

(6) Disodium phosphate, sodium hexametaphosphate, sodium tripolyphosphate, sodium pyrophosphate, and sodium acid pyrophosphate, singly or in combination, in an amount not to exceed that permitted in § 18.07 (c)(4) of these regulations;

(7) Ascorbic acid, sodium ascorbate, isoascorbic acid or sodium isoascorbate in an amount not to exceed that permitted in § 18.07 (c)(4) of these regulations;

(8) Dehydrated onions or onion powder;

(9) Dehydrated garlic or garlic powder;

*** (10) Mechanically Processed (Species) Product used in accordance with § 19.06 of this subsection.

**** § 19.106 "Country Ham", "Country Style Ham", or "Dry Cured Ham", and "Country Pork Shoulder", "Country Style Pork Shoulder", and "Dry Cured Pork Shoulder".**

(a) "Country Ham", "Country Style Ham", or "Dry Cured Ham", and "Country Pork Shoulder", "Country Style Pork Shoulder", or "Dry Cured Pork Shoulder" are the uncooked, cured, dried, smoked or unsmoked meat food products made respectively from a single piece of meat conforming to the definition of "ham", as specified in § 17.08 (b)(13) of these regulations, or from a single piece of meat from a pork shoulder. They are prepared in accordance with paragraph (c) of this section by the dry application of salt (NaCl), or by the dry application of salt (NaCl) and one or more of the optional ingredients as specified in paragraph

(d) of this subsection. They may not be injected with curing solutions nor placed in curing solutions.

(b) The product must be treated for the destruction of possible live trichinae in accordance with such methods as may be approved by the Director upon request in specific instances and none of the provisions of this standard can be interpreted as discharging trichinae treatment requirements.

(c)(1) The entire exterior of the ham or pork shoulder shall be coated by the dry application of salt or by the dry application of salt combined with other ingredients as permitted in paragraph (d) of this subsection.

(2) Additional salt, or salt mixed with other permitted ingredients, may be reapplied to the product as necessary to insure complete penetration.

(3) When sodium or potassium nitrate, or sodium or potassium nitrite, or a combination thereof, is used, the application of salt shall be in sufficient quantity to insure that the finished product has an internal salt content of at least 4%.

(4) When no sodium nitrate, potassium nitrate, sodium nitrite, potassium nitrite or a combination thereof is used, the application of salt shall be in sufficient quantity to insure that the finished product has a brine concentration of not less than 10% or a water activity of not more than 0.92.

(5) For hams or pork shoulders labeled "country" or "country style," the combined period for curing and salt equalization shall not be less than 45 days for hams, and shall not be less than 25 days for pork shoulder; the total time for curing, salt equalization, and drying shall not be less than 70 days for hams, and shall not be less than 50 days for pork shoulders. During the drying and smoking period, the internal temperature of the product must not exceed 95°F., provided that such temperature requirement shall not apply to product dried or smoked under natural climatic conditions.

(6) For hams or pork shoulders labeled "dry cured", the combined period for curing and salt equalization shall not be less than 45 days for hams, and shall not be less than 25 days for pork shoulders; and the total time for curing, salt equalization, and drying shall not be less than 55 days for hams and shall not be less than 40 days for pork shoulders.

(7) The weight of the finished hams and pork shoulders covered in this subsection shall be at least 18% less than the fresh uncured weight of the article.

(d) The optional ingredients for products covered in this subsection are:

(1) Nutritive sweeteners, spices, seasonings and flavorings.

(2) Sodium or potassium nitrate and sodium or potassium nitrite if used as prescribed in this subsection and in accordance with § 18.07

(c)(4) of these regulations.***

Regulation Change Effective 10/15/77

Subpart E - Fresh Sausage

* § 19.140 Sausage.

Except as otherwise provided in this subsection, or under the Federal Poultry Products Inspection Act with respect to products consisting partly of poultry, sausage is the coarse or finely comminuted meat food product prepared from one or more kinds of meat or meat and meat by-products, containing various amounts of water as provided for elsewhere in this Section, and usually seasoned with condimented proportions of condimental substances, and frequently cured. Certain sausage as provided for elsewhere in this Section may contain binders and extenders; e.g., cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, isolated soy protein, nonfat dry milk.

The finished product shall contain no more than 3.5% of these additives individually or collectively. Two percent if isolated soy protein shall be deemed equivalent to 3½% of any one or more of these binders. Sausage may not contain *phosphates* except that uncooked pork from cuts cured with phosphates listed in § 18.07 (c)(4) may be used in cooked sausage. To facilitate chopping or mixing or to dissolve the usual curing ingredients, water or ice may be used in the preparation of sausage which is not cooked in an amount not to exceed 3% of the total ingredients in the formula. Cooked sausages such as Polish sausage, cotto salami, braunschweiger, liver sausage, and similar cooked sausage products may contain no more than 10% of added water in the finished product.

*Except as otherwise provided in this subsection, or under the Federal Poultry Products Inspection Act with respect to products consisting partly of poultry, sausage is the coarse or finely comminuted meat food product prepared from one or more kinds of meat or meat and meat by-products, containing various amounts of water as provided for elsewhere in this Section may contain binders and extenders; e.g., cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, isolated soy protein, nonfat dry milk, dried skim milk, enzyme (rennet) treated calcium reduced dried skim milk and calcium lactate or dried milk. The finished product shall contain no more than 3.5% of these additives individually or collectively. Two percent if isolated soy protein shall be deemed equivalent to 3½% of any one or more of these binders. Sausage may not contain *phosphates* except that uncooked pork from cuts cured with phosphates listed in § 18.07 (c)(4) may be used in cooked sausage. To facilitate chopping or mixing or to dissolve the usual curing ingredients, water or ice may be used in the preparation of sausage which is not cooked in an amount not to exceed 3% of the total ingredients in the formula. Cooked sausages such as Polish sausage, cotto salami, braunschweiger, liver sausage, and similar cooked sausage products may contain no more than 10% of added water in the finished product.

* § 19.141 Fresh pork sausage.

"Fresh Pork Sausage" is sausage prepared with fresh pork or frozen pork or both, not including pork by-products, *and may contain Mechanically Processed (Species) Product in accordance with § 19.06, and may be seasoned with condimental substances as permitted under Section 18 of these regulations. It shall not be made with any lot of product which, in the aggregate, contains more than 50% trimmable fat, that is, fat which can be removed by thorough, practicable trimming and sorting. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed 3% of the total ingredients used.

Regulation Change Effective 11/10/80

Subpart E - Fresh Sausage

§ 19.142

Fresh beef sausage.

"Fresh Beef Sausage" is sausage prepared with fresh beef or frozen beef, or both, not including beef by-products, and may be seasoned with condimental substances as permitted under Section 18 of these regulations. The finished product shall not contain more than 30% fat. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed 3% of the total ingredients used.

§ 19.143

Breakfast sausage.

"Breakfast Sausage" is sausage prepared with fresh and/or frozen meat, or meat and meat by-products and may be seasoned with condimental substances as permitted in Section 18 of these regulations. It shall not be made with any lot of product which, in the aggregate, contains more than 50% trimmable fat; that is, fat which can be removed by thorough practicable trimming and sorting. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed 3% of the total ingredients used. Extenders or binders as listed in Section 18 of these regulations may be used to the *extent* of 3% of the finished sausage as permitted in § 19.140.

§ 19.144

Whole hog sausage.

"Whole Hog Sausage" is sausage prepared with fresh and/or frozen meat from swine in such proportions as are normal to a single animal and may be seasoned with condimental substances as permitted in Section 18 of these regulations. It shall not be made with any lot of product which, in the aggregate, contains more than 50% trimmable fat; that is, fat which can be removed by thorough practicable trimming and sorting. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed 3% of the total ingredients used.

***§ 19.145

Italian sausage products.

(a) *Italian sausage products are uncured, unsmoked sausages containing at least 85% meat, or combination of meat and fat, with the total fat content constituting not more than 35% of the finished product. Such products shall be prepared in accordance with the provisions of paragraph (a)(1), (2) or (3) of this subsection, and shall contain salt, pepper, and either fennel or anise, or a combination of fennel and anise. Such products may contain any or all of the optional ingredients listed in paragraph (b) of this subsection.*

* (1) "Italian Sausage" shall be prepared with fresh or frozen pork, or pork and pork fat, *and may contain Mechanically Processed (Species) Product in accordance with § 19.06.

* (2) "Italian Sausage with Beef", "Italian Sausage with Veal", or "Italian Sausage with Beef and Veal" shall be prepared so that fresh or frozen pork constitutes the major portion of the meat content requirement of this paragraph. Mechanically Processed (Species) Product may be used in accordance with § 19.06. When pork muscle tissue is combined with beef or veal, or both, in the preparation of bulk-packed products, or patties, it shall be treated for the destruction of possible live trichinae in accordance with § 18.10 of these regulations.

*Regulation Change Effective 11/10/80 *

Regulation Change Effective 10/15/77

§ 19.145

* (3) "Italian Beef Sausage" or "Kosher Italian Beef Sausage" shall be prepared with fresh or frozen beef or beef and beef fat. "Italian Veal Sausage" or "Kosher Italian Veal Sausage" shall be prepared with fresh or frozen veal or veal and veal fat. *Mechanically Processed (Species) Product may be used in accordance with § 19.06.

(b) Optional ingredients permitted in Italian sausage products include:

- (1) Spices (including paprika) and flavorings.
- (2) Water or ice to facilitate chopping or mixing, but not to exceed 3% of the total weight of all ingredients including the water.
- (3) Red or green peppers, or both.
- (4) Dehydrated or fresh onions, garlic, and parsley.
- (5) Sugar, dextrose, corn syrup, corn syrup solids, and glucose syrup.
- (6) Monosodium glutamate and antioxidants in accordance with the chart of substances in § 18.07 (c) (4) of these regulations.

(c) If Italian sausage products are cooked, determination of compliance with the provisions of paragraphs (a) and (b) of this subsection shall be based on the uncooked product.***

Subpart F - Uncooked, Smoked Sausage

§ 19.160 Smoked pork sausage.

"Smoked Pork Sausage" is pork sausage that is smoked with hardwood or other approved nonresinous materials. It may be seasoned with condimental substances as permitted in Section 18 of these regulations. It shall not be made with any lot of product which, in the aggregate, contains more than 50% trimmable fat; that is, fat which can be removed by thorough practicable trimming and sorting. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed 3% of the total ingredients used.

Subpart G - Cooked Sausage, Smoked Sausage

§ 19.180 Frankfurter, wiener, vienna, bologna, garlic bologna, knockwurst, and similar products.

Regulation Change Effective 11/10/80

Regulation Change Effective 10/15/77

(a) Frankfurter, frank furter, hotdog, wiener, vienna, bologna, garlic bologna, knockwurst and similar cooked sausages are comminuted, semi-solid sausages prepared from one or more kinds of raw skeletal muscle meat or raw skeletal muscle meat and raw or cooked poultry meat, and seasoned and cured, using one or more of the curing agents in accordance with § 18.07(c) of these regulations. They may or may not be smoked. The finished products shall not contain more than 30% fat. Water or ice, or both, may be used to facilitate chopping or mixing or to dissolve the curing ingredients but the sausage shall contain not more than 10% added water. These sausage products may contain uncooked, cured pork from primal parts as defined in § 16.09(b) of these regulations, which do not contain any phosphates or contain only phosphates approved under Section 18 of these regulations. Such products may contain raw or cooked poultry meat not in excess of 15% of the total ingredients, excluding water, in the sausage, and Mechanically Processed (Species) Product used in accordance with § 19.06.* Such poultry meat ingredients shall be designated in the ingredient statement on the label of such sausage in accordance with the provisions of § 381.118 of the USDA Poultry Products Inspection Regulations.

(b) Frankfurter, frank furter, hotdog, wiener, vienna, bologna, garlic bologna, knockwurst and similar cooked sausages that are labeled with the phrase "with by-product" or "with variety meats" in the product name are comminuted semi-solid sausages consisting of not less than 15% of one or more kinds of raw skeletal muscle meat with the raw meat by-products, or not less than 15% of one or more kinds of raw skeletal muscle meat with raw meat by-products and raw or cooked poultry products; and seasoned and cured, using one or more of the curing ingredients in accordance with § 18.07(c) of these regulations. They may or may not be smoked. Partially defatted pork fatty tissue or partially defatted beef fatty tissue, or a combination of both, may be used in an amount not exceeding 15% of the meat and meat by-products or meat, meat, meat by-products and poultry products ingredients. The finished products shall not contain more than 30% fat. Water or ice, or both, may be used to facilitate chopping or mixing or to dissolve the curing and seasoning ingredients, but the sausage shall contain no more than 10% of added water. These sausage products may contain uncooked, cured pork which does not contain any phosphates or contains only phosphates approved under Section 18 of these regulations. These sausage products may contain poultry products, individually or in combination, not in excess of 15% of the total ingredients, excluding water, in the sausage and may contain Mechanically Processed (Species) Product in accordance with § 19.06.* Such poultry products shall not contain kidneys or sex glands. The amount of poultry skin present in the sausage must not exceed the natural proportion of skin present on the whole carcass of the kind of poultry used in the sausage, as specified in § 81.117(d) of the USDA Poultry Products Inspection Regulations. The poultry products used in the sausage shall be designated in the ingredient statement on the label of such sausage in accordance with the provisions of § 81.118 of the USDA Poultry Products Inspection Regulations. Meat by-products used in the sausage shall be designated individually in the ingredient statement on the label for such sausage in accordance with § 17.02 of these regulations.

