

## **217.025 When food deemed adulterated.**

A food shall be deemed to be adulterated:

- (1)
  - (a) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance such food shall not be considered adulterated under this subsection if the quantity of such substance in such food does not ordinarily render it injurious to health; or
  - (b) If it bears or contains any added poisonous or added deleterious substance which is unsafe within the meaning of KRS 217.045; or
  - (c) If it consists in whole or in part of a diseased, contaminated, filthy, putrid, or decomposed substance, or if it is otherwise unfit for food; or
  - (d) If it has been produced, prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered diseased, unwholesome, or injurious to health; or
  - (e) If it is the product of a diseased animal or an animal which has died otherwise than by slaughter, or that has been fed upon the uncooked offal from a slaughterhouse; or
  - (f) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;
- (2)
  - (a) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or
  - (b) If any substance has been substituted wholly or in part therefor; or
  - (c) If damage or inferiority has been concealed in any manner; or
  - (d) If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength or make it appear better or of greater value than it is;
- (3) If it is confectionery and it bears or contains any nonnutritive article or substance except harmless coloring, harmless flavoring, harmless resinous glaze not in excess of four-tenths of one percent (0.4%), harmless natural wax not in excess of four-tenths of one percent (0.4%), harmless natural gum, and pectin; provided that this subsection shall not apply to any chewing gum by reason of its containing harmless nonnutritive masticatory substances;
- (4) If it bears or contains a coal-tar color other than one from a batch which has been certified under authority of the federal act;
- (5) If it is filled milk.

**Effective:** June 17, 1978

**History:** Amended 1978 Ky. Acts ch. 292, sec. 2, effective June 17, 1978. -- Created 1960 Ky. Acts ch. 247, sec. 3, effective June 16, 1960.

**Legislative Research Commission Note.** Although this section was included in Acts 1978, ch. 292, § 2, as having been amended, there appears to be no change in this section.