



GUS R. DOUGLASS
COMMISSIONER

STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE
CHARLESTON 25305

WILLIAM H. GILLESPIE
ADMINISTRATIVE ASSISTANT

September 2, 1980

Honorable A. James Manchin
West Virginia Secretary of State
Building #1, Room W-157
Charleston, WV 25305

Dear Secretary Manchin:

We are enclosing the required two copies of the proposed Rules & Regulations which will supercede certain sections of the Rules & Regulations previously promulgated for Chapter 19, Article 2b, the West Virginia Meat Inspection Law.

We have this day also filed the required number of copies of the proposed Rules & Regulations with the Legislative Rules Making Committee.

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 9-3-80

Sincerely,

William H. Gillespie
Assistant to the Commissioner

WHG/rkd
Enc.

cc - Earl M. Vickers
Legislative Services

Dr. Kenneth E. Taylor, Director
Meat Inspection Division

C. Harold Amick, Director
Consumer Protection Division



STATE OF WEST VIRGINIA
OFFICE OF THE SECRETARY OF STATE
 CHARLESTON 25305

A. JAMES MANCHIN
 SECRETARY OF STATE

STATE REGISTER FILING

I, Gus R. Douglass, Agriculture Commissioner,
 Title or Position

West Virginia Department of Agriculture, hereby submit to record in
 Department or Division

the State Register on 8 1/2 x 11" paper two (2) copies of

- () proposed rules and regulations concerning topics of material not covered by existing rules and regulations;
- (X) proposed rules and regulations superseding rules and regulations already on file;
- () notice of hearing;
- () findings and determinations;
- () rules and regulations; or
- () other - specify ()).

This filing pertains to

Chapter 19
 Article 2B
 Series _____
 Section _____
 Page No. Various

- (XX) proposed rules and regulations are required to go to Legislative Rule Making Committee;
- () proposed rules and regulations are excluded from Legislative Rule Making Committee;

September 2, 1980

 Date Submitted
 Gus R. Douglass
 by: Assistant to the Commissioner
W. N. Gillespie
 Signature of Person Authorizing
 this Filing

MINUTES

PUBLIC HEARING

Conference Room - August 26, 1980 - 10:00 A.M.

A public hearing concerning proposed Rules & Regulations which will supercede portions of the Rules & Regulations already on file for Chapter 19, Article 2B, was called to order by Agriculture Commissioner Gus R. Douglass, at 10:03 A.M.


He stated that the meeting had been convened to hear amendments, that a notice of general circulation in the West Virginia Market Bulletin had been published in July and that the proposed Rules & Regulations had been filed in the office of the Secretary of State on July 9, 1980, with a notification that a public hearing would be held on the above date. (Copy of the State Register filing is attached.)

Commissioner Douglass asked that the minutes show that no one was present to present comments but he, Dr. Walter Hammer, Director-retired, Meat Inspection Division; Dr. Ken Taylor, Director, Meat Inspection Division, Mr. Gary Ray, Meat Inspector Supervisor, and William H. Gillespie, Assistant to the Commissioner, from the West Virginia Department of Agriculture were on hand. It was also pointed out by Dr. Walter Hammer that the proposed Rules & Regulations had been sent to all people and organizations who might be affected by them and to the various trade associations, and that no written comments, although solicited, were received to date.

The meeting was adjourned after a 30 minute wait, at 10:30 A.M.

No additional comments were phoned in or brought into the office of the Agriculture Commissioner by 4:00 P.M., Tuesday, August 26, 1980: so the hearing was considered to be without comment and Commissioner Douglass ordered the preparation of materials to be submitted to the Legislative Rule Making Review Committee.

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA


William H. Gillespie
Assistant to the Commissioner

4:00 P.M., Tuesday, August 26, 1980

THIS DATE 9-3-80



STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE
CHARLESTON
25305

Gus R. Douglass
Commissioner

NEWS RELEASE

For Immediate Release

July 9, 1980

PUBLIC HEARING

CHARLESTON, W. VA.--Agriculture Commissioner Gus R. Douglass announced today that he will hold a public hearing relative to amending the Rules and Regulations concerning the West Virginia Meat Inspection program. A hearing will be held on Tuesday, August 26, 1980, at 10:00 A.M., in the J. T. Johnson Conference Room located in the basement of the East Wing of the Capitol Building, (Room #EB-95), Charleston, West Virginia.