Regulation Change Effective 11/10/80

(c) A cooked sausage as defined in paragraph (a) of this subsection shall be labeled by its generic name, e.g., frankfurter, wiener, vienna, bologna, garlic bologna, or knockwurst. *When such sausage products are prepared with meat from a single species of cattle, sheep, swine, or goats they shall be labeled with the term designating the particular species in conjunction with the generic name; e.g., "Beef Frankfurter," and when such sausage products are prepared in part with Mechanically Processed (Species) Product in accordance with § 19.06, they shall be labeled in accordance with § 17.02 (j) (13) of these regulations.

(d) A cooked sausage as defined in paragraph (b) of this subsection shall be labeled by its generic name, e.g., frankfurter, frank furter, hot-dog, wiener, vienna, bologna, garlic bologna, or knockwurst, in conjunction with the phrase "with by-products" or "with variety meats" with such supplemental phrase shown in a prominent manner directly contiguous to the generic name and in the same color on an identical background.

(e) With appropriate labeling as required by § 17.08 (b) (16) of these regulations, e.g., "Frankfurter, Calcium Reduced Dried Skim Milk Added", or "Bologna, with By-products (or Variety Meats), Soy Flour Added", one or more of the following binders may be used in cooked sausage otherwise complying with paragraph (a) or (b) of this section; dried milk, calcium reduced dried skim milk enzyme (rennet) treated calcium reduced dried skim milk and calcium lactate, nonfat dry milk, cereal, vegetable starch, starch vegetable flour, soy flour, soy protein concentrate and isolated soy protein, provided such ingredients, individually or collectively, do not exceed 3½% of the finished product, except that 2% of isolated soy protein shall be deemed to be the equivalent of 3½% of any one or more of the other binders.

(f) With appropriate labeling as required by § 17.08 (b) (16) of these regulations, e.g., "Frankfurter, Calcium Reduced Dried Skim Milk Added", or "Bologna, with By-products (or Variety Meats), Soy Flour Added", one or more of the following binders may be used in cooked sausage otherwise complying with paragraph (a) or (b) of this section: dried milk, calcium reduced dried skim milk, nonfat dry milk, cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate and isolated soy protein, provided such ingredients, individually or collectively, do not exceed 3½% of the finished product, except that 2% of isolated soy protein shall be deemed to be the equivalent of 3½% of any one or more of the other binders.

(g) Cooked sausages shall not be labeled with terms such as "All Meat" or "All (Species)", or otherwise to indicate they do not contain nonmeat ingredients or are prepared only from meat.

For the purposes of this section: Poultry meat means deboned chicken meat or turkey meat, or both, without skin or added fat; poultry products mean chicken or turkey, or chicken meat or turkey meat as defined in § 81.118 of the USDA Poultry Inspection Regulations, or poultry by-products as defined in § 81.1 of the USDA Poultry Products Inspection Regulations; and meat by-products (or variety meats) mean pork stomachs or snouts; beef, veal, lamb or goat tripe; beef, veal, lamb, goat or pork hearts, tongues, fat lips, weasands and spleens; and partially defatted pork fatty tissue, or partially defatted beef fatty tissue.*

§ 19.181 Cheesefurters and similar products.

*"Cheesefurters" and similar products are products in casings which resemble frankfurters except that they contain sufficient cheese

to give definite characteristics to the finished article. They may contain cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, isolated soy protein, nonfat dry milk, calcium reduced dried skim milk, enzyme (rennet) treated calcium lactate, or dried milk. The finished product shall contain no more than 3.5% of these additives, individually and collectively, exclusive of these cheese constituent. In determining the maximum amount of the ingredients specified in this subparagraph which may be used, individually and collectively, in a product, 2% of isolated soy protein shall be considered the equivalent of 3.5% of any other ingredient specified in this subparagraph. When any such additive is added to these products, there shall appear on the label in a prominent manner, contiguous to the name of the product, the name of each such added ingredient, as for example, "Cereal Added," "With Cereal", "Potato Flour Added", "Cereal and Potato Flour Added", "Soy Flour Added", "Nonfat Dry Milk Added", "Cereal and Nonfat Dry Milk Added", as the case may be. These products shall contain no more than 10% of added water and/or ice, 30% fat and shall comply with the other provisions for cooked sausages that are in these regulations.

Subpart H - Other Cooked Sausages

* § 19.200 Liver Sausage and Braunschweiger.

"Liver Sausage and "Braunschweiger" are cooked sausages made from fresh and/or frozen pork and pork livers and/or beef livers and may contain cured pork, beef and veal, and pork fat. Mechanically Processed (Species) Product may be used in accordance with § 19.06. Liver sausage may also contain beef and pork by-products, pork skins, sheep livers and goat livers. These products shall contain not less than 30% of liver computed on the weight of the fresh liver and may contain binders and extenders as permitted in § 19.140.

Subpart I - Semi-Dry Fermented Sausage

(Reserved)

Subpart J - Dry Fermented Sausage

(Reserved)

Subpart K - Luncheon Meat, Loaves and Jellied Products

§ 19.260 Luncheon Meat.

"Luncheon Meat" is a cured, cooked meat food product made from comminuted meat. To facilitate chopping or mixing or to dissolve the usual curing ingredients, water or ice may be used in the preparation of luncheon meat in an amount not to exceed 3% of the total ingredients.

§ 19.261 Meat Loaf.

"Meat Loaf" is a cooked meat food product in loaf form made from comminuted meat. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed 3% of the total ingredients used.

****Subpart L - Meat Specialties, Puddings and Nonspecific Loaves****

§ 19.280 Scrapple.

"Scrapple" shall contain not less than 40% meat and/or meat by-products computed in the basis of the fresh weight, exclusive of bone. The meal or flour used may be derived from grain and/or soybeans.

*** § 19.281 Bockwurst.

(a) "Bockwurst" is an uncured, comminuted meat food product which may or may not be cooked. It contains meat, milk or water, or a combination thereof, eggs, vegetables, and any of the optional ingredients listed in paragraph (b) of this subsection; and is prepared in accordance with the provisions of paragraph (a) (1), (2), (3), and (4) of this subsection.***

(1) Meat shall constitute not less than 70% of the total weight of the product and shall consist of pork or a mixture of pork and veal, pork and beef, or pork, veal, and beef. Mechanically Processed (Species) Product may be used in accordance with § 19.06. Such meat shall be fresh or fresh frozen meat. Pork may be omitted when the specie or species of meat used in the product is identified in the product name (e.g., Veal Bockwurst, Beef Bockwurst, or Beef and Veal Bockwurst).

*(2) The "milk may be freshwhole milk, dried milk, nonfat dry milk, calcium reduced dried skim milk, enzyme (rennet) treated calcium reduced dried skim milk and calcium lactate, any combination thereof.

(3) "Eggs" refer to whole eggs that are fresh, frozen, or dried.

(4) "Vegetables" refer to onions, chives, parsley, and leeks, alone or in any combination.

(b) Bockwurst may contain one or more of the following optional ingredients:

(1) Pork fat.

(2) Celery, fresh or dehydrated.

(3) Spices, flavorings.

(4) Salt.

(5) Egg whites, fresh, frozen, or dried.

(6) Corn syrup solids, corn syrup, or glucose syrup with a maximum limit of 2% individually or collectively, calculated on a dry basis. The maximum quantities of such ingredients shall be computed on the basis of the total weight of the ingredients.

(7) Autolyzed yeast extract, hydrolyzed plant protein, milk protein hydrolysate, and monosodium glutamate.

*Regulation Change Effective 11/10/80

Regulation Change Effective 10/15/77

(8) Sugars (sucrose and dextrose).

(9) Cereal, bread, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, and isolated soy protein, provided such ingredients, individually or collectively, do not exceed 3½% of total weight of all the ingredients, except that 2% of isolated soy protein shall be deemed to be the equivalent of 3½% of any one or more of the other ingredients permitted in this subparagraph. Bockwurst containing any of the ingredients permitted by this subparagraph shall be labeled in accordance with § 17.8 (b) (33) of these regulations.

(c) If bockwurst is cooked or partially cooked, the composition of the raw mix from which it is prepared shall be used in determining whether it meets the requirements of this subsection.***

Subpart M - Canned, Frozen, or Dehydrated Meat Food Products

* § 19.300 Chili con carne.

"Chili con Carne" shall contain not less than 40% of meat computed on the weight of the fresh meat. Mechanically Processed (Species) Product may be used in accordance with § 19.06. Head meat, cheek meat, and heart meat exclusive of the heart cap may be used to the extent of 25% of the meat ingredients under specific declaration on the label. The mixture may contain not more than 8%, individually or collectively, of cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, isolated soy protein, dried milk, nonfat dry milk, or calcium reduced dried skim milk.

* § 19.301 Chili con carne with beans.

"Chili con Carne with Beans" shall contain not less than 25% of meat computed on the weight of the fresh meat. Mechanically Processed (Species) Product may be used in accordance with § 19.06. Head meat, cheek meat, or heart meat exclusive of the heart cap may be used to the extent of 25% of the meat ingredient, and its presence shall be reflected in the statement of ingredients required by Section 17 of these regulations.

* § 19.302 Hash.

"Hash" shall contain not less than 35% of meat computed on the weight of the cooked and trimmed meat. The weight of the cooked meat used in this calculation shall not exceed 70% of the weight of the uncooked fresh meat. Mechanically Processed (Species) Product may be used in accordance with § 19.06.

* § 19.303 Corned beef hash.

(a) "Corned Beef Hash" is the semisolid food product in the form of a compact mass which is prepared with beef, potatoes, curing agents, seasonings, and any of the optional ingredients listed in paragraph (b) of this subsection, in accordance with the provisions of subparagraphs (1),

*Regulation Change Effective 11/10/80

Regulation Change Effective 10/15/77

(2), (3), and (4) of this paragraph and the provisions of paragraph (c) of this subsection.

(1) Either fresh beef, cured beef, or canned corned beef or a mixture of two or more of these ingredients, may be used, and the finished product shall contain not less than 35% of beef computed on the weight of the cooked and trimmed beef. The weight of the cooked meat used in this calculation shall not exceed 70% of the weight of the uncooked fresh meat.

(2) "Potatoes" refers to fresh potatoes, dehydrated potatoes, cooked dehydrated potatoes, or a mixture of two or more of these ingredients.

(3) The curing agents that may be used are salt, sodium nitrate, sodium nitrite, potassium nitrate, or potassium nitrite, or a combination of two or more of these ingredients. When sodium nitrate, sodium nitrite, potassium nitrate, or potassium nitrite is used it shall be used in amounts not exceeding those specified in § 18.07 (c)(4) of these regulations.

(4) The seasonings that may be used, singly or in combination, are salt, sugar (sucrose or dextrose), spice, and flavoring, including essential oils, oleoresins, and other spice extractives.

(b) Corned beef hash may contain one or more of the following optional ingredients:

(1) Beef cheek meat and beef head meat from which the overlying granular and connective tissues have been removed, and beef heart meat, exclusive of the heart cap, may be used individually or collectively to the extent of 5% of the meat ingredients;

(2) Onions, including fresh onions, dehydrated onions, or onion powder;

(3) Garlic, including fresh garlic, dehydrated garlic, or garlic powder;

(4) Water;

(5) Beef broth or beef stock;

(6) Monosodium glutamate;

(7) Hydrolyzed plant protein;

(8) Beef fat.

* (9) Mechanically Processed (Species) Product when derived from carcasses of cattle may be used in accordance with § 19.06.

(c) The finished product shall not contain more than 15% fat nor more than 72% moisture.

(d)(1) When any ingredient specified in paragraph (b)(1) of this subsection is used, the label shall bear the following applicable statement:

§ 19.303 (d) (1)

"Beef cheek meat constitutes 5% of the meat ingredient", or "Beef heart meat constitutes 5% of the meat ingredient." When two or more of the ingredients are used, the words "Constitutes 5% of meat ingredient" need only appear once.

(2) Whenever the words "corned beef hash" are featured on the label so conspicuously as to identify the contents, the statements prescribed in subparagraph (1) of this paragraph shall immediately and conspicuously precede or follow such name without intervening written, printed, or other graphic matter.

* § 19.304 Meat stews.

Meat stews such as "Beef Stew" or "Lamb Stew" shall contain not less than 25% of meat of the species named on the label, computed on the weight of the fresh meat. Mechanically Processed (Species) Product may be used in accordance with § 19.06.

* § 19.305 Tamales.

