

18 F.R. 2053, 67 Stat. 631; Oct. 17, 1979, Pub. L. 96-88, title V, § 509(b), 93 Stat. 695.)

CHANGE OF NAME

“Department of Health and Human Services” substituted in text for “Department of Health, Education, and Welfare” and “Secretary of Health and Human Services” substituted for “Secretary of Health, Education, and Welfare” pursuant to section 509(b) of Pub. L. 96-88, which is classified to section 3508(b) of Title 20, Education.

TRANSFER OF FUNCTIONS

For transfer of functions of Federal Security Administrator to Secretary of Health, Education, and Welfare [now Health and Human Services], and of Food and Drug Administration to Federal Security Agency, see note set out under section 41 of this title.

For abolition of the offices of the collector of customs, see note set out under section 44 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 45 of this title.

§ 48. Reexamination; findings by examiner; assistance of experts

In cases of reexamination of teas, or merchandise described as teas, by the United States Board of Tea Appeals in pursuance of the provisions of this chapter, samples of the tea, or merchandise described as tea, in dispute, for transmission to such board for its decision, shall be put up and sealed by the examiner in the presence of the importer or consignee if he so desires, and transmitted to such board, together with a copy of the finding of the examiner, setting forth the cause of condemnation and the claim or ground of the protest of the importer relating to the same, such samples, and the papers therewith, to be distinguished by such mark that the same may be identified. The decision of such board shall be in writing, signed by them, and transmitted, together with the record and samples, within three days after the rendition thereof, to the collector, who shall forthwith furnish the examiner and the importer or consignee with a copy of said decision or finding. The United States Board of Tea Appeals shall be authorized to obtain the advice, when necessary, of persons skilled in the examination of teas, who shall each receive for his services in any particular case a compensation not exceeding \$5.

(Mar. 2, 1897, ch. 358, § 8, 29 Stat. 606; May 31, 1920, ch. 217, 41 Stat. 712.)

TRANSFER OF FUNCTIONS

For abolition of the offices of the collector of customs, see note set out under section 44 of this title.

§ 49. Reimporting rejected teas; forfeiture

No imported teas which have been rejected by a customs examiner or by the United States Board of Tea Appeals, and exported under the provisions of this chapter, shall be reimported into the United States under the penalty of forfeiture for a violation of this prohibition.

(Mar. 2, 1897, ch. 358, § 9, 29 Stat. 606; May 31, 1920, ch. 217, 41 Stat. 712.)

§ 50. Regulations

The Secretary of Health and Human Services shall have the power to enforce the provisions of this chapter by appropriate regulations.

(Mar. 2, 1897, ch. 358, § 10, 29 Stat. 607; May 31, 1920, ch. 217, 41 Stat. 712; 1940 Reorg. Plan No. IV, § 12, eff. June 30, 1940, 5 F.R. 2421, 54 Stat. 1237; 1953 Reorg. Plan No. 1, § 5, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; Oct. 17, 1979, Pub. L. 96-88, title V, § 509(b), 93 Stat. 695.)

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CHAPTER 3—FILLED MILK

Sec.

- 61. Definitions.
- 62. Manufacture, shipment, or delivery for shipment in interstate or foreign commerce prohibited.
- 63. Penalties; acts of agents deemed acts of principals.
- 64. Regulations for enforcement.

FEDERAL FOOD, DRUG, AND COSMETIC ACT

By virtue of act June 25, 1938, ch. 675, § 902(c), 52 Stat. 1059 [section 392(b) of this title], nothing contained in section 301 et seq. of this title shall be construed as in any way affecting, modifying, repealing, or superseding the provisions of sections 61 to 64 of this title.

BUREAU OF DAIRY INDUSTRY

General provisions, see sections 401 to 404 of Title 7, Agriculture.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 392 of this title.

§ 61. Definitions

Whenever used in this chapter—

(a) The term “person” includes an individual, partnership, corporation, or association;

(b) The term “interstate or foreign commerce” means commerce (1) between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; (2) between points within the same State, Territory, or possession, or within the District of Columbia, but through any place outside thereof; or (3) within any Territory or possession, or within the District of Columbia; and

(c) The term “filled milk” means any milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated, to which has been added, or which has been blended or compounded with, any fat or oil other than milk fat, so that the resulting product is in imitation or semblance of milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated. This definition shall not in-

clude any distinctive proprietary food compound not readily mistaken in taste for milk or cream or for evaporated, condensed, or powdered milk, or cream where such compound (1) is prepared and designed for feeding infants and young children and customarily used on the order of a physician; (2) is packed in individual cans containing not more than sixteen and one-half ounces and bearing a label in bold type that the content is to be used only for said purpose; (3) is shipped in interstate or foreign commerce exclusively to physicians, wholesale and retail druggists, orphan asylums, child-welfare associations, hospitals, and similar institutions and generally disposed of by them.

