

**Subpart S—Meat Baby Foods
[Reserved]**

**Subpart T—Dietetic Meat Foods
[Reserved]**

Subpart U—Miscellaneous

§ 319.880 Breaded products.

The amount of batter and breading used as a coating for breaded product shall not exceed 30 percent of the weight of the finished breaded product.

§ 319.881 Liver meat food products.

Meat food products characterized and labeled as liver products such as liver loaf, liver cheese, liver spread, liver mush, liver paste, and liver pudding shall contain not less than 30 percent of pork, beef, sheep, or goat livers computed on the fresh weight of the livers.

[36 FR 12004, June 24, 1971]

**PART 320—RECORDS,
REGISTRATION, AND REPORTS**

Sec.

- 320.1 Records required to be kept.
- 320.2 Place of maintenance of records.
- 320.3 Record retention period.
- 320.4 Access to and inspection of records, facilities and inventory; copying and sampling.
- 320.5 Registration.
- 320.6 Information and reports required from official establishment operators.
- 320.7 Reports by consignees of allegedly adulterated or misbranded products; sale or transportation as violations.

AUTHORITY: 21 U.S.C. 601-695; 7 CFR 2.18, 2.53.

SOURCE: 35 FR 15603, Oct. 3, 1970, unless otherwise noted.

§ 320.1 Records required to be kept.

(a) Every person (including every firm or corporation) within any of the classes specified in paragraph (a) (1), (2), or (3) of this section is required by the Act to keep records which will fully and correctly disclose all transactions involved in his or its business subject to the Act:

(1) Any person that engages, for commerce, in the business of slaughtering any cattle, sheep, swine, goats, horses, mules, or other equines, or preparing,

freezing, packaging, or labeling any carcasses, or parts or products of carcasses, of any such animals, for use as human food or animal food;

(2) Any person that engages in the business of buying or selling (as a meat broker, wholesaler, or otherwise), or transporting in commerce, or storing in or for commerce, or importing, any carcasses, or parts or products of carcasses, of any such animals;

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

(b) 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 Act:

- (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.
- (ix) In the case of a person belonging to the class specified in paragraph (a)(1), and engaged, for commerce, in the business of slaughtering any swine for use as human or animal food, the name and address (including the city and state, or the township, county, and state) of each person from whom the

person belonging to the class so specified purchased or otherwise obtained each swine, and the telephone number, if available, of the person from whom the swine were purchased or otherwise obtained, and all serial numbers and other approved means of identification appearing on all test swine selected at antemortem inspection by FSIS representatives for residue testing.

(2) Shipper's certificates and permits required to be kept by shippers and carriers of articles under part 325 of this subchapter.

(3) A record of seal numbers required to be kept by consignees of inedible products shipped under unofficial seals under §325.11(b) or (e) of this subchapter, and a record of new consignees of inedible products diverted under §325.11(e) of this subchapter.

(4) Records of processing procedures for cooked beef and roast beef as required in §318.17(d).

(5) Guaranties provided by suppliers of packaging materials under §317.20.

(6) Records of canning as required by subpart G of this subchapter A, 9 CFR chapter III.

(7) Sample results and calculation results as required by processing procedures to destroy trichinae in §318.10(c)(3)(iv) (Methods 5 and 6).

(8) Records of nutrition labeling as required by subpart B, part 317, of this subchapter.

(9) Records as required in §318.23(b) and (c).

(10) Records of calcium content in meat derived from advanced meat/bone separation machinery and meat recovery systems as required by §318.24 of this subchapter.

(11) Records of all labeling, along with the product formulation and processing procedures, as prescribed in §317.4 and §317.5.

(Approved by the Office of Management and Budget under control number 0583-0015)

[35 FR 15603, Oct. 3, 1970, as amended at 36 FR 12004, June 24, 1971; 37 FR 1229, Jan. 27, 1972; 43 FR 30793, July 18, 1978; 47 FR 746, Jan. 7, 1982; 47 FR 17274, Apr. 22, 1982; 49 FR 2235, Jan. 19, 1984; 51 FR 45633, Dec. 19, 1986; 53 FR 40387, Oct. 14, 1988; 57 FR 27877, June 22, 1992; 58 FR 675, Jan. 6, 1993; 58 FR 41152, Aug. 2, 1993; 59 FR 6897, Feb. 14, 1994; 59 FR 62562, Dec. 6, 1994; 60 FR 67456, Dec. 29, 1995]

§ 320.2 Place of maintenance of records.

Every person engaged in any business described in §320.1 and required by this part 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 headquarters' 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.

§ 320.3 Record retention period.

(a) Every record required to be maintained under this part shall be retained for a period of 2 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 Administrator may require for purposes of any investigation or litigation under the Act, by written notice to the person required to keep such records under this part.

(b) Records of canning as required in subpart G of this subchapter A, 9 CFR chapter III, shall be retained as required in §318.307(e); except that records required by §318.302 (b) and (c) shall be retained as required by those sections.