"Tamales" shall be prepared with at least 25% meat computed on the weight of the uncooked fresh meat in relation to all ingredients of the tamales. Mechanically Processed (Species) Product may be used in accordance with § 19.06. When tamales are packed in sauce or gravy, the name of the product shall include a prominent reference to the sauce or gravy; for example, "Tamales With Sauce" or "Tamales With Gravy". Product labeled "Tamales With Sauce" or "Tamales With Gravy" shall contain not less than 20% meat, computed on the weight of the uncooked fresh meat in relation to the total ingredients making up the tamales and sauce or the tamales and gravy.

* § 19.306 Spaghetti with meatballs and sauce, spaghetti with meat and sauce, and similar products.

"Spaghetti with Meatballs and Sauce" and "Spaghetti with Meat and Sauce", and similar products shall contain not less than 12% of meat computed on the weight of the fresh meat. Mechanically Processed (Species) Product may be used in accordance with § 19.06. The presence of the sauce or gravy constitute shall be declared prominently on the label as part of the name of the product. Meatballs may be prepared with not more than 12%, singly and collectively, farinaceous material, soy flour, soy protein concentrate, isolated soy protein, nonfat dry milk, calcium reduced dried skim milk, and similar substances.

* § 19.307 Spaghetti sauce with meat.

"~~Spaghetti~~ Spaghetti Sauce with Meat" shall contain not less than 6% of meat computed on the weight of the fresh meat. Mechanically Processed (Species) Product may be used in accordance with § 19.06.

§ 19.308 Tripe with milk.

"Tripe with Milk" shall be prepared so that the finished canned article, exclusive of the cooked-out juices and milk, will contain at least 65% tripe. The product shall be prepared with not less than 10% milk.

*Regulation Change Effective 11/10/80

§19.309 Beans with frankfurters in sauce, sauerkraut with wieners and juice, and similar products.

"Beans with Frankfurters in Sauce", "Sauerkraut with Wieners and Juice", and similar products shall contain not less than 20% frankfurters or wieners computed on the weight of the smoked and cooked sausage prior to its inclusion with the beans or sauerkraut.

§ 19.310 Lima beans with ham in sauce, beans with ham in sauce, beans with bacon in sauce, and similar products.

"Lima Beans with Ham in Sauce", "Beans with Ham in Sauce", "Beans with Bacon in Sauce", and similar products shall contain not less than 12% ham or bacon computed on the weight of the smoked ham or bacon prior to its inclusion with the beans and sauce.

* § 19.311 Chow mein vegetables with meat and chop suey vegetables with meat.

"Chow Mein Vegetables with Meat" and "Chop Suey Vegetables with Meat" shall contain not less than 12% meat computed on the weight of the uncooked fresh meat prior to its inclusion with the other ingredients. Mechanically Processed (Species) Product may be used in accordance with § 19.06.

* § 19.312 Pork with barbecue sauce and beef with barbecue sauce.

"Pork with Barbecue Sauce" and "Beef with Barbecue Sauce" shall contain not less than 50% meat of the species specified on the label, computed on the weight of the cooked and trimmed meat. Mechanically Processed (Species) Product may be used in accordance with § 19.06. The weight of the cooked meat used in this calculation shall not exceed 70% of the uncooked weight of the meat. If uncooked meat is used in formulating the products, they shall contain at least 72% meat computed on the weight of the fresh uncooked meat. When cereal, vegetable flour, soy flour, soy protein concentrate, isolated soy protein, nonfat dry milk, calcium reduced dried skim milk, or similar substances are used in preparing products, there shall appear on the label in a prominent manner, the name of the product, the name of each such added ingredient, as for example, "Cereal Added" or "With Cereal and Nonfat Dry Milk".

§ 19.313 Beef with gravy and gravy with beef.

"Beef with Gravy" and "Gravy with Beef" shall not be made with beef which, in the aggregate for each lot contains more than 30% trimmable fat, that is, fat which can be removed by thorough, practicable trimming and sorting.

Subpart N - Meat Food Entree Products, Pies, and Turnovers

§ 19.500 Meat pies.

Meat pies, such as "Beef Pie", "Veal Pie", and "Pork Pie" shall contain meat of the species specified on the label, in an amount not less than 25% of all ingredients including crust and shall be computed on the basis of the fresh uncooked meat.

Regulation Change Effective 11/10/80

Subpart O - Meat Snacks, Hors d'Oeuvres, Pizza, and Specialty Items

* § 19.600 Pizza.

(a) "Pizza with Meat" is a bread base meat food product with tomato sauce, cheese, and meat topping. It shall contain cooked meat made from not less than 15% raw meat. Mechanically Processed (Species) Product may be used in accordance with § 19.06.

(b) "Pizza with Sausage" is a bread base meat food product with tomato sauce, cheese, and not less than 12% cooked sausage or 10% dry sausage; e.g./ pepperoni. Mechanically Processed (Species) Product may be used in accordance with § 19.06.

Subpart P - Fats, Oils, Shortenings

^S
§ 19.700 Oleomargarine or margarine.

(a) "Oleomargarine or margarine" is the plastic food which is prepared in accordance with the provisions of subparagraphs (1), (2), (3), and (4) of this paragraph (a). In this Section the term "oleomargarine" is used to refer to such product whether it is sold as "oleomargarine" or "margarine".

(1) It is prepared with one or more of the fat ingredients named in any one of the subdivisions (i), (ii), (iii), and (iv) of this subparagraph (1).

(i) The rendered fat or oil, or stearin derived therefrom (any or all of which may be hydrogenated), of cattle, sheep, swine, or goats, or any combination of two or more of such articles:

(ii) Any vegetable food fat or oil, or oil or stearin derived therefrom (any or all of which may be hydrogenated), or any combination of two or more of such articles;

§ 19.700 (a)

(iii) Any combination of ingredients named under subdivisions (i) and (ii) of this subparagraph in such proportion that the weight of the ingredients named under subdivision (i) of this subparagraph either equals the weight of the ingredients named under subdivision (ii) of this subparagraph or exceed such weight by a ratio not greater than 9 to 1;

(iv) Any combination of ingredients named under subdivisions (i) and (ii) of this subparagraph in such proportion that the weight of the ingredients named under subdivision (ii) of this subparagraph exceeds the weight of the ingredients named under subdivision (i) of this subparagraph by a ratio not greater than 9 to 1.

(2) One of the articles (or combinations) named under subdivisions (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), or (ix) of this subparagraph is intimately mixed with the fat ingredient or ingredients. The ingredients named under subdivisions (i), (ii), (iii), (iv), (v), (vi), and (vii) of this subparagraph are pasteurized and then may be subjected to the action of harmless bacterial starters. The term "milk" as used in this subparagraph means "cow's milk."

(i) Cream;

(ii) Milk;

(iii) Skim milk;

(iv) Liquid sweet cream buttermilk;

(v) Any combination of dry or condensed sweet cream buttermilk and water with a total solids content of not less than 8.5 percent;

(vi) Any combination of nonfat dry milk and water in which the weight of the nonfat dry milk is not less than 10 percent of the weight of the water;

(vii) Any combination of two or more of the articles (or combination) named under subdivisions (i), (ii), (iii), (iv), (v), and (vi) of this subparagraph:

(viii) In case only of the fat ingredient named in subparagraph (i) (ii) of this paragraph, any combination of finely ground soybeans and water, in which the weight of the finely ground soybeans is not less than 10 percent of the weight of the water. The finely ground soybeans are subjected to a heat treatment before or after mixing with the water. The soybeans may or may not be dehulled;

(ix) Water in lieu of any of the articles (or combinations) designated in subdivisions (i), (ii), (iii), (iv), (v), (vi), (vii), or (viii) of this subparagraph.

Congealing is effected, either with or without contact with water, and the congealed mixture may be worked.

(3) It may contain one or more of the following optional ingredients in addition to the ingredients and articles named in

subparagraphs (1) and (2) of this paragraph.

(i) Artificial coloring. For the purpose of this subdivision, pro-Vitamin A shall be deemed to be artificial coloring;

(ii) Sodium benzoate, or benzoic acid, or a combination of these, in a quantity not to exceed 0.1 percent of the weight of the finished products;

(iii) Vitamin A (with or without any accompanying Vitamin D and with or without Vitamin D concentrate), in such quantity that the finished oleomargarine contains not less than 15,000 United States Pharmacopeia units of Vitamin A per pound, as determined by the method prescribed in the Pharmacopeia of the United States for total biological Vitamin A activity. The Vitamin A potency prescribed may be furnished by fish liver oil; by concentrates of Vitamin A or its fatty acid esters from animal sources; by synthetic Vitamin A or its fatty acid esters; by mixtures of synthetic Vitamin A or its fatty acid esters with harmless substances formed during the synthesis of the Vitamin A, if the Vitamin A or its fatty acid ester constitutes not less than 50 percent of the mixture; by pro-Vitamin A; or by any combination of two or more of these. For the purposes of this subdivision, the term "fatty acid" may include acetic acid;

(iv) Any safe and suitable artificial flavoring substance that imparts to the food a flavor in semblance of butter. Such artificial flavoring substances are deemed to be safe for use in oleomargarine which contains any fat ingredient named in subparagraph (1) (i) of this paragraph if they are not food additives as defined in section 201 (s) of the Federal Food, Drug, and Cosmetic Act, or if they are used in conformity with regulations established pursuant to section 409 of that Act, and in either case if they have been approved for such use by the Administrator; and they are deemed to be safe for use in other oleomargarine if they are used in conformity with regulations established pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act or their use is otherwise lawful under that Act;

(v)(a) Lecithin, in an amount not exceeding 0.5 percent of the weight of the finished oleomargarine; or

(b) Monoglycerides or diglycerides of fat-forming fatty acids, or a combination of these, in an amount not exceeding 0.5 percent of the weight of the finished oleomargarine; or

(c) Such monoglycerides and diglycerides in combination with the sodium sulfacetate derivatives thereof in a total amount not exceeding 0.5 percent of the weight of the finished oleomargarine; or

(d) A combination of the substances specified in (a) and (b) of this subdivision in which the amount of neither exceeds that stated in (a) and (b); or

(e) A combination of the substances specified in (a) and (c) of this subdivision in a total amount not exceeding 0.5 percent of the weight of the finished oleomargarine. The weight of the

§ 19.700 (a)

diglycerides in each of the ingredients specified in (b), (c), (d), and (e) of this subdivision is calculated at one-half actual weight;

(vi) Butter;

(vii) Salt;

(viii) Citric acid incorporated in the fat or oil ingredient used;

(ix) Isopropyl citrates incorporated in the fat or oil ingredient used, in an amount not to exceed 0.02 percent by weight of the finished oleomargarine;

(x) Stearyl citrate incorporated in the fat or oil ingredient in an amount not to exceed 0.15 percent by weight of the finished oleomargarine;

(xi) Potassium sorbate, in an amount not to exceed 0.1 percent by weight of the finished oleomargarine;

(xii) Calcium disodium EDTA (calcium disodium ethylenediaminetetraacetate) in an amount not to exceed 75 parts per million by weight of the finished oleomargarine.

(xiii) BHA (butylated hydroxyanisole) or BHT (butylated hydroxytoluene), or a combination of these, incorporated in any animal fat ingredient permitted by subdivision (1) (i) of this paragraph, in an amount not to exceed 0.02 percent by weight of such animal fat content.

(4) The finished oleomargarine contains not less than 80 percent fat, as determined by the method prescribed in the current "Official Methods of Analysis of the Association of Official Agricultural Chemists."^{1/}

(b) The name of the food for which a definition and standards of identity are prescribed by this Section is "oleomargarine" or "margarine." The presence of ingredients, provided for in paragraph (a) of this Section, in the finished product shall be declared as follows:

(1) Fat ingredients shall be declared first in the ingredient statement by the name of the specific fat or oil or stearin used. Where combinations of fat ingredients are used, the names shall be arranged in descending order of predominance. If any fat ingredient is hydrogenated, the ingredient statement shall include the word "hydrogenated" or "hardened" at such place or places in the list of fats as to indicate which fats are hydrogenated; for example, "corn oil, hardened soybean oil." If any animal fat ingredient contains an ingredient provided for in paragraph (a) (3) (xiii) of this subsection, the statement "with -----added as (a) preservative (s) or with -----added to retard rancidity"

^{1/} Copies of this publication are available from the Association of Official Agricultural Chemists, Post Office Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

§ 19.700 (b)

shall appear at such place or places in the list of fats as to indicate which animal fats contain these ingredients. The blank is to be filled in with "BHA" and/or "BHT" as appropriate; for example, "beef fat with BHA and BHT added as preservatives."

(2) Immediately following the listing of fat ingredients, other ingredients used shall be named in the descending order of predominance.

