

EFFECTIVE DATE

Section effective 90 days after Nov. 21, 1997, except as otherwise provided, see section 501 of Pub. L. 105-115, set out as an Effective Date of 1997 Amendment note under section 321 of this title.

**§ 398. Notices to States regarding imported food**

**(a) In general**

If the Secretary has credible evidence or information indicating that a shipment of imported food or portion thereof presents a threat of serious adverse health consequences or death to humans or animals, the Secretary shall provide notice regarding such threat to the States in which the food is held or will be held, and to the States in which the manufacturer, packer, or distributor of the food is located, to the extent that the Secretary has knowledge of which States are so involved. In providing notice to a State, the Secretary shall request the State to take such action as the State considers appropriate, if any, to protect the public health regarding the food involved.

**(b) Rule of construction**

Subsection (a) of this section may not be construed as limiting the authority of the Secretary with respect to food under any other provision of this chapter.

(June 25, 1938, ch. 675, §908, as added Pub. L. 107-188, title III, §310, June 12, 2002, 116 Stat. 673.)

**§ 399. Grants to States for inspections**

**(a) In general**

The Secretary is authorized to make grants to States, territories, and Indian tribes (as defined in section 450b(e) of title 25) that undertake examinations, inspections, and investigations, and related activities under section 372 of this title. The funds provided under such grants shall only be available for the costs of conducting such examinations, inspections, investigations, and related activities.

**(b) Notices regarding adulterated imported food**

The Secretary may make grants to the States for the purpose of assisting the States with the costs of taking appropriate action to protect the public health in response to notification under section 398 of this title, including planning and otherwise preparing to take such action.

**(c) Authorization of appropriations**

For the purpose of carrying out this section, there are authorized to be appropriated \$10,000,000 for fiscal year 2002, and such sums as may be necessary for each of the fiscal years 2003 through 2006.

(June 25, 1938, ch. 675, §909, as added Pub. L. 107-188, title III, §311, June 12, 2002, 116 Stat. 673.)

**CHAPTER 10—POULTRY AND POULTRY PRODUCTS INSPECTION**

- Sec. 451. Congressional statement of findings.
- 452. Congressional declaration of policy.
- 453. Definitions.
- 454. Federal and State cooperation in development and administration of State poultry product inspection programs.

Sec.

- (a) State laws; planning, technical and financial assistance; advisory committees.
- (b) Appropriate State agency; performance of functions by subordinate governmental unit.
- (c) Intrastate activities; designation of State for regulation; publication of designation; exempted operations; termination of designation; review of operations in nondesignated States; annual report.
- (d) "State" defined.
- 455. Inspection in official establishments.
  - (a) Ante mortem inspection.
  - (b) Post mortem inspection; quarantine, segregation, and reinspection.
- 456. Operation of premises, facilities and equipment.
  - (a) Sanitary practices.
  - (b) Refusal of inspection.
- 457. Labeling and container standards.
  - (a) Requirements for shipping containers and immediate containers; nonconsumer packaged carcasses.
  - (b) Labeling requirements; definitions and standards of identity or composition or articles and standards of fill of container; standards consistent with Federal Food, Drug, and Cosmetic Act; consistency between Federal and State standards.
  - (c) Use of trade names; false or misleading marking or labeling; misleading form or size of container.
  - (d) Withholding use of false or misleading mark, label, or container size or form; modification; hearing; conclusiveness of determination; appeal.
- 458. Prohibited acts.
- 459. Compliance by all establishments.
- 460. Miscellaneous activities subject to regulation.
  - (a) Prohibition of inspection of articles not intended for use as human food; denaturation or other identification prior to distribution in commerce; inedible articles.
  - (b) Recordkeeping requirements; persons liable; scope of disclosure; access to places of business; examination of records, facilities, and inventories; copies; samples.
  - (c) Registration of business, name of person, and trade names.
  - (d) Regulation of transactions, transportation, or importation of dead, dying, disabled or diseased poultry or carcasses to prevent use as human food.
  - (e) Federal provisions applicable to State or Territorial business transactions of a local nature and not subject to local authority.
- 461. Offenses and punishment.
  - (a) Violations; liability of agents, employees, and employers.
  - (b) Liability of carrier.
  - (c) Assaulting, resisting, or impeding certain persons; murder; punishments.
- 462. Reporting of violations; notice; opportunity to present views.
- 463. Rules and regulations.
  - (a) Storage and handling of poultry products; violation of regulations.
  - (b) Other necessary rules and regulations.