[35 FR 15603, Oct. 3, 1970, as amended at 51 FR 45633, Dec. 19, 1986]

§ 320.4 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 §320.1 shall upon the presentation of official credentials by any duly authorized representative of the Secretary, during ordinary business hours, permit such representative to enter his or its place of business and examine the records required to be kept by §320.1 and the facilities and inventory pertaining to the business of such person subject to the Act, and to copy all such records and to take reasonable samples of the inventory upon payment of the fair market value therefor. Any necessary facilities (other than reproduction equipment) for such examination and copying of records and for such examination and

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sampling of inventory shall be afforded to such authorized representative of the Secretary.

§ 320.5 Registration.

(a) Except as provided in paragraph (c) of this section, every person that engages in business in or for commerce, as a meat broker, renderer, or animal food manufacturer, or engages in business in 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 commerce, or engages in the business of buying, selling, or transporting in 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 Administrator, 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 Administrator, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, 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 Compliance Programs, Regulatory Programs, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

(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 Administrator within 15 days after making the change.

(c) The registration requirements prescribed in this section shall not apply to persons conducting any of the businesses specified in this section only at an official establishment.

[35 FR 15603, Oct. 3, 1970, as amended at 57 FR 53982, Nov. 16, 1992]

9 CFR Ch. III (1–1–98 Edition)

§ 320.6 Information and reports required from official establishment operators.

(a) The operator of each official establishment shall furnish to Program 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, mandatory microbiological testing, and other aspects of the operations of the establishment and the conduct of inspection, as may be required by the Administrator in special cases.

(b) The operator of each official establishment shall report quarterly the number of pounds of meat and meat food product produced at that establishment. The report shall be made on a form furnished by the Administrator and shall be submitted to an inspector at the establishment. Each report shall cover a calendar quarter and shall be filed within 15 days after the end of each quarter.

(c) The operator of each official establishment shall also make such other reports as the Administrator may from time to time require under the Act.

[35 FR 15603, Oct. 3, 1970, as amended at 45 FR 76968, Nov. 21, 1980; 61 FR 38866, July 25, 1996]

§ 320.7 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 Inspector in Charge, Meat and Poultry Inspection Program, Food Safety and Inspection Service, U.S. 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 Act for any person to sell or transport, or offer for sale or transportation, or receive for transportation, in 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 mis-branded product may be transported to the official establishment from which it had been transported, in accordance with § 325.10 of this subchapter.

PART 321—COOPERATION WITH STATES AND TERRITORIES

Sec.

321.1 Assistance to State and Territorial programs.

321.2 Cooperation of States in Federal programs.

AUTHORITY: 21 U.S.C. 601-695; 7 CFR 2.17, 2.55.

§321.1 Assistance to State and Territorial programs.

(a) The Administrator is authorized under paragraph (a) of section 301 of the Act, when he determines it would effectuate the purposes of the Act, to cooperate with any State (including Puerto Rico) or any organized Territory 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 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. Such cooperation is authorized if the jurisdiction has enacted a law imposing mandatory ante-mortem and post-mortem inspection, reinspection, and sanitation requirements at least equal to the Federal requirements with respect to all or certain classes of persons engaged in slaughtering livestock or otherwise preparing products solely for distribution within such jurisdiction.

(b) The Administrator is also authorized under paragraph (a) of section 301 of the Act to cooperate with any State (including Puerto Rico) or any organized Territory in developing and administering programs under the laws of such jurisdiction containing authorities at least equal to those in Title II of the 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 Act.

(c) Such cooperation may include advisory assistance, technical and laboratory assistance and training, and financial aid. The Federal contribution to any State (or Territory) may not exceed 50 percent of the estimated total cost of the cooperative State (or Territorial) program. A cooperative program under this section is called a State-Federal program.

[35 FR 15604, Oct. 3, 1970]

§321.2 Cooperation of States in Federal programs.

Under the "Talmadge-Aiken Act" of September 28, 1962 (7 U.S.C. 450), the Administrator is authorized to utilize employees and facilities of any State in carrying out Federal functions under the Federal Meat Inspection Act. A cooperative program for this purpose is called a Federal-State program.

[35 FR 15604, Oct. 3, 1970]

PART 322—EXPORTS¹

Sec.

322.1 Manner of affixing stamps and marking products for export.

322.2 Export certificates; instructions concerning issuance.

322.3 Transferring products for export.

322.4 Clearance of vessels and transportation without certificate prohibited; exceptions.

322.5 Uninspected tallow, stearin, oleo oil, etc., not to be exported unless certified as prescribed.

AUTHORITY: 21 U.S.C. 601-695; 7 CFR 2.17, 2.55.

SOURCE: 35 FR 15604, Oct. 3, 1970, unless otherwise noted.

§322.1 Manner of affixing stamps and marking products for export.

(a) The outside container (including cloth wrappings) of any inspected and passed product for export, except ship

¹Attention is directed to the requirements of part 325 of this subchapter, governing transportation, and to the requirements of §318.8 of this subchapter that products prepared under that section for export be destroyed for food purposes before being sold or offered for sale for domestic use.