(i) The optional ingredients butter, salt, water, cream, milk, skim milk, sweet cream buttermilk, dried sweet cream buttermilk and water, condensed sweet cream buttermilk and water, nonfat dry milk and water, ground soybeans and water, lecithin, mono- or diglycerides, and sodium sulfoacetate derivatives of mono- or diglycerides shall each be declared by those terms;

(ii) Artificial colors shall be declared by the statement "Artificially colored" or "Artificial coloring added" or "With added artificial coloring;"

(iii) Artificial flavors shall be declared by the statement "Artificially flavored" or "Artificial flavoring added" or "With added artificial flavoring;"

(iv) Oleomargarine that contains the optional ingredients citric acid, isopropyl citrate, stearyl citrate, or calcium disodium EDTA shall be labeled by the statement "-----added as a preservative" or "-----added to protect flavor." Oleomargarine that contains the optional ingredient sodium benzoate or benzoic acid shall be labeled by the statement "-----added as a preservative" or "-----as a preservative" or "With added-----as a preservative." Oleomargarine that contains the optional ingredient potassium sorbate shall be labeled by the statement "-----added as a preservative" or "-----added to retard mold growth." The blank in each of the statements in this subdivision shall be filled in with the common name of the preservative ingredient used;

(v) Vitamin A shall be declared by the Statement "Vitamin A added" or "With added Vitamin A." Vitamin D shall be declared by the statement "Vitamin D added" or "With added Vitamin D." Oleomargarine containing added Vitamin A or Vitamin D, or both, is subject to the regulations for foods for special dietary use promulgated under the provisions of section 402 (j) of the Federal Food, Drug, and Cosmetic Act;

(3) Where two or more optional ingredients named in paragraph (a) (3) of this Section are used, the words "Added" or "With Added" need appear only once, either at the beginning or end of the list of such ingredients declared.

(3) Whenever the name "oleomargarine" or "margarine" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed in this Section, showing the ingredients used, shall immediately and conspicuously precede or follow, or in part precede and in part follow, such name, without intervening written, printed, or other graphic matter.

§ 19.700 (c) Colored oleomargarine or colored margarine which is packed for retail sale and contains any ingredient named in paragraph (a) (1) (i) of this subsection must also comply with the requirements of § 17.08 (b) (24) of these regulations.

§ 19.701 Mixed fat shortening.

"Shortening" prepared with a mixture of meat fats and vegetable oils may be identified either as "Shortening Prepared with Meat Fats and Vegetable Oils" or "Shortening Prepared with Vegetable Oils and Meat Fats" depending on the predominance of the fat and oils used; or the product may be labeled "Shortening" when accompanied by an ingredient statement with ingredients listed in descending order of predominance.

* § 19.702 Lard, leaf lard.

(a) "Lard" is the fat rendered from clean and sound edible tissues from swine. The tissues may be fresh, frozen, cooked, or prepared by other processes approved by the Administrator in specific cases, upon his determination that the use of such processes will not result in the adulteration or misbranding of the lard. The tissues shall be reasonably free from blood and shall not include stomachs, livers, spleens, kidneys, and brains, or settlings and skimmings. "Leaf Lard" is lard prepared from fresh leaf (abdominal) fat.

(b) Lard (when properly labeled) may be hardened by the use of lard stearin or hydrogenated lard or both and may contain refined lard and deodorized lard, but the labels of such lard shall state such facts as applicable.

(c) Products labeled "Lard" or "Leaf Lard" must have the following identity and quality characteristics to insure good color, odor, and taste of finished product:

- (1) Color.....White when solid. Maximum 3.0 red units in a 5 1/4 inch cell on the Lovibond scale.
- (2) Odor and Taste.....Characteristic and free from foreign odors and flavors.
- (3) Free fatty acid.....Maximum 0.5 percent (as oleic) or 1.0 acid value, as milligrams KOH per gram of sample.
- (4) Peroxide value.....Maximum 5.0 (as milliequivalents of peroxide per kilogram fat).
- (5) Moisture and volatile matter.....Maximum 0.2 percent.
- (6) Insoluble impurities.....By appearance of liquid, fat, or maximum 0.05 percent.

(d) Product found upon inspection not to have the characteristics specified in paragraph (c) of this subsection but found to be otherwise sound and in compliance with paragraph (a) of this subsection may be furthered processed for the purpose of achieving such characteristics.

* § 19.703 Rendered animal fat or mixture thereof.

(a) Rendered Animal Fat", or any mixture of fats containing edible rendered animal fat, shall contain no added water, except that "Puff Pastry Shortening" may contain not more than 10% of water.

Regulation Change Effective 11/10/80

§ 19.703 Cont'd.

(b) "Rendered Pork Fat" is fat, other than lard, rendered from clean, sound carcasses, parts of carcasses, or edible organs from hogs, except that stomachs, bones from the head, and bones from cured or cooked pork are not included. The tissues rendered are usually fresh, but may be cured, cooked, or otherwise prepared and may contain some meat food products. Rendered pork fat may be hardened by the use of lard stearin and/or hydrogenated lard and/or rendered pork fat stearin and/or hydrogenated rendered pork fat.

Subpart Q - Meat Soups, Soup Mixes, Broths, Stocks, Extracts

§ 19.720 Meat extract.

"Meat Extract" (e.g., "Beef Extract") shall contain not more than 25% of moisture.

§ 19.721 Fluid extract of meat.

Fluid extract of meat (e.g., "Fluid Extract of Beef") shall contain not more than 50% of moisture.

Subpart R - Meat Salads and Meat Spreads

* § 19.760 Deviled ham, deviled tongue, and similar products.

(a) "Deviled Ham" is a semi-plastic cured meat food product made from finely comminuted ham and containing condiments. Mechanically Processed (Species) Product may be used in accordance with § 19.06. Deviled ham may contain added ham fat; Provided, that the total fat content shall not exceed 35% of the finished product. The moisture content of deviled ham shall not exceed that of the fresh unprocessed meat.

§ 19.761 Potted meat food product and deviled meat food product.

"Potted Meat Food Product" and "Deviled Meat Food Product" shall not contain cereal, vegetable flour, nonfat dry milk, or similar substances. The amount of water added to potted meat food product and deviled meat food product shall be limited to that necessary to replace moisture lost during processing.

* § 19.762 Ham spread, tongue spread, and similar products.

"Ham Spread", "Tongue Spread", and similar products shall contain not less than 50% of the meat ingredient named, computed on the weight of the fresh meat. Other meat and fat may be used to give the desired spreading consistency provided it does not detract from the character of the spreads named. Mechanically Processed (Species) Product may be used in accordance with § 19.06.

Subpart S - Meat Baby Foods

(Reserved)

Subpart T - Dietetic Meat Foods

(Reserved)

Regulation Change Effective 11/10/80

Subpart U - Miscellaneous

§ 19.880 Breaded products.

The amount of batter and breading used as a coating for breaded product shall not exceed 30% of the weight of the finished breaded product.

§ 19.881 Liver meat food products.

Meat food products characterized and labeled as liver products such a liver loaf, liver cheese, liver spread, liver mush, liver paste, and liver pudding shall contain not less than 30% of pork, beef, sheep, or goat livers computed on the fresh weight of the livers.

***Subpart V - Combination Meat and Non-Meat
Protein Products

§ 19.900 Combination cured meat cuts.

(a)(1) "Combination-----Products" are cured pieces of meat such as hams, pork loins, corned beef rounds, etc., which have been extended with non-meat protein products such as, but not limited to, isolated soy protein, wheat protein concentrate, yeast, nonfat dry milk, and dried whey. The blank in the product name shall be filled in as prescribed in paragraph (b). These products must be cooked and may be sectioned and formed.

(2) The non-meat protein products used must contain nutrients per gram of protein within the range prescribed below, except that levels of naturally occurring nutrients above the prescribed levels will be acceptable.

Nutrient	Amount
Vitamin A (I.U.)	13 to 20.
Thiamine (milligrams)	0.20 to 0.03.
Riboflavin (milligrams)	0.01 to 0.02.
Niacin (milligrams)	0.30 to 0.45.
Pantothenic acid (milligrams)	0.04 to 0.06.
Vitamin B ₆ (milligrams)	0.02 to 0.03.
Vitamin B ₁₂ (micrograms)	0.10 to 0.15.
Iron (milligrams)	0.15 to 0.25.
Magnesium (milligrams)	1.15 to 1.75.
Zinc (milligrams)	0.50 to 0.75.
Copper (micrograms)	24 to 36.
Potassium (milligrams)	17 to 25.

The non-meat protein products must also have a biological quality of protein (including amino acids added) of not less than PER 2.0 (80% of casein) or an essential amino acid content (excluding tryptophan) of not less than 28% of total protein.

(3) The finished product must have a moisture/protein ratio of 4:1 or less.

(4) The finished product must contain at least 17% protein.

Regulation Change Effective 10/15/77

(b) The standard name of the product shall be "Combination-----Product". The blank shall be filled in with the name of the meat; e.g., Ham. Immediately following the standard name of the product, in the same size and style of lettering, shall be a statement declaring the minimum percentage by weight of the meat ingredient; e.g., 60% Ham. This percentage is determined by dividing the weight of the fresh, boned and trimmed meat ingredient by the total weight of the finished product. If the products are sectioned and formed, information indicating this fact must also be included as a qualifying statement to the product name.

(c) In preparing product defined in this section, the establishment shall:

(1) Apply for label approval listing equipment and processing procedure.

(2) Develop a quality assurance system to control finished product compliance for total protein, moisture/protein ration, and yield of product.

(3) Obtain approval of the quality assurance system from the Meat Inspection Division prior to starting operations.

(d) The Meat and Food Safety Division will conduct sampling, analytical and inspecting procedures to confirm accuracy of establishment results and assure product compliance.***

Regulation Change Effective 10/15/77

SECTION 20 - RECORDS, REGISTRATION, AND REPORTS

Subsections

- 20.01 Records required to be kept.
- 20.02 Place of maintenance of records.
- 20.03 Record retention period.
- 20.04 Access to and inspection of records, facilities, and inventory; copying and sampling.
- 20.05 Registration.
- 20.06 Information and reports required from official establishment operators.
- 20.07 Reports by consignees of allegedly adulterated or misbranded products; sale or transportation as violations.

§ 20.01

§ 20.01 Records required to be kept.

(a) Every person (including every firm or corporation) within any of the classes specified in subparagraphs (1), (2), or (3) of this paragraph (a) is required by the Law or Market Laws to keep records which will fully and correctly disclose all transactions involved in his or its business subject to the Law or Market Laws (Article 2, Chapter 19 Code of W. Va.).

(1) Any person that engages, for intrastate 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 person that engages in the business of buying or selling (as a meat broker, meat wholesaler, or otherwise), or transporting in intrastate commerce, or storing in or for intrastate commerce, or importing, any carcasses, or parts or products of carcasses, of any such animals;

(3) Any person that engages in business, in or for intrastate commerce, as a renderer, or engages in the business of buying, selling, or transporting in intrastate 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) The required records are:

(1) Records, such as bills of sale, invoices, bills of lading, and receiving and shipping papers, giving the following information with respect to each transaction in which any livestock or carcass, part thereof, meat or meat food product is purchased, sold, shipped, received, transported, or otherwise handled by said person in connection with any business subject to the Law or Market Laws (Article 2, Chapter 19 Code of West Virginia).

(i) The name or description of the livestock or article;

(ii) The net weight of the livestock or article;

(iii) The number of outside containers (if any);

(iv) The name and address of the buyer of livestock or article sold by such person, and the name and address of the seller of livestock or articles purchased by such person;

(v) The name and address of the consignee or receiver (if other than the buyer);

(vi) The method of shipment;

(vii) The date of shipment; and

(viii) The name and address of the carrier.

(2) Shipper's certificates and permits required to be kept by shippers and carriers of articles under Section 22 of these regulations.

(3) A record of seal numbers required to be kept by consignees of products shipped under unofficial seals under § 22.11 (c) or (d).

* (4) Records of processing procedures for cooked beef and roast beef as required in § 18.17 (d) of these regulations.

§ 20.02 Place of maintenance of records.

Every person engaged in any business described in § 20.01 and required by this Section to keep records shall maintain such records at the place where such business is conducted except that if such person conducts such business at multiple locations, he may maintain such records at his headquarter's office. When not in actual use, all such records shall be kept in a safe place at the prescribed location in accordance with good commercial practices.

§ 20.03 Record retention period.

Every record required to be maintained under this Section shall be retained for a period of two years after December 31 of the year in which the transaction to which the record relates has occurred and for such further period as the Commissioner may require for purposes of any investigation or litigation under the Law, by written notice to the person required to keep such records under this Section.

§ 20.04 Access to and inspection of records, facilities, and inventory; copying and sampling.

Every person (including every firm or corporation) within any of the classes specified in § 20.01 shall upon the presentation of official credentials by any duly authorized representative of the Commissioner, during ordinary business hours, permit such representative to enter his or its place of business and examine the records required to be kept by § 20.01 and the facilities and inventory pertaining to the business of such person subject to the Law, or Market Laws (Article 2, Chapter 19 Code of West Virginia) and to copy all such records, and to take reasonable samples of the inventory upon payment of the fair market value therefore. Any necessary facilities (other than reproduction equipment) for such examination and copying of records and for such examination and sampling of inventory shall be afforded to such authorized representative of the Commissioner.

