

of Pub. L. 90-201, set out as an Effective Date note under section 601 of this title.

### § 606. Inspection and labeling of meat food products

#### (a) In general

For the purposes hereinbefore set forth the Secretary shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of all meat food products prepared for commerce in any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, and for the purposes of any examination and inspection and inspectors shall have access at all times, by day or night, whether the establishment be operated or not, to every part of said establishment; and said inspectors shall mark, stamp, tag, or label as "Inspected and passed" all such products found to be not adulterated; and said inspectors shall label, mark, stamp, or tag as "Inspected and condemned" all such products found adulterated, and all such condemned meat food products shall be destroyed for food purposes, as hereinbefore provided, and the Secretary may remove inspectors from any establishment which fails to so destroy such condemned meat food products: *Provided*, That subject to the rules and regulations of the Secretary the provisions of this section in regard to preservatives shall not apply to meat food products for export to any foreign country and which are prepared or packed according to the specifications or directions of the foreign purchaser, when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is to be exported; but if said article shall be in fact sold or offered for sale for domestic use or consumption then this proviso shall not exempt said article from the operation of all the other provisions of this chapter.<sup>1</sup>

#### (b) Catfish

In the case of an examination and inspection under subsection (a) of a meat food product derived from catfish, the Secretary shall take into account the conditions under which the catfish is raised and transported to a processing establishment.

(Mar. 4, 1907, ch. 2907, title I, § 6, as added Pub. L. 110-234, title XI, § 11016(b)(1)(B), May 22, 2008, 122 Stat. 1369, and Pub. L. 110-246, § 4(a), title XI, § 11016(b)(1)(B), June 18, 2008, 122 Stat. 1664, 2131.)

#### REFERENCES IN TEXT

This chapter, referred to in subsec. (a), probably should have been a reference to this Act in the original, meaning the Federal Meat Inspection Act, titles I to V of act Mar. 4, 1907, ch. 2907, as added Dec. 15, 1967, Pub. L. 90-201, 81 Stat. 584, which are classified generally to subchapters I to IV-A of this chapter.

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections and repealed former section 6 of act Mar. 4, 1907. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

#### PRIOR PROVISIONS

A prior section 606, acts Mar. 4, 1907, ch. 2907, title I, § 6, formerly 4th par., 34 Stat. 1261; renumbered § 6 and

amended Pub. L. 90-201, §§ 1, 3, 12(e), Dec. 15, 1967, 81 Stat. 584, 588, 592; Pub. L. 99-641, title IV, § 403(a), Nov. 10, 1986, 100 Stat. 3567, was formerly classified to section 74 of this title and was repealed by Pub. L. 110-234, title XI, § 11016(b)(1)(B), May 22, 2008, 122 Stat. 1369, and Pub. L. 110-246, § 4(a), title XI, § 11016(b)(1)(B), June 18, 2008, 122 Stat. 1664, 2131. Prior to repeal, section read as follows: "For the purposes hereinbefore set forth the Secretary shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of all meat food products prepared for commerce in any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, and for the purposes of any examination and inspection and inspectors shall have access at all times, by day or night, whether the establishment be operated or not, to every part of said establishment; and said inspectors shall mark, stamp, tag, or label as 'Inspected and passed' all such products found to be not adulterated; and said inspectors shall label, mark, stamp, or tag as 'Inspected and condemned' all such products found adulterated, and all such condemned meat food products shall be destroyed for food purposes, as hereinbefore provided, and the Secretary may remove inspectors from any establishment which fails to so destroy such condemned meat food products: *Provided*, That subject to the rules and regulations of the Secretary the provisions of this section in regard to preservatives shall not apply to meat food products for export to any foreign country and which are prepared or packed according to the specifications or directions of the foreign purchaser, when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is to be exported; but if said article shall be in fact sold or offered for sale for domestic use or consumption then this proviso shall not exempt said article from the operation of all the other provisions of this chapter."

#### EFFECTIVE DATE

Enactment of this section and repeal of former section 6 of act Mar. 4, 1907, and Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of Title 7, Agriculture.

Section and repeal of former section 6 of act Mar. 4, 1907, inapplicable until date on which the Secretary of Agriculture issues final regulations to carry out amendments by Pub. L. 110-246, § 11016(b)(1), see section 11016(b)(2)(A) of Pub. L. 110-246, set out as an Effective Date of 2008 Amendment note under section 601 of this title.