Douglass says that the changes are necessary to update the current regulations so that they will be "equal to" the Federal regulations as mandated by the 1967 Federal Meat Inspection Act.

Copies of the proposed changes can be secured from the Director, Meat Inspection Division, W. Va. Dept. of Agriculture, Room #E-107, Building #1, Charleston, WV 25305.

Any person who wishes to submit written comments in lieu of attending the hearing may do so by mailing them in duplicate to the Director, Meat Inspection Division, W. Va. Department of Agriculture, Room E-107, Building #1, Charleston, WV 25305.



STATE OF WEST VIRGINIA
 OFFICE OF THE SECRETARY OF STATE
 CHARLESTON 25305

A. JAMES MANCHIN
 SECRETARY OF STATE

STATE REGISTER FILING

I, Gus R. Douglass, Agriculture Commissioner,
 Title or Position

West Virginia Department of Agriculture, hereby submit to record in
 Department or Division

the State Register on 8 1/2 x 11" paper two (2) copies of

- proposed rules and regulations concerning topics of material not covered by existing rules and regulations;
- proposed rules and regulations superseding rules and regulations already on file;
- notice of hearing; August 26, 1980, 10:00 A.M.
- findings and determinations;
- rules and regulations; or
- other - specify ()).

This filing pertains to

Chapter 19
 Article 2B
 Series _____
 Section _____
 Page No. All

- proposed rules and regulations are required to go to Legislative Rule Making Committee;
- proposed rules and regulations are excluded from Legislative Rule Making Committee;

FILED IN THE OFFICE OF
 SECRETARY OF STATE OF
 WEST VIRGINIA

THIS DATE 7/9/80

July 8, 1980
 Date Submitted
 William H. Gillespie, Asst. to Commissioner

William H. Gillespie
 Signature of Person Authorizing
 this Filing



STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE
CHARLESTON
25305

Gus R. Douglass
Commissioner

July 3, 1980

Subject: Proposed Amendments to West Virginia Meat Inspection
Rules and Regulations Governing Chapter 19, Article
2-B, Code of West Virginia

Dear Sir:

The West Virginia Department of Agriculture has prepared proposed amendments and changes to the West Virginia Meat Inspection Rules and Regulations. I am enclosing a copy of the amendments and changes for your review. In reviewing the enclosure, note that on page 13 that the words "rendering or refining of livestock fat" are underlined- this means all words underlined are being added to (3). On page 14 note that \$18,000.00 in (c) is lined out- this means that \$18,000.00 is being deleted. Now refer to next page which is also numbered 14 and will replace the old page 14. New page (14) show the figure \$25,000.00 with a line underneath- this means that the figure \$27,000.00 will be used in lieu of the figure \$18,000.00 that had been lined out. The next page is numbered 42, and near top of page note \$ 10.16 and all words deleted by being lined out- the new \$ 10.16 starts near middle of page 42, and all new words are underlined. If you utilize the above guidelines on remaining pages, you will be able to pick up deletions and additions in the regulations.

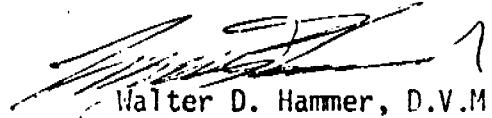
On August 26, 1980 at 10:00 am, a hearing will be held in the Johnson Conference Room, East Wing Basement-Room 95, State Capitol Building, Charleston, West Virginia. The Agriculture Commissioner, Gus R. Douglass will preside at the hearing.

The purpose of the hearing is to receive any data, objections, suggested amendments, views, evidence and arguments orally or in writing concerning the proposed amendments to the regulations.

Any person who wishes to submit written data, views, or arguments in lieu of attending the hearing may do so by mailing them duplicate to the Director, Meat Inspection Division, Room- E-107, State Capitol Building, Charleston, West Virginia 25305. All correspondence received will be taken up at the hearing.