§ 20.05 Registration

(a) Except as provided in paragraph (c) of this subsection every person that engages in business, in or for intrastate commerce, as a meat broker, renderer, or animal food manufacturer, or engages in business in intrastate commerce as a wholesaler of any carcasses, or parts or products of the carcasses, or any livestock whether intended for human food or other purposes, or engages in business as a public warehouseman storing any such articles in or for intrastate commerce, or engages in the business of buying, selling, or transporting, in intrastate commerce,

or importing, any dead, dying, disabled, or diseased livestock, or parts of the carcasses of any such livestock that died otherwise than by slaughter, shall register with the Commissioner, giving such information as is required, including his name, and the address of each place of business at which, and all trade names under which he conducts such business, by filing with the West Virginia Department of Agriculture, Charleston, West Virginia 25305, a form containing such information within 90 days after the effective date hereof or after such later date as he begins to engage in such business if not engaged therein upon said effective date. All information submitted shall be current and correct. The registration form shall be obtained from the Director, Meat and Food Safety Division, West Virginia Department of Agriculture, Charleston, West Virginia 25305.

(b) Whenever any change is made in the name of, or address of any place of business at which, or any trade name under which a registrant conducts his business, he shall report such change in writing to the Director, Meat and Food Safety Division, West Virginia Department of Agriculture within 15 days after making the change.

(c) The registration requirements prescribed in this subsection shall not apply to persons conducting any of the businesses specified in this subsection only at an official establishment.

§ 20.06 Information and reports required from official establishment operators.

(a) The operator of each official establishment shall furnish to Department employees accurate information as to all matters needed by them for making their daily reports of the amount of products prepared or handled in the departments of the establishment to which they are assigned and such reports concerning sanitation and other aspects of the operations of the establishment and the conduct of inspection thereat as may be required by the Director in specific cases.

(b) The operator of each official establishment shall also make such other reports as the Director may from time to time require under the Law.

§ 20.07 Reports by consignees of allegedly adulterated or misbranded products; sale or transportation as violations.

Whenever the consignee of any product which bears an official inspection legend refuses to accept delivery of such product on the grounds that it is adulterated or misbranded, the consignee shall notify the Director, Meat and Food Safety Division, West Virginia Department of Agriculture, of the kind, quantity, source, and present location of the product and the respects in which it is alleged to be adulterated or misbranded, and it will be a violation of the Law for any person to sell or transport, or offer for sale or transportation, or receive for transportation, in intrastate commerce, any such product which is capable of use as human food and is adulterated or misbranded at the time of such sale, transportation, offer, or receipt: Provided, however, that any such allegedly adulterated or misbranded product may be transported to the official establishment from which it has been transported, in accordance with § 22.10 of these regulations.

SECTION 21 - COOPERATION WITH FEDERAL, OTHER STATE PROGRAMS,
AND WEST VIRGINIA STATE AGENCIES

Subsections

21.01 Assistance to Federal, other state programs, and West Virginia State agencies.

21.02 (Reserved)

§ 21.01 Assistance to Federal, other state programs, and West Virginia agencies.

(a) The Commissioner is authorized under paragraph (b) of Section 3 of the Law, when he determines it would effectuate the purposes of the Law, to cooperate with the Federal government and any agencies, departments, and instrumentalities thereof; the State of West Virginia and any agencies, departments, or political subdivisions thereof; and any other state or commonwealth and any agencies, departments, or political subdivisions thereof in developing and administering the meat inspection program of such jurisdiction with a view to assuring that it imposes and enforces requirements at least equal to those under Titles I and IV of the Federal Meat Inspection Act, with respect to establishments at which products are prepared for use as human food solely for distribution within such jurisdiction, and with respect to the products of such establishments.

(b) The Commissioner is also authorized under paragraph (b) of Section 3 of the Law to cooperate with Federal or with any other state in developing and administering programs under the laws of such jurisdiction containing authorities at least equal to those in Title II of the Federal Meat Inspection Act (relating to records; registration of specified classes of operators; dead, dying, disabled, or diseased livestock; and products not intended for human food), when he determines that such cooperation would effectuate the purposes of the Law.

(c) Such cooperation with Federal may include advisory assistance, technical and laboratory assistance and training, and financial aid. A cooperative program under this subsection is called a State-Federal program.

§ 21.02 (Reserved)

SECTION 22 - TRANSPORTATION

Subsections

- 22.01 Transportation in intrastate commerce prohibited without official inspection legend or certificate; exclusions or exceptions.
- 22.02 Parcel post and ferries deemed carriers.
- 22.03 (Reserved)
- 22.04 (Reserved)
- 22.05 Unmarked inspected product transported under official seal between official establishments for further processing or preparation; certificate.
- 22.06 Shipment of paunches between official establishments under official seal; certificate.
- 22.07 Shipment of products requiring special supervision between official establishments under official seal; certificate.
- 22.08 Transportation of certain undenatured lungs or lung lobes from official establishments or in intrastate commerce; provisions and restrictions.
- 22.09 (Reserved)
- 22.10 Returned products; certificate; permit; and other requirements.
- 22.11 Inedible articles: denaturing and other means of identification; certificate; exceptions.
- 22.12 (Reserved)
- 22.13 Denaturing and decharacterizing procedures.
- 22.14 Certificates; retention by carrier.
- 22.15 (Reserved)
- 22.16 Official seals; form, use, and breaking.
- 22.17 Loading or unloading products in sealed railroad cars, trucks, etc., en route prohibited; exception.
- 22.18 Diverting of shipments, breaking of seals, and reloading by carrier in emergency; reporting to Director.
- 22.19 Provisions inapplicable to specimens for laboratory examination, etc., or to inedible articles not having physical characteristics of edible products.

- 22.20 Transportation and other transactions concerning dead, dying, disabled, or diseased livestock and parts of carcasses of livestock that died otherwise than by slaughter.
- 22.21 Means of conveyance in which dead, dying, disabled, or diseased livestock and parts of carcasses thereof shall be transported.
- § 22.01 Transactions in intrastate commerce prohibited without official inspection legend or certificate: ***exceptions; and vehicle sanitary requirements.***

*** (a) *** No person shall sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce, any product which is capable of use as human food unless the product and its container, if any, bear the official inspection legend as required under Sections 16 and 17 of these regulations or such product is excluded or exempted from the requirement of inspection under Section 4 of these regulations.

*** (b) *** No person, engaged in the business of buying, selling, freezing, storing or transporting, in or for intrastate commerce, meat or meat food products capable of use as human food, or importing such articles, shall transport, offer for transportation, or receive for transportation in intrastate commerce, any such meat or meat food product which is capable of use as human food and is not wrapped, packaged, or otherwise enclosed to prevent adulteration by airborne contaminants unless the railroad car, truck, or other means of conveyance in which the product is contained or transported is completely enclosed with tight fitting doors or other covers for all openings. In all cases, the means of conveyance shall be reasonably free of foreign matter (such as dust, dirt, rust, or other articles or residues), and free of chemical residues, so that products placed therein will not become adulterated. Any cleaning compound, lye, soda solution, or other chemical used in cleaning the means of conveyance must be thoroughly removed from the means of conveyance prior to its use. Such means of conveyance onto which product is loaded, being loaded, or intended to be loaded, shall be subject to inspection by an inspector at any official establishment. The decision whether or not to inspect a means of conveyance in a specific case, and the type and extent of such inspection shall be at the Program's discretion and shall be adequate to determine if product in such conveyance is, or when moved could become, adulterated. Circumstances of transport that can be reasonably anticipated shall be considered in making said determination. These include, but are not limited to, weather conditions, duration and distance of trip, nature of product covering, and effect of restowage at stops en route. Any means of conveyance found upon such inspection to be in such conditions that product placed therein could become adulterated shall not be used until such condition which could cause adulteration is corrected. Product placed in any means of conveyance that is found by the inspector to be in such condition that the product may have become adulterated shall be removed from the means of conveyance and handled in accordance with § 18.2 (d) of these regulations. ***

§ 22.02. Parcel post and ferries deemed carriers.

(a) For the purposes of this Section, the United States parcel post shall be deemed a carrier, and the provisions of this Section relating to transportation by carrier shall apply, so far as they may be applicable, to transportation by parcel post.

Regulation Change Effective 10/15/77

§ 22.02

(b) For the purposes of this Section, the operator of every ferry shall be deemed a carrier, and the provisions of this Section relating to transportation by carrier shall apply to transportation by ferry of any product loaded on a truck or other vehicle, or otherwise moved by such ferry.

§ 22.03 (Reserved)

§ 22.04 (Reserved)

§ 22.05 Unmarked inspected product transported under official seal between official establishments for further processing or preparation; certificate.

(a) Any product which has been inspected and passed may be transported from one official establishment to another for further processing without each article being marked with the official inspection legend, if it is so transported in a railroad car, motortruck, or other means of conveyance which is sealed by a Department employee with an official seal of the Department prescribed in § 13.05 (a) of these regulations. Unless 25 percent or more of the contents of each car or other means of conveyance consists of product not marked with the inspection legend, transportation will not be permitted under this paragraph.

(b) When articles are offered for transportation under paragraph (a) of this subsection, the initial carrier shall require, and the shipper shall make in duplicate and deliver to the carrier, one copy of a certificate in the following form:1/

1/ For convenience in filing, it is requested that these certificates be made on paper 5 1/2 x 8 inches in size.

Date _____

Name of Carrier _____

Establishment number of Consignor _____

Point of shipment _____

Establishment number of consignee _____

Destination _____

Car number and initials _____

License number of other means of conveyance _____

I hereby certify that the following described product has been W VA inspected and passed by the West Virginia Department of Agriculture; and that it is not marked "W VA inspected and passed", but has been placed in the means of conveyance specified above under the supervision of an employee of the Meat and Food Safety Division of said Department, and the means of conveyance has been sealed by him with official West Virginia Government seals Nos. _____ and _____.

Kind of Product

Amount and Weight

(Signature of shipper)

(Address of shipper)

(c) The signature of the shipper or his agent shall be written in full. This certificate may be stamped upon or incorporated in any form ordinarily used in the transportation of product. Certificates in this form or copies thereof need not be forwarded to any official or office of the Department. The original of the certificate required by this subsection shall be retained by the carrier and a copy shall be retained by the shipper in accordance with Section 20 of these regulations. If the shipper is also the carrier, he shall nevertheless execute and retain the certificate in accordance with Section 20 of these regulations.

§ 22.06 Shipment of paunches between official establishments under official seal; certificate.

Cattle and sheep paunches which have been made clean and from which the mucous membrane has not been removed may be transported from one official establishment to another official establishment for further processing, only under an official seal of the Department as prescribed in § 13.05 of these regulations. When paunches are offered for transportation under this paragraph, the initial carrier shall require, and the shipper shall make in duplicate and deliver to the carrier, one copy of

a certificate in duplicate in the form set out in § 22.05 (b), appropriately modified. Certificates in this form or copies thereof need not be forwarded to any official or office of the Department, but the original of the certificate shall be retained by the carrier and a copy shall be retained by the shipper in accordance with Section 20 of these regulations. If the shipper is also the carrier, he shall nevertheless execute and retain the certificate in accordance with Section 20 of these regulations.

§ 22.07 Shipment of products requiring special supervision between official establishments under official seal; certificate.

(a) Products passed for cooking, pork that has been refrigerated to destroy trichinae, and beef that is to be refrigerated to destroy cysticerci, may be shipped loose from one official establishment to any other official establishment, for further handling in accordance with Section 18 of these regulations, in railroad cars, trucks, or other means of conveyance sealed with the official seal of the Department as prescribed in § 22.16: Provided, That is the case of railroad cars, the receiving establishment has railroad facilities for unloading the products directly into the establishment.

(b) When such restricted product is shipped from one official establishment to another official establishment in the same railroad car or other means of conveyance with other product, such restricted product shall be ***packed in individual closed containers as hereinafter provided. Containers shall be sealed by firmly applying a pressure sensitive tape around each container in two directions and stamping the intersection of the tape with the marking device described in § 13.02 of these regulations for use on burlap, muslin, etc. (2 1/2-inch rubber brand). Such tape must possess the adhesive property to actually remove a portion of the container surface when the tape is removed. Alternatively, an inelastic, nonmetallic strap which will retain a legible imprint of the marking device (2 1/2-inch rubber brand) may be used. The imprint of the marking device shall be placed partially on the strap and partially on the container. Such restricted product shall be marked "W. Va. passed for cooking" or "pork product _____°F. _____ days refrigeration" or "beef passed for refrigeration," as the case may be.*** In addition, a "W. Va. retained" tag shall be securely affixed to each container of product passed for cooking and of beef passed for refrigeration. The means of conveyance shall not be sealed unless at least 25 percent of the other product in the vehicle is unmarked. ***For each consignment there shall be promptly issued and forwarded by the inspector to the inspector in charge at destination, a report on the form entitled "Notice of Unmarked Meats Shipped in Sealed Cars," appropriately modified to show the character of the containers, and that the contents are restricted. A duplicate copy shall be retained in the program files.***

(c) When products are offered for transportation under this subsection, the initial carrier shall require and the shipper shall make in duplicate and deliver to the carrier one copy of a certificate in the form set out in § 22.05 (b). Certificates in this form or copies thereof need not be forwarded to any official or office of the Department, but the original of the certificate shall be retained by the carrier and a copy shall be retained by the shipper in accordance with Section 20 of these regulations. If the shipper is also the carrier, he shall nevertheless execute and retain the certificate in accordance with Section 20 of these regulations.