- Sec. (c) Oral presentation of views.
464. Exemptions.
- (a) Persons exempted.
- (b) Territorial exemption.
- (c) Personal slaughtering; custom slaughtering; name and address of the poultry producer or processor in lieu of other labeling requirements; small enterprises; slaughterers or processors of specified number of turkeys; poultry producers raising poultry on own farms.
- (d) Pizzas containing poultry products.
- (e) Applicability of adulteration and misbranding provisions to articles exempted from inspection.
- (f) Suspension or termination of exemption.
465. Limitations upon entry of poultry products and other materials into official establishments.
466. Imports.
- (a) Compliance with standards and regulations; status after importation.
- (b) Rules and regulations; destruction and exportation of refused imports.
- (c) Storage, cartage and labor charges for imports refused admission.
- (d) Domestic standards and processing facilities applicable; enforcement.
467. Inspection services.
- (a) Refusal or withdrawal; hearing; business unfitness based upon certain convictions; persons responsibly connected with the business.
- (b) Hearing to determine validity of withdrawal or refusal of inspection services; continuation of withdrawal or refusal.
- (c) Finality and conclusiveness of determination; judicial review; record.
- 467a. Administrative detention; duration; pending judicial proceedings; notification of government authorities; release; removal of official marks.
- 467b. Seizure and condemnation.
- (a) Proceedings in rem; libel of information; jurisdiction; disposal by destruction or sale; proceeds into the Treasury; sales restrictions; bonds; court costs and fees, storage, and other expenses against claimants; jury trial; United States as plaintiff.
- (b) Condemnation or seizure under other provisions unaffected.
- 467c. Federal court jurisdiction of enforcement and injunction proceedings and other kinds of cases; limitations; United States as plaintiff; subpoenas.
- 467d. Administration and enforcement; applicability of penalty provisions; conduct of inquiries; power and jurisdiction of courts.
- 467e. Non-Federal jurisdiction of federally regulated matters; prohibition of additional or different requirements for establishments with inspection services and as to marking, labeling, packaging, and ingredients; recordkeeping and related requirements; concurrent jurisdiction over distribution for human food purposes of adulterated or misbranded and imported articles; other matters.
- 467f. Federal Food, Drug, and Cosmetic Act applications.
- (a) Exemptions; authorities under food, drug, and cosmetic provisions unaffected.

- Sec. (b) Enforcement proceedings; detainer authority of representatives of Secretary of Health and Human Services.
468. Cost of inspection; overtime.
469. Authorization of appropriations.
470. Omitted.
471. Safe Meat and Poultry Inspection Panel.
- (a) Review and evaluation.
- (b) Reports.

#### § 451. Congressional statement of findings

Poultry and poultry products are an important source of the Nation's total supply of food. They are consumed throughout the Nation and the major portion thereof moves in interstate or foreign commerce. It is essential in the public interest that the health and welfare of consumers be protected by assuring that poultry products distributed to them are wholesome, not adulterated, and properly marked, labeled, and packaged. Unwholesome, adulterated, or misbranded poultry products impair the effective regulation of poultry products in interstate or foreign commerce, are injurious to the public welfare, destroy markets for wholesome, not adulterated, and properly labeled and packaged poultry products, and result in sundry losses to poultry producers and processors of poultry and poultry products, as well as injury to consumers. It is hereby found that all articles and poultry which are regulated under this chapter are either in interstate or foreign commerce or substantially affect such commerce, and that regulation by the Secretary of Agriculture and cooperation by the States and other jurisdictions as contemplated by this chapter are appropriate to prevent and eliminate burdens upon such commerce, to effectively regulate such commerce, and to protect the health and welfare of consumers.

(Pub. L. 85-172, § 2, Aug. 28, 1957, 71 Stat. 441; Pub. L. 90-492, § 2, Aug. 18, 1968, 82 Stat. 791.)

#### AMENDMENTS

1968—Pub. L. 90-492 inserted provisions stating it to be necessary that the health and welfare of consumers be protected by assuring that poultry products distributed to them are wholesome, not adulterated, and properly marked, labeled, and packaged, provisions that misbranded poultry products impair the effective regulation of poultry products and destroy markets for wholesome, not adulterated, and properly labeled and packaged poultry products, and result in sundry losses to poultry producers and processors of poultry and poultry products, as well as injury to consumers, and provisions that all articles and poultry which are regulated by this chapter are either in interstate or foreign commerce or substantially affect such commerce and that regulation by the Secretary of Agriculture and cooperation by the states and other jurisdictions as contemplated by this chapter are appropriate to serve the specified aims, and struck out provisions that all poultry and poultry products which have or are required to have inspection under this chapter are either in the current of interstate or foreign commerce or directly affect such commerce, provisions that that part entering directly into the current of interstate or foreign commerce cannot be effectively inspected and regulated without also inspecting and regulating all poultry and poultry products in the same establishment, and provisions authorizing the Secretary to designate major consuming areas.