The amendments and changes to the West Virginia Regulations are necessary to update the current regulations, so that they will be "Equal To" the Federal regulations. The 1967 Federal Meat Inspection Act requires all State Meat Inspection programs to be "Equal To" the Federal inspection program.

Very truly yours,



Walter D. Hammer, D.V.M.
Director
Meat Inspection Division

WDH/jc

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE _____

(ii) No Change

(a) No Change

(1) No Change

(2) No Change

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

§ 4.03 (a)

(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 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 of product represents sales to household consumers and the total dollar value of sales of product to consumers other than household consumers does not exceed *\$18,000.00* 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).

§ 10.13 (b)

§ 10.14 No Change

§ 10.15 No Change

§ 10.16 Animals suspected of having biological residues.

~~(a) Except as provided in paragraph (b) or (c) of this subsection, no cattle or sheep shall be slaughtered at any official establishment until they have been held thereat as described in this paragraph for a minimum of 14 days before slaughter and the following conditions are met:~~

~~(1) The animals must be fed a ration free of diethylstilbestrol (DES) throughout the holding period;~~

~~(2) Suitable facilities as specified in § 17.02 (a) of these regulations must be provided for holding the animals;~~

~~(3) During such period the animals shall be identified as "W. Va. Condemned;"~~

§ 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.

(b) ~~In lieu of holding as required by paragraph (a) of this subsection, cattle or sheep may be handled as provided in this paragraph (b):~~

~~(1) Cattle or sheep may, subject to other restrictions under these regulations, be slaughtered at any official establishment if they are accompanied by the certificate as prescribed in this subparagraph, signed by the owner, feed lot manager, feeder, selling agent, buying agent, dealer or other person who had custody of the animals during a period of 14 days or more immediately prior to delivery to the official establishment. Each certificate must show:~~

~~(i) The number and kind of animals covered by the certificate;~~

~~(ii) That the person making the certification had custody of the animals for 14 days or more, immediately prior to delivery to the official establishment;~~

~~(iii) Whether the animals did or did not receive feed containing DES while in the custody of the person making the certification;~~

~~(iv) The date of withdrawing from DES if the animals received feed containing DES; and~~

~~(v) That the regulations under the Federal Food, Drug, and Cosmetic Act were followed when feed containing DES was used in the feeding of the animals.~~

~~(2) Alternatively, cattle or sheep may, subject to other restrictions under these regulations, be slaughtered at any official establishment if any market agency or dealer who provides cattle or sheep to the official establishment (hereinafter referred to as the agency or dealer) and who had custody of the animals during the interim holding period of less than 14 days prior to delivery to the official establishment, furnishes a certificate showing:~~

~~(i) He has in his possession a certificate or certificates executed by another person or persons showing:~~

~~(i) -- He has in his possession a certificate or certificates executed by another person or persons showing: --~~

~~(a) -- The number and kind of animals covered by each certificate;~~

~~(b) -- That the person or persons making the certification had custody of the animals for a period of 14 days or more prior to their delivery to said dealer;~~

~~(c) -- Whether the animals did or did not receive feed containing DES during the period in which the animals were in the custody of the person or persons making the certification;~~

~~(d) -- The date of withdrawing from DES if the animals received food containing DES during said period; and~~

~~(e) -- That the regulations under the Federal Food, Drug, and Cosmetic Act were followed when feed containing DES was used in the feeding of the animals during said period. --~~

~~(i) -- For animals shown by a certificate prescribed in paragraph (b) (2) (i) of this subsection to have received feed containing DES within 14 days prior to the date of execution of the agency's or dealer's certificate, the last date on which the animals received such feed, as shown by the certificates prescribed in paragraph (b) (2) (i) of this subsection;~~

~~(ii) -- The animals offered for slaughter are the same animals covered by the certificates described in paragraph (b) (2) (i) of this subsection;~~

~~(iv) -- The number and kind of animals covered by the certificate; --~~

~~(v) -- The number of days the animals were in the custody of such agency or dealer; and~~

~~(vi) -- The animals did not receive feed containing DES while in the custody of such agency or dealer. --~~

(3)--A copy of each certificate issued by the agency or dealer as prescribed in paragraph (b)-(2) of this subsection and the original certificates issued by other persons as prescribed in paragraph (b)-(2)-(1) of this subsection shall be maintained by the agency or dealer in his place of business for not less than 1 year after he issues his certificate under this paragraph (b)-.