****Regulation Change Effective 5-2-75****

* § 22.08

Transportation and other transactions concerning certain undenatured lungs or lung lobes from official establishments or in intrastate commerce; provisions and restrictions.

(a) Lungs or lung lobes, other than those condemned under § 11.16 (b) of these regulations, that are prepared at any official establishment, may be sold, transported, offered for sale or transportation, or received for transportation from the establishment, in intrastate commerce or otherwise, without denaturing as prescribed in § 14.01 or § 14.03 of these regulations: Provided;

(1) The lungs or lung lobes are sold, transported, or offered for sale or transportation to, or received for transportation by: An animal food manufacturer for use in manufacturing animal food; a zoo, mink farm, or other establishment for use as animal food without further processing; a warehouse in West Virginia for storage and subsequent movement to such a manufacturer or establishment in West Virginia, or from one warehouse to another for the account of and subsequent movement to such a manufacturer or establishment for nonhuman food purposes.

(2) The boxes or other containers used for shipping the undenatured lungs or lung lobes are closed with nylon filament tape, metallic or non-metallic straps, round wire, or other similar materials and securely effect closure of such containers, and the containers are permanently identified in at least 2-inch (5 cm) high lettering with the statement "(Species) Lungs-Not intended for Human Food". In lieu of securely closing the immediate container with any of the above materials, a 1-inch (2.5 cm) wide bright orange band, imprinted around the length and width of the container may be used.

(3) The name and place of business of the packer or distributor shall be shown on the immediate container of the product.

(b) Lungs or lung lobes, other than those condemned under a State law or regulation § 11.16 (b) of these regulations, that are prepared at any State inspected establishment may be sold, transported, offered for sale or transportation or received for transportation from that establishment in intrastate commerce, without denaturing provided there is compliance with the provisions of paragraph (a) of this subsection.

(c) All such lungs or lung lobes, if intended for animal food are subject to the Federal Food, Drug, and Cosmetic Act.

§ 22.09

(Reserved).

§ 22.10

Returned products: Certificate, permit; and other requirements.

*** (a) When it is claimed that any product which has theretofore been inspected and passed and marked with the inspection legend, has become adulterated or misbranded after it has been transported away from an official establishment, then, in order to ascertain whether it is adulterated or misbranded, it may be transported in intrastate commerce to the official establishment from which it had been transported, or to any other official establishment 1/ designated by the person desiring to so handle the product if a written permit for such shipment is first obtained from the Veterinary Supervisor of the area in which the establishment is located. In case of every such shipment the permit shall be surrendered to the initial carrier and the carrier shall require and the shipper shall make, in duplicate, and deliver to the carrier *one copy* of a certificate in the following form:***

Regulation Change Effective 10/15/77

Regulation Change Effective 11/10/80

Date _____, 19____

Name of Carrier _____

Consignor _____

Point of shipment _____

Consignee _____

Destination _____

Number of permit _____

Kind of Product	Amount and weight
_____	_____
_____	_____
_____	_____

(Signature of shipper)

(Address of shipper)

I hereby certify that the following described product has been W VA inspected and passed by the West Virginia Department of Agriculture and is so marked. It is alleged that the said product is adulterated or misbranded.

*** (b) The signature of the shipper or of his agent shall be written in full. This certificate shall be separate and apart from any waybill, bill or lading, or other form ordinarily used in the transportation of meat. A copy of the certificate shall be retained by the shipper in accordance with Section 20 of these regulations. The certificate and the inspector's permit shall be retained by the carrier. If the product is transported by the shipper himself, a certificate shall nevertheless be executed and retained by the shipper in accordance with Section 20 of these regulations.***

(c) Upon the arrival of the shipment at the official establishment, a careful inspection shall be made of the product by a Department inspector, and if it is found that the article is not adulterated, the same may be received into the establishment; but if the article is found to be adulterated, it shall at once be stamped "W VA inspected and condemned" and disposed of in accordance with Section 14 of these regulations, and if it is found to be misbranded, it shall be handled in accordance with § 18.02 (d) of

1/ When shipments from Federal establishments or Talmadge-Aiken establishments are involved, the Director, Meat and Food Safety Division, West Virginia Department of Agriculture will be notified for handling procedures.

Regulation Change Effective 10/15/77

these regulations: Provided, that when a product is found to be affected with one of the correctable conditions specified in § 18.02 (d) of these regulations, in respect to which rehandling is permitted, it may be transported from the official establishment to another official establishment for such rehandling as is necessary to assure that the product is not adulterated or misbranded when finally released. The transportation of such a product from an official establishment shall be done in a manner prescribed in each specific case by the Director.

§ 22.11 Inedible articles: Denaturing and other means of identification; certificate; exceptions.

(a) Except as provided in § 22.10, no carcass, part of a carcass, rendered grease, tallow, or other fat derived from the carcasses of animals, or other meat food product, that has not been inspected and passed at an official establishment under the provisions of these regulations and is not exempted from such inspection, and no carcass, part of a carcass, fat or other meat food product that is adulterated or misbranded, shall be offered for transportation in intrastate commerce by any person unless it is handled in accordance with paragraph (c), (d), (e), or (f) of this subsection or is denatured or otherwise identified as prescribed in § 22.13, § 14.01, 14.03, 14.09, 14.10, or 14.11 of these regulations.

(b)(1) When any such article is offered for transportation in intrastate commerce, except, under paragraph (e) (2), (3), or (4) of this subsection, the initial carrier shall require and the shipper shall make, in triplicate, and deliver to the carrier two copies of a certificate in the following form:^{1/}

Date _____, 19____

Name of Carrier _____

Consignor _____

Point of shipment _____

Consignee _____

Destination _____

I hereby certify that the following described inedible grease, tallow, fat, or other inedible article, which is offered for transportation in commerce, has been denatured or otherwise identified as required by § 22.11 of the West Virginia Meat and Food Safety Regulations.

Kind of Product	Amount and weight
_____	_____
_____	_____
_____	_____

(Signature of Shipper)

^{1/} See also subparagraph (c) (4) for additional information required to appear on a certificate for articles subject to that subparagraph.

(Business or occupation of shipper)

(Address of Shipper)

(2) The signature of the shipper or of his agent shall be written in full. This certificate shall be separate and apart from any waybill, bill of lading, or other form ordinarily used in the transportation of meat. A copy of the certificate shall be forwarded immediately by the carrier to the Director, Meat and Food Safety Division, West Virginia Department of Agriculture, State Capitol Building, Charleston, West Virginia 25305, and the carrier shall retain the original of the certificate and the shipper shall retain a copy in accordance with Section 20 of these regulations. If the product is transported by the shipper himself, a certificate shall nevertheless be executed and forwarded to said Director by the shipper, and a copy thereof shall be retained by the shipper in accordance with Section 20 of these regulations.

(c) Inedible rendered animal fats from official or other establishments in the United States having the physical characteristics of a meat food product fit for human food may be transported in intrastate commerce without denaturing, if the following conditions are met:

(1) Such inedible rendered fat shall not be bought, sold, transported, or offered for sale or offered for transportation in intrastate commerce, or imported, except by rendering companies, dealers, brokers, or others who obtain a numbered permit for such activities from the Director, Meat and Food Safety Division, West Virginia Department of Agriculture, State Capitol Building, Charleston, West Virginia 25305.

(2) Such inedible rendered animal fat may be so distributed only if consigned to a domestic manufacturer of technical articles other than for human food, and provided, in the case of such fat consigned to a domestic manufacturer, the product is for use solely by the consignee for manufacturing purposes of nonhuman food articles and may not be further sold or shipped without first receiving approval of the Director, Meat and Food Safety Division.

(3) When transported in intrastate commerce, such inedible rendered fat shall be marked conspicuously with the words "technical animal fat not intended for human food" on the ends of the shipping containers, in letters not less than 2 inches high; in the case of shipping containers such as drums, tierces, barrels, and half barrels, and not less than 4 inches high in the case of tank cars and trucks. All shipping containers shall have both ends painted with a durable paint, if necessary, to provide a contrasting background for the required marking.

(4) Such inedible rendered fat shall be transported only in sealed shipping containers bearing unofficial seals applied by the shipper, which shall include the identification number assigned by said Director for the permit holder; and the rendered fat shall be accompanied by a shipper's certificate as prescribed in paragraph (b) of this subsection which shall also specify the identification number. The number shall appear on the bill of lading or other transportation documents for the shipment. The consignees must retain the seals in their records as prescribed in Section 20 of these regulations.

(5) Any diversion or effort to divert inedible rendered fat contrary to the provisions of this paragraph (c) or other violation of the provisions of this Section may result in the revocation of the permit for shipment of technical animal fat at the discretion of the Commissioner.

§ 22.11 (5) (d)

(d) Inedible products (excluding those products condemned except the products specified in § 14.11 of these regulations which were prepared at any official establishments and which have the physical characteristics of a product fit for human food may be shipped in intrastate commerce without decharacterizing, if the following conditions are met:

(1) Such products shall not be bought, sold, transported, or offered for sale, or offered for transportation in intrastate commerce, or imported, except by persons who have obtained a numbered permit for such activity from the Director. The application shall state the name and address of the applicant, a description of the type of his business operations, and the purpose of making such application.

(2) Such inedible products may be distributed under this paragraph (d) only if destined to a manufacturer of technical articles other than for human food, or a manufacturer of animal food, and provided, in the case of such a product consigned to a domestic manufacturer, the product is for use solely by the consignee for manufacturing purposes in nonhuman food articles and may not be further sold or shipped in intrastate commerce without first receiving approval of the Director.

(3) When transported from an official establishment or in intrastate commerce under this paragraph (d), the outside container of such inedible products shall be marked conspicuously, with the words, "Inedible--Not Intended for Human Food" in letters not less than 2 inches high, in the case of containers such as cartons, drums, tierces, barrels, and half barrels, and not less than 4 inches high in the case of tank cars and trucks.

(4) Such inedible products may be transported from an official establishment or in intrastate commerce under this paragraph (d) only in cars, trucks, or containers which bear unofficial seals applied by the shipper, which shall include the identification number assigned to the permit holder and an individual seal serial number assigned by the shipper; and the product so transported shall be accompanied by an invoice or bill of lading specifying the identification number. The consignee must retain a record of the identification and serial numbers shown on the seals in his records as prescribed in Section 20 of these regulations.

(5) Any diversion or effort to divert product contrary to the provisions of this paragraph (d) or other violation of the provisions of this subsection may result in the revocation of the permit for shipment of inedible products under this paragraph (d), at the discretion of the Commissioner.

(e) Inedible rendered animal fat derived from condemned or other inedible materials at official or other establishments in this State may be transported in intrastate commerce if mixed with low grade offal or other materials which render the fat readily distinguishable from an article of human food, and if the outside container bears the word "inedible".

(f) (1) Except as provided in subparagraphs (2), (3), and (4) of this paragraph (f), or in § 14.10 and § 14.11 of these regulations, no animal food prepared, in whole or in part, from materials derived from the carcasses of livestock in an official establishment or elsewhere, shall be transported in intrastate commerce unless

§ 22.11 (f) (Cont'd.)

(i) it is properly identified as animal food as prescribed in paragraph (2), Section 10 of the Law;

(ii) it is not represented as being a human food;

(iii) It has been decharacterized as prescribed in § 22.13 (a) (2) so as to be readily distinguishable from an article of human food; and

(iv) a certificate is issued as required by paragraph (b) of this subsection.

(2) Notwithstanding the provisions of subparagraph (1) of this paragraph (f), an animal food that consist *of* less than 5 percent of parts or products of the carcasses of animals and that is not represented by labeling or appearance or otherwise as being a human food or as a product of the meat food industry need not be decharacterized in accordance with § 22.13 (a) (2) or certified as required in paragraph (b) of this subsection.

(3) Notwithstanding the provisions of subparagraph (1) of this paragraph (f), animal food packed in hermetically sealed, retort processed, conventional retail-size containers, and retail-size packages of semi-moist animal food need not be decharacterized in accordance with § 22.13 (a) (2) or certified as required in paragraph (b) of this subsection if the name of the article, as for example, "Dog and Cat Food" or "Animal Food," appears on the label in a conspicuous manner. To be considered conspicuous, the letters in the name of the articles must be at least three times as high, wide, and thick as the letters in the words denoting the use, as ingredients in the article, of the materials derived from the carcasses of animals. The letters in the name of such article shall contrast as markedly with their background as the letters in the words denoting the use of such ingredient materials contrast with their background.

(4) The requirements of this Section do not apply to any animal food which does not consist of any parts or products of the carcasses of animals, or to livestock or poultry feed which does not consist of any such articles other than processed livestock by-products (such as meat meal tankage, meat and bone meal, blood meal and feed grade animal fat).

§ 22.12 (Reserved)

§ 22.13 Denaturing and decharacterizing procedures.