(Mar. 4, 1923, ch. 262, §1, 42 Stat. 1486.)

SHORT TITLE

Act July 12, 1943, ch. 221, title II, 57 Stat. 499, provided in part that act Mar. 4, 1923, which enacted this chapter, may be cited as the "Filled Milk Act".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 62 of this title.

§ 62. Manufacture, shipment, or delivery for shipment in interstate or foreign commerce prohibited

It is declared that filled milk, as defined in section 61 of this title, is an adulterated article of food, injurious to the public health, and its sale constitutes a fraud upon the public. It shall be unlawful for any person to manufacture within any Territory or possession, or within the District of Columbia, or to ship or deliver for shipment in interstate or foreign commerce, any filled milk.

(Mar. 4, 1923, ch. 262, §2, 42 Stat. 1487.)

§ 63. Penalties; acts of agents deemed acts of principals

Any person violating any provision of this chapter shall upon conviction thereof be subject to a fine of not more than \$1,000 or imprisonment of not more than one year, or both. When construing and enforcing the provisions of this chapter, the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, or association, within the scope of his employment or office, shall in every case be deemed the act, omission, or failure, of such individual, partnership, corporation, or association, as well as of such person.

(Mar. 4, 1923, ch. 262, §3, 42 Stat. 1487.)

CODIFICATION

The original text of this section contained a further provision that no penalty should be enforced for any violation occurring within 30 days after act Mar. 4, 1923 became law and was omitted as temporary and obsolete.

§ 64. Regulations for enforcement

The Secretary of Health and Human Services is authorized and directed to make and enforce such regulations as may in his judgment be necessary to carry out the purposes of this chapter.

(Mar. 4, 1923, ch. 262, §4, as added Aug. 27, 1935, ch. 743, 49 Stat. 885; 1940 Reorg. Plan No. IV, §12,

eff. June 30, 1940, 5 F.R. 2421, 54 Stat. 1237; 1953 Reorg. Plan No. 1, §5, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; Oct. 17, 1979, Pub. L. 96-88, title V, §509(b), 93 Stat. 695.)

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CHAPTER 4—ANIMALS, MEATS, AND MEAT AND DAIRY PRODUCTS

SUBCHAPTER I—EXAMINATION OF ANIMALS, MEATS, AND MEAT AND DAIRY PRODUCTS

Sec.

71 to 99. Transferred, Repealed, or Omitted.

SUBCHAPTER II—IMPORTATION OF CATTLE AND QUARANTINE

- 101. Suspension of importation of all animals.
- 102. Quarantine of imported animals.
- 103. Importation, except at quarantine ports, prohibited; slaughter of infected animals; appraisal; payment.
- 104. Importation of animals.
 - (a) In general.
 - (b) Penalties.
- 105. Inspection of animals.
- 106, 107. Omitted.

SUBCHAPTER III—PREVENTION OF INTRODUCTION AND SPREAD OF CONTAGION

- 111. Regulations to prevent contagious diseases.
- 112. Investigations as to pleuropneumonia, and other diseases; regulations.
 - 112a. Omitted.
 - 113. Measures to prevent exportation of diseased livestock and live poultry.
 - 113a. Establishment of research laboratories for foot-and-mouth disease and other animal diseases; research contracts; employment of technicians and scientists; appropriations.
 - 114. Regulations for suppression of diseases; cooperation of States and Territories.
 - 114a. Control and eradication of diseases; cooperation of States and farmers' associations; purchase and destruction of diseased animals; "State" defined.
 - 114a-1. Interstate movement of domestic animals reacting to tests for brucellosis; immediate slaughter; rules and regulations.
 - 114b. Cooperation in animal disease control.
 - 114c. Use of funds.
 - 114d. Sale of sterile screwworms.
 - (a) In general.
 - (b) Terms of sale.
 - (c) Deposit of proceeds.
 - 114d-1. Cooperation with public and private entities.
 - 114d-2 to 114d-6. Repealed.
 - 114e. Control and eradication of cattle grubs; research and investigations.
 - 114f. "State" defined; authorization of appropriations.
 - 114g. Hog cholera eradication program.
 - 114h. Advisory committee.
 - (a) Establishment; membership.
 - (b) Functions.
 - (c) Employment status; expenses.