(4)--Except as provided in paragraph (b)-(3) of this subsection, the certificates must accompany the animals and be delivered by the operator of the official establishment to a Department employee at the official establishment prior to presentation of the animals for slaughter.

(5)--If it appears to the Department employee, from such certificates, that there was compliance with the conditions specified in subdivision (v) of paragraph (b)-(1) of this subsection and that the animals did not receive any feed containing DES for 14 days immediately prior to their presentation for slaughter, the animals may be slaughtered, subject to any other restrictions in these regulations; otherwise, the animals shall be held under the conditions prescribed in paragraph (a) of this subsection until the expiration of 14 days in which the animals have not received feed containing DES.

(6)--The Director may, in specific cases, require the collection by Department employees and analysis by a laboratory designated by the Director of tissue samples from animals slaughtered under paragraph (b) of this subsection to determine whether they contain any DES residues.

(7)--Any person who knowingly makes a false statement in any certificate prescribed in paragraph (b) of this subsection is subject to criminal prosecution.

§ 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.

-42a-
-42b-
-42c-

1/ A list of disinfectants approved for this purpose is available upon request to the ~~Technical-Services-Division, Consumer and Marketing-Service~~, U.S. Department of Agriculture, Washington, D.C. 20250.

1/ A list of disinfectants approved for this purpose 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.

§ 14.06

§ 14.07 No Change

§ 14.08 No Change

§ 14.09 No Change

§ 14.10 Livers condemned because of parasitic infestation and for other causes; conditions for disposal for purposes other than human food. - No Change

(a) ~~Livers condemned on account of fluke infestation may be shipped from an official establishment only for purposes other than human food and only if they are first freely slashed, then identified, and handled as provided in this paragraph. The identification shall be accomplished by either:~~

~~(1) dipping the slashed livers in a hot solution composed of one part FD&C green No. 3 or methyl violet to 5,000 parts of water, followed by washing in fresh water until the washings are no longer colored, or~~

~~(2) the application of charcoal in accordance with § 22.13 of these regulations.~~

~~The livers shall be either frozen or cooked as prescribed in this paragraph. Freezing shall be preceded by chilling the livers to a temperature not above 40 F. Livers packed in containers not more than 7 inches thick shall then be held for a period of not less than 10 days at a temperature not higher than 15 F or for a period of not less than 5 days at a temperature not higher than 10 F. Livers packed in containers over 7 inches but less than 27 inches thick shall be held not less than 20 days at a temperature not higher than 15 F, for for not less than 10 days at a temperature not higher than 10 F. In lieu of freezing, the livers may be thoroughly cooked. It is essential that the livers be sufficiently identified through discoloration by the dye or charcoal to preclude their use as human food. Freezing may be accomplished in the~~

~~(b) Livers condemned on account of hydatids or fringed tapeworms may be shipped from an official establishment only for purposes other than human food and only if they are thoroughly cooked, slashed, and identified as provided in paragraph (a) of this subsection.~~

~~(c) Livers condemned on account of parasites other than flukes, hydatids, or fringed tapeworms may be shipped from an official establishment without refrigeration or cooking but only for purposes other than human food and only after slashing and identifying as indicated in paragraph (a) of this subsection.~~

~~(d) Livers condemned for telangiectasis, angioma, "sawdust" condition, cirrhosis, 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 without refrigeration or cooking but only for purposes other than human food, and only if all tissue affected with abscesses is removed and destroyed within the establishment, and all the livers are slashed and identified as indicated in paragraph (a) of this subsection or with any proprietary substance approved by the Commissioner in specific cases.~~

~~(e) Livers identified as specified in this Section shall be placed in containers plainly marked "inedible," and when shipped in intrastate commerce shall be certified as required by § 22.11 of these regulations.~~

(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,

carotenosis 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."