(a) Carcasses, parts thereof, meat and meat food products (other than rendered animal fats) that have been treated in accordance with the provisions of this paragraph shall be considered denatured or decharacterized for the purposes of the regulations in this Section, except as otherwise provided in Section 14 of these regulations for articles condemned at official establishments.

(1) The following agents are prescribed for denaturing carcasses, parts thereof, meat or meat food products which are affected with any condition that would result in their condemnation and disposal under Section 14 of these regulations if they were at an official establishment: crude carbolic acid; cresylic disinfectant; a formula consisting of 1 part F&C

green No. 3 coloring, 40 parts water, 40 parts liquid detergent, and 40 parts oil of citronella, menthylene blue, or other proprietary substance approved by the Commissioner in specific cases. 1/

*** (2) Except as provided in paragraphs (3), (4), and (5) the following agents are prescribed for decharacterizing other carcasses, parts thereof, meat and meat food products, for which decharacterizing is required by this Section: FD&C green No. 3 coloring; FD&C blue No. 1 coloring; FD&C blue No. 2 coloring; finely powdered charcoal; or other proprietary substance approved by the Commissioner in specific cases. 1/ ***

(3) Tripe may be decharacterized by dipping it in a 6% solution of tannic acid for one minute followed by immersion in a water bath, then immersing it for one minute in a solution of .022% FD&C yellow No. 5 coloring;

(4) Meat may be decharacterized by dipping it in a solution of .0625% tannic acid, followed by immersion in a water bath, then dipping it in solution of .0625% ferric acid; and

(5) When meat, meat by-products, or meat food products are in ground form, 4% by weight of coarsely ground hard bone, which shall be in pieces no smaller than the opening size specified for No. 5 mesh in the standards issued by the U.S. Bureau of Standards or 6% by weight of coarsely ground hard bone, which shall be in pieces no smaller than the opening size specified for No. 8 mesh in said Standards, uniformly incorporated with the product may be used in lieu of the agents prescribed in paragraph (a) (2) of this subsection.

(6) Before the denaturing or decharacterizing agents are applied to articles in pieces more than 4 inches in diameter, the pieces shall be freely slashed or sectioned. (If the articles are in pieces not more than 4 inches in diameter, slashing or sectioning will not be necessary). The application of any of the denaturing or decharacterizing agents listed in subparagraph (1) or (2) to the outer surface of molds or blocks of boneless meat, meat by-products, or meat food products shall not be adequate. The denaturing or decharacterizing agent must be mixed intimately with all of the material to be denatured or decharacterized; and must be applied in such quantity and manner that it cannot easily and readily be removed by washing or soaking. A sufficient amount of the appropriate agent shall be used to give the material a distinctive color; odor, or taste so that such material cannot be confused with an article of human food.

1/ Copies of MP Form 91 may be obtained, without charge, by writing to the Administrative Operations Branch, Food Safety and Quality Service, U.S. Department of Agriculture, 123 East Grand Street, Minneapolis, Minnesota 55403. Diagram 2 and 3 of the Meat Denaturing Guide have been approved for incorporation by reference by the Director, Office of the Federal Register and is on file at the Federal Register Library.

Regulation effective 10/15/77

§ 22.13 (7)

* (7) Carcasses (other than viscera), parts thereof, cuts of meat, and unground pieces of meat darkened by charcoal or other black dyes shall be deemed to be denatured pursuant to this section only if they contain at least that degree of darkness depicted by diagram 1 of the Meat Denaturing Guide (MP Form 91).

(b) Inedible rendered animal fats shall be denatured by thoroughly mixing therein denaturing oil, No. 2 fuel oil, crucine dissolve in a mixture of alcohol and pine oil or oil of rosemary, finely powdered charcoal, or any proprietary denaturing agent approved for the purpose by the Commissioner in specific cases. The charcoal shall be used in no less quantity than 100 parts per million and shall be of such character that it will remain suspended indefinitely in the liquid fat. Sufficient of the chosen identifying agents shall be used to give the rendered fat so distinctive a color, odor, or taste that it cannot be confused with an article of human food.

§ 22.14 Certificates; retention by carrier.

All original certificates delivered to a carrier in accordance with this Section shall be filed separate and apart from all its other papers and records or identified in such a manner as to be readily checked by Department employees. Every certificate required to be maintained under this Section shall be retained for a period of 2 years after December 31 of the year in which the transaction has occurred.

§ 22.15 (Reserved)

§ 22.16 Official seals; form, use, and breaking.

(a) The official seals required by this Section shall be those prescribed in § 13.05 of these regulations.

(b) Except as provided in § 22.18 (b), official seal affixed under this Section shall be affixed or broken only by Department employees, and no person other than a Department employee shall affix, detach, break, change, or tamper with any such seal in any way whatever. Commission of any such acts contrary to this regulation is a prohibition.

§ 22.17 Loading or unloading products in sealed railroad cars, trucks, etc., en route prohibited; exception.

Unloading any product from an officially sealed railroad car, truck, or other means of conveyance containing any unmarked product or loading any product or any other commodity in the means of conveyance while en route from one official establishment to another official establishment is not permitted, except that product transported under § 22.05 from one official establishment to another for further processing may be unloaded and stored in transit at any approved warehouse which is licensed and has railroad facilities or a receiving dock for unloading the product directly into such warehouse: Provided, that the product is stored in rooms which are of such size and type as will not result in adulteration or misbranding of the product; and Provided further, that the product is transported to and from such warehouse, and under official seal as provided in § 22.05 and stored in such rooms at such warehouse.

Regulation Change Effective 11/10/80

Diverting of shipments, breaking of seals, and reloading by carrier in emergency; reporting to Director.

(a) Shipments of inspected and passed product that bear the inspection legend may be diverted from the original destination without a reinspection of the articles, provided the waybills, transfer bills, running slips, conductor's card, or other papers accompanying the shipments are marked or stamped.

(b) In case of wreck or similar extraordinary emergency, the Department seals on a railroad car or other means of conveyance containing any inspected and passed product may be broken by the carrier, and if necessary, the articles may be reloaded into another means of conveyance, or the shipment may be diverted from the original destination, without another shipper's certificate; but in all such cases the carrier shall immediately report the facts by telephone or telegraph to the Director, Meat and Food Safety Division, West Virginia Department of Agriculture, Charleston, West Virginia 25305. Such report shall include the following information:

- (1) Nature of the emergency.
- (2) Place where seals were broken.
- (3) Original points of shipment and destination.
- (4) Number and initial of the original car or truck.
- (5) Number and initials of the car or truck into which the articles are reloaded.
- (6) New destination of the shipment.
- (7) Kind and amount of articles.

Provisions inapplicable to specimens for laboratory examination, etc., or to inedible articles not having physical characteristics of edible products.

The provisions of this Section do not apply:

(a) To specimens of product sent to or by the West Virginia Department of Agriculture or divisions thereof in Charleston, West Virginia, or elsewhere, for laboratory examination, exhibition purposes, or other official use;

(b) To material released for educational, research, and other nonfood purposes, as prescribed in § 14.09 of these regulations;

(c) To glands and organs for use in preparing pharmaceutical, organotherapeutic, or technical products and not used for human food, as described in § 18.01 (g) of these regulations;

(d) To material or specimens of product for laboratory examination, research, or other nonhuman food purposes, when authorized by the Commissioner, and under conditions prescribed by him in specific cases; and

(e) To articles that are naturally inedible by humans, such as hoofs, horns, and hides in their natural state.

Transportation and other transactions concerning dead, dying, disabled, or diseased livestock and parts of carcasses of livestock that died otherwise than by slaughter.

No person engaged in the business of buying, selling, or transporting in intrastate commerce, or importing into this State any dead, dying, disabled, or diseased livestock or parts of the carcasses of any animals that died otherwise than by slaughter shall:

(a) buy, sell, transport, or offer for sale or transportation, in intrastate commerce, or import any dead livestock if its hide or skin has been removed;

(b) sell, transport, offer for sale or transportation, or receive for transportation in intrastate commerce, any dead, dying disabled, or diseased livestock, or parts of the carcasses of any livestock that died otherwise than by slaughter, unless such livestock and parts are consigned and delivered, without avoidable delay, to establishments of animal food manufacturers, renderers, or collection stations that are registered as required by Section 20 of these regulations; or to official establishments that operate under State inspection: 1/ Provided, that - only animals are involved and prior permission is obtained by the Director,

(c) buy in intrastate or import any dead, dying, disabled, or diseased livestock or parts of the carcasses of any livestock that died otherwise than by slaughter, unless he is an animal food manufacturer or renderer and is registered as required by Section 20 of these regulations, or is the operator of an establishment inspected as required by paragraph (b) and such animals or parts of carcasses are to be delivered to establishments eligible to receive them under paragraph (b);

(d) unload en route to any establishment eligible to receive them under paragraph (b), any dead, dying, disabled, or diseased livestock or parts of the carcasses of any livestock that died otherwise than by slaughter, which are transported in intrastate commerce or imported by any such person: Provided, that any such dead, dying, disabled, or diseased livestock, or parts of carcasses may be unloaded from a means of conveyance en route where necessary in case of a wreck or otherwise extraordinary emergency, and may be reloaded into another means of conveyance; but in all such cases, the carrier shall immediately report the facts by telegraph or telephone to the Director, Meat and Food Safety Division, West Virginia Department of Agriculture, Charleston, West Virginia 25305;

(e) load into any means of conveyance containing any dead, dying, disabled, or diseased livestock, or parts of the carcasses of any livestock ~~that~~ died otherwise than by slaughter, while in the course of transportation in intrastate commerce any livestock or parts of carcasses not within the foregoing description or any other products or other commodities.

1/ A list of such registrants, states, and amendments thereof, will be published in the Federal Register, and information concerning the registration status of particular animal food manufacturers, renderers, or collection stations, or the status or particular states or territories may also be obtained from the Administrator, Food Safety and Quality Service; U.S. Department of Agriculture, Washington, DC 20250.

§ 22.21

§ 22.21 Means of conveyance in which dead, dying, disabled, or diseased livestock and parts of carcasses thereof shall be transported.

All vehicles and other means of conveyance used by persons subject to § 22.20 for transporting in intrastate commerce, any dead, dying, disabled, and diseased livestock or parts of carcasses of livestock that died otherwise than by slaughter shall be leak-proof and so constructed and equipped as to permit thorough cleaning and sanitizing. The means of conveyance so used in conveying such livestock, or parts thereof, shall be cleaned and disinfected prior to use in the transportation of any product intended for use as human food. The cleaning procedure shall include the complete removal from the means of conveyance of any fluid, parts, or product of such dead, dying, disabled, or diseased livestock and the thorough application of a disinfectant to the interior surfaces of the cargo space. Substances permitted for such use are:

(a) "Liquefied phenol" (U.S.P. strength 87 percent phenol) in the proportion of at least 6 fluid ounces to 1 gallon of water.

(b) "Cresylic disinfectant" in the proportion of not less than 4 fluid ounces to 1 gallon of water; and such other disinfectants as are approved by the Commissioner in specific cases.

The use of "cresylic disinfectant" is permitted subject to the conditions prescribed in § 71.10 (b), of Subchapter C, Title 9 of the Code of Federal Regulations.

SECTION 23 - IMPORTED PRODUCTS

Subsections

- 23.01 Application of provisions.
- 23.02 Eligibility of foreign countries for shipment of products into West Virginia.
- 23.03 Imported products to be handled and transported as domestic; entry into official establishments.

§ 23.01 Application of provisions.

The provisions of this Section shall apply to products derived from cattle, sheep, swine, goats, horses, mules, and other equines, if capable of use as human food.

§ 23.02 Eligibility of foreign countries for shipment of products into West Virginia.

Whenever it shall be determined by the Administrator, Consumer and Marketing Service, U. S. Department of Agriculture that the system of meat inspection maintained by any foreign country, with respect to establishments preparing products in such country for export to the United States, insures compliance of such establishments and their products with requirements at least equal to all the inspection, building construction standards, and all other provisions of the Act and the Federal Meat Inspection Regulations, and notice of that fact is given by including the name of such foreign country in the Federal Meat Inspection Regulations, Thereafter, products prepared in such establishments which are certified and approved in accordance with the Federal Meat Inspection Regulations, shall be eligible so far as these regulations are concerned for shipment into West Virginia from such foreign country after applicable requirements of the Federal Meat Inspection Regulations have been met.

§ 23.03 Imported products to be handled and transported as domestic; entry into official establishments.

(a) All imported products, after entry into the United States, shall be deemed and treated as domestic products and shall be subject to the applicable provisions of the Law and these regulations and the applicable requirements under the Federal Food, Drug, and Cosmetic Act.

(b) Imported animal products inspected, passed, and marked in accordance with this Section may, subject to the provisions of Section 16 of these regulations, be taken into official establishments and be mixed with or added to any product in such establishments which has been inspected and passed therein.

(c) Imported product which has been inspected, passed, and marked may be transported in intrastate commerce only upon compliance with Section 22 of these regulations.