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, rendered pork fat, or tallow.

Carcasses and parts passed for cooking may be rendered into lard or ~~rendered-pork-fat~~ in accordance with § § 19.702 and ~~19.703-(b)~~ 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 blow line, shall first be sealed securely by a Department inspector; 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 or whole primal part, the requirements for sealing shall be at the discretion of the Veterinary Supervisor. Such carcasses and parts shall be cooked for a time sufficient to render them effectually into lard, ~~rendered-pork fat~~, 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.

(a) When closed rendering equipment is used, the lower opening except when permanetly 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 distretion 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, rendered ~~perk-fat~~, and 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.

(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.

§ 16.09 (d)

§ 16.10 Marking of meat food products with official inspection legend and ingredient statement. - No Change

(a) No Change

(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 list of ingredients in accordance with Section 17 of these regulations on each 2 pounds of product, except where such products leave the official establishment completely enclosed in properly labeled immediate containers having a capacity of 10 pounds or less and containing a single kind of product: Provided, That such products in properly labeled closed containers exceeding 10 pounds capacity, when shipped to another official establishment for further processing or to a governmental agency, need only have the official inspection legend and list of ingredients shown twice throughout the contents of the container. When such products are shipped to another official establishment for further processing, the Department inspector at the point of origin shall identify the shipment to the Department inspector at destination by means of Form 11-F025.

(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

§ 16.09 (d)

ingredients shown twice through 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.

§ 16.12 (a)

(g) The outside containers of livers prepared as described in § 14.10 ~~(a)~~, (b), ~~(c)~~, and ~~(d)~~ shall be marked as prescribed in § 14.10 (e) 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.

(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 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.

§ 17.15

§ 17.16 Reserved

§ 17.17 Interpretation and statement of labeling policy for cured products.

§ 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 (c) (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.

(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.

(b) (1) ~~Reserved~~

(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) ~~Reserved~~

(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, analyze or have analysed 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 by 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.

Class of substance	Substance	Purpose	Products	Amount
Anticoagulants.	Citric acid, sodium citrate.	To prevent clotting.	Fresh <u>blood of livestock.</u>	0.2 percent--with or without water. When water is used to make a solution of <u>citric acid or sodium citrate</u> added to <u>blood of livestock</u> , 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 total weight
	BHT (butylated hydroxy-toluene).	do	do)
	Propyl gallate.	do	do)
	TBHQ (tertiary butylhydroquinone).	<u>do</u>	<u>do</u>) 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
Antioxidants and oxygen interceptors. (Cont'd)	BHT (butylated hydroxy-toluene).	do	ration of such fat and vegetable fat.	do] 0.02 percent in] combination.
	Glycine.	do	do	do]
	Propyl gallate.	do	do	do]
	Resin guaiac.	do	do	do]
	<u>TH30 (tertiary butylhydroquinone).</u>	<u>do</u>	<u>do</u>	<u>do</u>] 0.2 percent in] combination] only with BHA] and/or BHT.
	Tocopherols.	do	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	do 0.01 percent based on fat content.] 0.02 percent cent in combination] based on fat content.

Class of substance	Substance	Purpose	Products	Amount
	PHT (butylated hydroxytoluene).	do	fresh sausage made from beef or beef and pork.	do
	Propyl gallate.	do	do	do
	TFBC (tertiary butylhydroquinone).	do	do	do
	BHA (butylated hydroxyanisole).	do	Dried meats.	0.01 percent based on total weight.
	PHT butylated hydroxytoluene).	do	do	do
	Propyl gallate	do	do	do
	TRBC (tertiary butylhydroquinone).	do	do	do
Binders and extenders	Algin	To extend and stabilize product.	Feeding mixtures.	Sufficient for purpose.
	Carrageenan.	do	do	do