SECTION 24 - RETENTION; SEIZURE AND CONDEMNATION;
CRIMINAL OFFENSES

Subsections

- 24.01 Article, livestock, or animal subject to administrative retention.
- 24.02 Method of retention; form of retention tag. (Retained tag)
- 24.03 Notification of retention to the owner of the article, livestock, or animal retained, or his agent, or person having custody.
- 24.04 Notification of governmental authorities having interstate jurisdiction over article, livestock, or animal retained; form of written notification.
- 24.05 Movement of article, livestock, or animal retained; removal of official marks.
- 24.06 Articles, livestock, or animal subject to seizure and condemnation.
- 24.07 Procedure for seizure, condemnation, and disposition.
- 24.08 Authority for condemnation or seizure under other provisions of Law.
- 24.09 Criminal offenses and prohibitions.

§ 24.01

§ 24.01 Article, livestock, or animal subject to administrative retention.

Any carcass, part of a carcass, meat or meat food product of livestock or animal, or article exempted from the definition of meat food product, or any dead, dying, disabled, or diseased livestock or animal is subject to retention for a period not to exceed 20 days^{1/} when found by any authorized representative of the Commissioner upon any premises where it is held for the purposes of, or during or after distribution in, intrastate commerce or it is otherwise subject to the provisions of the Law or Market Laws (Article 2, Chapter 19 Code of W. Va.), and there is reason to believe that:

(a) Any such article is adulterated or misbranded and is capable of use as human food; or

(b) Any such article has not been inspected, in violation of the provisions of the Law, any other Federal law, or the laws of any State or Territory, or the District of Columbia; or

(c) Any such article, livestock, or animal has been or is intended to be, distributed in violation of the provisions of the Law, or any Federal law, or the laws of any State or Territory, or the District of Columbia.

§ 24.02 Method of retention; form of retention tag. (Retained tag)

An authorized representative of the Commissioner shall retain any article, livestock, or animal to be retained under this Section, by affixing an official "W. Va. Retained Tag" (Form 11-F009) to such article, livestock, or animal.

§ 24.03 Notification of retention to the owner of the article, livestock, or animal retained, or his agent, or person having custody.

When any article, livestock, or animal is retained under this Section, an authorized representative of the Commissioner shall give oral notification to the owner of the article, livestock, or animal retained if he can be ascertained and notified, and, if not, to his agent or the immediate custodian of the article, livestock, or animal, and promptly furnish the person so notified with a completed "Preliminary Notice of Retention" (Form 11-F026) within 48 hours after the retention of any article, livestock, or animal, an authorized representative of the Commissioner shall, if the retention is to continue, give written notification to the owner of the article, livestock, or animal retained by furnishing him a "Notice of Retention" (Form 11-F027), or if such owner cannot be ascertained and notified within such period of time, furnish such notice to his agent, or the carrier or other person having custody of the article, livestock, or animal retained. The notification, (Form 11-F027) with a copy of (Form 11-F026) shall be served by either delivering the notification to such owner or his agent, or to such other person, or by certifying and mailing the notification, addressed to such owner, agent, or other person, at his last known residence or principal office

^{1/} Commissioner may order and direct the person having custody or possession of such carcass, part of a carcass, meat or meat food product of livestock, or article, or the licensee of the establishment in which it is found, to be responsible for the disposition thereof; as well as any necessary storage, handling, or other incidentals related thereto.

§ 24.03

or place of business.

§ 24.04 Notification of governmental authorities having interstate jurisdiction over article, livestock, or animal retained; form of written notification.

Within 48 hours after the retention of any livestock or animal or article pursuant to this Section, an authorized representative of the Commissioner shall give oral or written notification of such retention to any Federal authorities, and any State or other governmental authorities, having interstate jurisdiction over such livestock or animal or article. In the event notification is given orally, it shall be confirmed in writing, as promptly as circumstances permit.

§ 24.05 Movement of article, livestock, or animal retained; removal of official marks.

No article, livestock, or animal retained in accordance with the provisions in this Section shall be moved by any person from the place at which it is located when so retained, until released by an authorized representative of the Commissioner: Provided, That any such article, livestock, or animal may be moved from the place at which it is located when so retained, for refrigeration, freezing, or storage purposes if such movement has been approved by an authorized representative of the Commissioner: And provided further, That the article, livestock, or animal so moved will be retained by an authorized representative of the Commissioner after such movement until such time as the retention is terminated. When the retention of such article, livestock, or animal is terminated, the owner, or his agent or the carrier or other person in possession of the article, livestock, or animal who was notified when the article, livestock, or animal was retained, will receive notification of the termination. The notification "Notice of Termination of Retention" (Form 11-F028) shall be served by either delivering the notice to such person, or by certifying and mailing the notification, addressed to such at his last known residence or principal office or place of business. All official marks may be required by such representative to be removed from such article or animal before it is released unless it appears to the satisfaction of the representative that the article or animal is eligible to retain such marks.

§ 24.06 Articles, livestock, or animal subject to seizure and condemnation.

Any carcass, part of a carcass, meat or meat food product, or any dead, dying, disabled, or diseased livestock or animal that is being transported in intrastate commerce or is otherwise subject to Sections 6 and 10 of the Law, or is held for sale in West Virginia after such transportation, is subject to seizure and condemnation under Sections 6 and 10 of the Law if such article, livestock, or animal:

(a) Is or has been prepared, sold, transported, or otherwise distributed or offered or received for distribution in violation of the Law, or

(b) Is capable of use as human food and is adulterated or misbranded, or

§ 24.06 (c)

(c) In any other way is in violation of the Law.

§ 24.07 Procedure for seizure, condemnation, and disposition.

Any article, livestock, or animal subject to seizure and condemnation under this Section shall be liable to be proceeded against and seized and condemned, and disposed of,^{1/} at any time, by the authority of the Commissioner as specified in Sections 6 and 10 of the Law.

§ 24.08 Authority for condemnation or seizure under other provisions of Law.

The provisions of this Section relating to seizure, condemnation, and disposition of articles, livestock, or animals do not derogate from authority for condemnation or seizure conferred by other provisions of the Law, or other laws.

§ 24.09 Criminal offenses and prohibitions.

The Law and Article 5-A^{2/} contains prohibitions and criminal provisions with respect to numerous offenses specified in the Law and said Article, including but not limited to bribery of Department employees, receipt of gifts by Department employees, and forcible assaults on, or other interference with, Department employees while engaged in, or on account of, the performance of their official duties under the Law.

^{1/} Commissioner may order and direct the person having custody or possession of such carcass, part of a carcass, meat or meat food product of livestock, or article, or the licensee of the establishment in which it is found, to be responsible for the disposition thereof; as well as any necessary storage, handling, or other incidentals related thereto.

^{2/} Article 5-A, Bribery and Corrupt Practices, Chapter 19, Code of west Virginia.

SECTION 25 - REGULATIONS GOVERNING RETAIL STORES AND
PUBLIC EATING PLACES IN WEST VIRGINIA

Subsections

- 25.01 Applicability of regulations.
- 25.02 (Reserved)
- 25.03 (Reserved)
- 25.04 General requirements.
- 25.05 Adulteration and misbranding.
- 25.06 Inspection reviews.
- 25.07 Records.
- 25.08 Access to establishments.
- 25.09 Enforcement and penalties.

§ 25.01 Applicability of regulations.

The regulations in this Section apply to each retail store and public eating place in West Virginia, at which no slaughtering of cattle, sheep, swine, goats, or equines is conducted but products of such animals are boned, cut up, cooked, or otherwise prepared, or frozen, stored, or held for sale, and no products prepared at the establishment are sold, or offered for sale or transportation, or transported, to any place outside of West Virginia, by the operator of the establishment. Such retail stores and public eating places shall hereinafter in this Section be referred to as regulated establishments. The regulations in § 4.03 (a) (1) & (4) (i) and (ii), 5.02 (c), and 5.06, and Sections 1, 2, 6, 13, 14, ¹/ 16, 17, 18, 19, and 24 of these regulations where applicable shall apply to regulated establishments. If custom operations are conducted at any regulated establishment, they shall be licensed under the provisions of Section 4 of the Law, exempted from continuous inspection by Section 8 (a) (ii) of the Law, and they shall be conducted in accordance with § 4.03 (a) (4) (iii) and (iv).

§ 25.02 (Reserved)

§ 25.03 (Reserved)

§ 25.04 General requirements.

(a) Except for products to be custom prepared under § 4.03 (a) (4) (iii) of these regulations, no products may be brought into any regulated establishment unless they have been inspected and passed as prescribed in § 4.03 (a) (1) of these regulations.

1/ Custom operations.

§ 25.04 (b)

(b) All meat products, other than shelf-stable meat products, must be stored at regulated establishments at safe holding temperatures. Such temperatures will be any food temperature below 40°F. or above 140°F. Such products shall not be permitted to remain at temperatures between the safe holding limits for such a time as may be reasonably expected to allow them to become unsafe for human consumption.

(c) Frozen product shall be held at a safe temperature when stored, transported, or displayed by any regulated establishment. The safe temperature for such product shall be a continuous space and product temperature of 0°F. or lower except for periods of normal defrost cycles, loading and unloading, or repackaging, or for temporary conditions beyond the immediate control of the person who has responsibility for the frozen product. In any case the internal temperature of the frozen product shall not exceed 10°F.

(d) Product must be appropriately protected from contamination and other adulteration when prepared, frozen, packaged, stored, displayed, or otherwise handled at a regulated establishment or in intrastate commerce for such an establishment. Components of product prepared at a regulated establishment must be similarly protected at the establishment. Containers, utensils, and other surfaces which contact products or their components directly at regulated establishments must be protected from contamination. Any methods, procedures, practices, sequence of operations at any regulated establishment that may present an opportunity for product to become contaminated or adulterated shall be prohibited.

(e) Food-contact surfaces used interchangeably in the preparation, storage, or other handling of ready-to-eat products and of products requiring further handling or treatment or any food other than products shall be cleaned and sanitized prior to any change in use.

(f) Grinders, choppers, and mixers used for the preparation of uncooked pork at regulated establishments must be thoroughly cleaned to remove any pork muscle tissue residue before use for any other product not intended to be thoroughly cooked on the establishment premises.

(g) Persons who work at any regulated establishment in any capacity which involves contact with unpackaged product or with surfaces contacted by such product, or which involves the preparation of product or meals made therefrom shall:

(1) Be in apparently good health, and

(2) Use hygienic work practices.

§ 25.05 Adulteration and misbranding.

(a) Products prepared or sold or served by any regulated establishment shall not be "adulterated" as defined by the law.

(b) Products prepared or sold or served by any regulated establishment shall not have any false or misleading labeling and shall not be so made, formed, or filled as to be adulterated.

§ 25.05 (b)

such establishment.

(c) Where avoidable, no official inspection mark, or other required labeling on product prepared in an official establishment shall be defaced, obliterated, modified, or removed, when the product is sliced, otherwise prepared, repackaged, or otherwise handled in a regulated establishment.

(d) Product coverings cannot be of such color, design, or kind as to be misleading or deceptive with respect to color, quality, or kind of product to which they are applied.

(e) Lighting of product display cases cannot be of such color or kind as to be misleading or deceptive with respect to color or kind or product to which they are applied.

§ 25.06 Inspection reviews.

Inspections of the premises and reviews of the procedures of each regulated establishment shall be made as often as deemed necessary to effectuate the purpose of this Section. Products that are adulterated or have false or misleading labeling or misleading containers will be handled as provided in Section 24 of these regulations.

§ 25.07 Records.

Records shall be maintained by the operator of each regulated establishment showing the source, quantity, and description of all livestock and products acquired or prepared by the establishment and the date of receipt and the disposition thereof. These records shall be retained for a period of 2 years after December 31 of the year in which the transaction has occurred.

§ 25.08 Access to establishments.

Under Section 5 of the Law, Department employees designated by the Commissioner shall be allowed access to every part of any regulated establishment at all times for the purpose of making inspections authorized under the Law. Further, under Section 5 of the Law, or Section 6 of the Market Laws (Article 2, Chapter 19 Code of W. Va.) in enforcement of the Law, Department employees, designated by the Commissioner, are authorized to enter any regulated establishment in accordance with said Section for the purpose of examining and copying any records required by the Law, and for such establishment and examining the facilities and inventories thereof and taking reasonable samples from the inventories for laboratory analysis.

§ 25.09 Enforcement and penalties.

Continuation of the exemption of inspection will be contingent upon the compliance by the operator of the establishment with the requirements of this Section. If the Department has reason to believe that the operator has failed to comply with such requirements in any respect, due notice thereof and reasonable opportunity to correct the alleged deficiencies will be afforded to the operator to the extent consistent with protection of the public and the requirements of the Law.

§ 25.09

Failure to comply with the provisions of this Section or to destroy condemned products as required under the Law may result in enforcing the prohibitions contained in the Law.

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

A. RENEE COE
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

Telephone: (304) 558-6000
Corporations: (304) 558-8000



STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

(Plus all the volunteer
help we can get)

TO: Barbara Smith

AGENCY: Agriculture

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: July 6, 1992

THE ATTACHED RULE RECENTLY FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 16 TITLE: 61 Agriculture

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: Barbara J. Smith

TITLE OF PERSON SIGNING: Director of Compliance

DATE: 7-22-92

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.