Class of substance	Substance	Purpose	Products	Amount	
Binders and Thickeners (cont'd)	Carboxymethyl cellulose (cellulose gum).	do	Baked pies	do	
	Enzyme (Pannet) treated calcium reduced dried milk and calcium lactate.	To bind and extend product.	Various	sufficient for purpose (calcium lactate required at rate of 25 percent of binder).	
	Enzyme (Pannet) treated sodium caseinate and calcium lactate.	do	do	sufficient for purpose. (calcium lactate required at rate of 25 percent of binder).	
	Gums, vegetable.	do	TGF 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.	Caseare, as processed for in section 10 of these regulations	2 percent.	
	Sodium caseinate.	do	Imitation sausage; nonspecific leaves soups; steaks.	Sufficient for purpose.	
	Whey (dried)	do	do	do	
	Xanthan gum.	To maintain uniform viscosity; suspension of particulate matter.	do	do	
			do	do	do
			do	do	do
			do	do	do

Class of substance	Substance	Purpose	Product	Amount
		emulsion stability; freeze-thaw stability.	cornstarch or dextrin with beans, beans for- mox, mixes and letter or treating mixes.	

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.	or sodium erythorbate that is used. 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.
	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. <u>Except that nitrites may be used in bacon only in accordance with paragraph (b) of this subsection.</u>

Class of substance	Substance	Purpose	Products	Amount	
Flavoring agents; protectors and developers.	Department approved artificial smoke flavoring. 1	To flavor product.	Various	Sufficient for purpose.	
	Department approved smoke flavoring. 1	do	do	do	
	Autolyzed yeast extract.	do	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. <u>Bacon</u>	<u>Sufficient for purpose.</u>	
	Benzoic acid, sodium benzoate.	To retard flavor reversion.	Oleomargarine	0.1 percent.	

§ 18.16 (a)

(b) No Change.

(c) No Change.

§ 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

<u>Minimum internal temperature</u>		<u>Minimum</u>
<u>F</u>	<u>C</u>	<u>processing time</u>
		<u>in minutes</u>
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

(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:

§ 18.18 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.

§ 19.01

§ 19.01 No Change

§ 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 percent 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 percent; shall have a minimum protein content of not less than 14.0 percent 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 percent. 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 percent of the total amino acids present in "Mechanically Processed (Species) Product" shall be accepted 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.

(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 preceding ten analyses and all such analyses performed by the Department during the preceding ten-analysis period establishment 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 preceding three analyses and all such analyses performed by the Department during

the preceding 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 therefor 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.

§ 19.06 Limitations with respect to use of Mechanically Processed (Species) Product.

(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 byproducts 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 percent 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 § 19.30, 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.

§ 19.15

§ 19.15 - No Change.

(a) No Change.

(b) No Change.

(c) No Change.

(d) No Change.

(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, Mechanically Processed (Species) Product used in accordance with § 19.06 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 pattie.

§ 19.104 (b)

(c) No Change.

(d) No Change.

(e) No Change.

(f) Pressed ham, spiced ham, and similiar products. "Pressed Ham," "Pressed Ham with Natural Juices," "Spiced Ham," and similiar products may contain finely chopped ham shank meat to the extent of 25 percent over that normally present in the boneless ham. Mechanically Processed (Species) Product may be used in accordance with § 19.06. The weight of the cured chopped ham prior to processing shall not 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 percent moisture.

§ 19.105 (a)

- (b) No Change
- (1) No Change
- (2) No Change
- (3) No Change
- (4) No Change
- (5) No Change
- (6) No Change
- (7) No Change
- (8) No Change
- (9) No Change
- (10) Mechanically Processed (Species) Product used in accordance with

§ 19.06 of this subsection.

§ 19.106 (d) (2)

§ 19.106 (d) (2)

§ 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, non fat dry milk, ~~calcium-reduced-skim-milk-or dried-milk~~. The finished product shall contain no more than 3.5 percent of these additives individually or collectively. Two percent if isolated soy protein shall be deemed equivalent to 3 1/2 percent of any one or more of these binders. Sausage may not contain *phosphates* except that uncooked pork from cuts cured with phosphates listed in § 19.07 (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 percent 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 percent 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, enzymes (rennet) treated calcium reduced dried skim milk and calcium lactate or dried milk. The finished product shall contain not more than 3.5 percent of these additives individually or collectively. Two percent if isolated soy protein shall be deemed equivalent to 3 1/2 percent 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 percent 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 percent 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 percent 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 percent of the total ingredients used.

§ 19.143 No Change

§ 19.144 No Change

§ 19.145 No Change

(a) No Change

(1) "Italian Sausage" shall be prepared with fresh or frozed 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.

(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. Mecahnically 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 percent 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.

10.180, No Change.

10.180 No Change.

(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 percent 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 no more than 10 percent of 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 percent 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 designed 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 percent of one or more kinds of raw skeletal muscle meat with the raw meat by-products, or not less than 15 percent 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 percent of the meat and meat by-products or meat, meat by-products and poultry products ingredients. The finished products shall not contain more than 30 percent 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 percent 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 percent 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.

~~(c) A cooked sausage as defined in paragraph (a) of this subsection shall be labeled by its generic name, e.g., frankfurter, frank, furter, hotdog, wiener, vienna, bologna, garlic bologna, or knockwurst. Sausage products within paragraph (a) that are prepared with meat from a single species of cattle, sheep, swine, or goats shall be labeled with the term designating the particular species in conjunction with the generic name, e.g., "Beef Frankfurter."~~

(c) A cooked sausage as defined in paragraph (a) of this subsection shall be labeled by its generic name, e.g., frankfurter, frank, furter, hotdog, wiener, vienna, bologna, garlic bologna, or knowkwurst. 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.

(c) With appropriate labeling as required by 17.03 (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, starchy vegetable flour, soy flour, soy protein concentrate and isolated soy protein, provided such ingredients, individually or collectively, do not exceed 3 1/2 percent of the finished produce, except that 2 percent of isolated soy protein shall be deemed to be the equivalent of 3 1/2 percent of any one or more of the other binders.

§ 19.180

§ 19.181 Cheeseburgers and similar products.

"Cheese burgers" and similar products are products encasings which resemble frankburgers 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 percent 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 percent of isolated soy protein shall be considered the equivalent of 3.5 percent 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 percent of added water and/or ice, 30 percent fat and shall comply with the other provisions for cooked sausages that are in these regulations.

§ 19.181 . No Change

§ 19.200 Liver sausage and ~~similar-products~~.

§ 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,

§ 19.130

§ 19.200 continued

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 byproducts, pork skins, sheep livers and goat livers. These products shall contain not less than 30 percent of liver computed on the weight of the fresh liver and may contain binders and extenders as permitted in § 19.140.

§ 19.200

§ 19.260 No Change

§ 19.261 No Change

§ 19.280 No Change

§ 19.281 Bockwurst

(a) No Change

(1) Meat shall constitute not less than 70 percent 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 fresh whole 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.

§ 19.300 Chili con carne.

"Chili con Carne" shall contain not less than 40 percent 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 percent of the meat ingredients under specific declaration on the label. The mixture may contain not more than 8 percent, 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.

§ 19.300

§ 19.301 Chili con carne with beans.

"Chili con Carne with Beans" shall contain not less than 25 percent 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 percent 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 percent 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 percent of the weight of the uncooked fresh meat. Mechanically Processed (Species) Product may be used in accordance with § 19.06.

§ 19.303 (b)

(9) Mechanically Processed (Species) Product when derived from carcasses of cattle may be used in accordance with § 19.06.

§ 19.304 Meat stews.

Meat stews such as "Beef Stew" or "Lamb Stew" shall contain not less than 25 percent 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 percent 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.

§ 19.305 continued

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 percent 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 percent 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 constituent shall be declared prominently on the label as part of the name of the product. Meatballs may be prepared with not more than 12 percent, singly and collectively, of 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 Sauce with Meat" shall contain not less than 6 percent of meat computed on the weight of the fresh meat. Mechanically Processed (Species) Product may be used in accordance with § 19.06.

§ 19.310 Meat and vegetables with meat and other vegetables with meat. "Meat and Vegetables with Meat" and "Other Vegetables with Meat" shall contain not less than 10 percent 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 percent 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 percent of the uncooked weight of the meat. If uncooked meat is used in formulating the products, they shall contain at least 72 percent 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 No Change.

§ 19.500 No Change.

§ 19.600~~0~~ 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 percent 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 percent cooked sausage or 10 percent dry sausage; e.g./pepperoni. Mechanically Processed (Species) Product may be used in accordance with § 19.06.

- (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 kilogram (fat)).
- (5) Moisture and volatile matter.....Maximum 0.2 percent.
- (6) Insoluble impurities.....By appearance of liquid, fat, or maximum 0.05.

(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 further 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 percent of water.

(b) -- "Rendered Pork Fat" is fat, other than lard, rendered from clean, sound carcasses, parts of carcasses, or edible organs from hogs, except 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.

§ 19.703 Rendered animal fat or mixture thereof.

"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 percent of water.

§ 19.760 (a)

§ 19.760 Deviled ham, deviled tongue, and similar products.

(a) "Deviled Ham" is a semiplastic 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 percent of the finished product. The moisture content of deviled ham shall not exceed that of the fresh unprocessed meat.

§ 19.761 No Change

§ 19.762 Ham spread, tongue spread, and similar products.

"Ham Spread," "Tongue Spread," and similar products shall contain not less than 50 percent 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 § 19.6.

a 20.01 (b)

(2) No Change

(3) No Change

(4) Records of processing procedures for cooked beef and roast beef

as required in § 18.17 (d) of these regulations.

undenatured lungs or lung lobes from official establishments or in intrastate commerce; provisions and restrictions.

(a) (1) ~~---lungs or lung lobes, other than those condemned under § 11.16--~~
~~(b) of these regulations, that are prepared at any official establishment may~~
~~be transported from the establishment, in "intrastate commerce" or otherwise,~~
~~without denaturing, as prescribed in § 14.01 or § 14.03 of these regulations,~~
 provided:

(i) ~~The lungs or lung lobes are transported under permit from the~~
~~appropriate Veterinary Supervisor, as prescribed in paragraph (a) (2) of this~~
~~subsection, directly to a manufacturer of animal food, for use in manufacturing~~
~~animal food, or directly to a zoo, milk farm, or other establishment for use~~
~~as animal food without further manufacturing, or directly to a warehouse in~~
~~West Virginia for storage for subsequent movement, as prescribed in paragraph~~
~~(b) of this subsection, directly to such a manufacturer or establishment in~~
~~West Virginia for nonhuman food purposes;~~

(ii) ~~A shipper's certificate as prescribed in paragraph (a) (2) of~~
~~this subsection is executed, in quadruplicate, by the operator of the official~~
~~establishment, for each shipment of undenatured lungs or lung lobes from~~
~~the establishment, and the original of the certificate is delivered to the Depart-~~
~~ment inspector at the official establishment before the shipment is made, and~~
~~the copies of the certificate are distributed as prescribed in paragraph (a) (3)~~
~~(ii) of this subsection;~~

(iii) ~~The boxes or other containers used for shipping the undenatured~~
~~lungs or lung lobes are closed and taped with nylon filament tape or strapped~~
~~with metal straps and the containers are permanently identified in 2-inch lettering~~
~~with the statement "(SPECIAL) lungs--Not for Human Consumption." In addition,~~
~~the number of the permit prescribed in subdivision (i) of this subparagraph must~~
~~appear on each container;~~

(2) ~~A permit to ship undenatured lungs or lung lobes, as required by~~

~~paragraph (a) (1) of this subsection, will be issued upon application by the operator of an official establishment if the Veterinary Supervisor determines that the application satisfies the requirements of this subsection, and that such lungs will be handled in a sanitary manner at the official establishment. Any such permit shall be canceled by the Veterinary Supervisor whenever he determines, after notice and opportunity to present views is afforded to the permittee, that the permittee has shipped any undenatured lungs or lung lobes without compliance with the restrictions of this section or that such articles shipped from the official establishment in accordance with such restrictions were subsequently not handled in accordance therewith, and that such cancellation is necessary to prevent further violations.~~

(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 or 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 nonmetallic 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.

(1)

(2) No Change.

(3) No Change.

(4) No Change.

(5) No Change.

(6) No Change.

(7) Carcasses (other than viscera), parts thereof, cuts of meat, and

ground 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).

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 Grant Street, Minneapolis, Minnesota
55402. 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.