### § 607. Labeling, marking, and container requirements

#### (a) Labeling receptacles or coverings of meat or meat food products inspected and passed; supervision by inspectors

When any meat or meat food product prepared for commerce which has been inspected as hereinbefore provided and marked "Inspected and passed" shall be placed or packed in any can, pot, tin, canvas, or other receptacle or covering in any establishment where inspection under the provisions of this chapter is maintained, the person, firm, or corporation preparing said product shall cause a label to be attached to said can, pot, tin, canvas, or other receptacle or covering, under the supervision of an inspector, which label shall state that the contents thereof have been "inspected and passed" under the provisions of this chapter; and no inspection and examination of meat or meat food products deposited or inclosed in cans, tins, pots, canvas, or other receptacle or covering in any establish-

<sup>1</sup> See References in Text note below.

ment where inspection under the provisions of this chapter is maintained shall be deemed to be complete until such meat or meat food products have been sealed or inclosed in said can, tin, pot, canvas, or other receptacle or covering under the supervision of an inspector.

**(b) Information on articles or containers; legible form**

All carcasses, parts of carcasses, meat and meat food products inspected at any establishment under the authority of this subchapter and found to be not adulterated, shall at the time they leave the establishment bear, in distinctly legible form, directly thereon or on their containers, as the Secretary may require, the information required under paragraph (n) of section 601 of this title.

**(c) Labeling; type styles and sizes; definitions and standards of identity or composition; standards of fill of container; consistency of Federal and Federal-State standards**

The Secretary, whenever he determines such action is necessary for the protection of the public, may prescribe: (1) the styles and sizes of type to be used with respect to material required to be incorporated in labeling to avoid false or misleading labeling in marketing and labeling any articles or animals subject to this subchapter or subchapter II of this chapter; (2) definitions and standards of identity or composition for articles subject to this subchapter and standards of fill of container for such articles not inconsistent with any such standards established under the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 301 et seq.], and there shall be consultation between the Secretary and the Secretary of Health and Human Services prior to the issuance of such standards under either Act relating to articles subject to this chapter to avoid inconsistency in such standards and possible impairment of the coordinated effective administration of these Acts. There shall also be consultation between the Secretary and an appropriate advisory committee provided for in section 661 of this title, prior to the issuance of such standards under this chapter, to avoid, insofar as feasible, inconsistency between Federal and State standards.

**(d) Sales under false or misleading name, other marking or labeling or in containers of misleading form or size; trade names, and other marking, labeling, and containers approved by Secretary**

No article subject to this subchapter shall be sold or offered for sale by any person, firm, or corporation, in commerce, under any name or other marking or labeling which is false or misleading, or in any container of a misleading form or size, but established trade names and other marking and labeling and containers which are not false or misleading and which are approved by the Secretary are permitted.

**(e) Use withholding directive respecting false or misleading marking, labeling, or container; modification of false or misleading matter; hearing; withholding use pending proceedings; finality of Secretary's action; judicial review; application of section 194 of title 7**

If the Secretary has reason to believe that any marking or labeling or the size or form of any

container in use or proposed for use with respect to any article subject to this subchapter is false or misleading in any particular, he may direct that such use be withheld unless the marking, labeling, or container is modified in such manner as he may prescribe so that it will not be false or misleading. If the person, firm, or corporation using or proposing to use the marking, labeling or container does not accept the determination of the Secretary, such person, firm, or corporation may request a hearing, but the use of the marking, labeling, or container shall, if the Secretary so directs, be withheld pending hearing and final determination by the Secretary. Any such determination by the Secretary shall be conclusive unless, within thirty days after receipt of notice of such final determination, the person, firm, or corporation adversely affected thereby appeals to the United States court of appeals for the circuit in which such person, firm, or corporation has its principal place of business or to the United States Court of Appeals for the District of Columbia Circuit. The provisions of section 194 of title 7 shall be applicable to appeals taken under this section.

**(f) Lamb and mutton**

The Secretary, consistent with United States international obligations, shall establish standards for the labeling of sheep carcasses, parts of sheep carcasses, sheepmeat, and sheepmeat food products.

(Mar. 4, 1907, ch. 2907, title I, §7, formerly 5th par., 34 Stat. 1262; renumbered §7 and amended Pub. L. 90-201, §§1, 3(a), 6, Dec. 15, 1967, 81 Stat. 584, 588; Pub. L. 96-88, title V, §509(b), Oct. 17, 1979, 93 Stat. 695; Pub. L. 104-127, title II, §279, Apr. 4, 1996, 110 Stat. 979.)

REFERENCES IN TEXT

The Federal Food, Drug, and Cosmetic Act, referred to in subsec. (c)(2), is act June 25, 1938, ch. 675, 52 Stat. 1040, as amended, which is classified generally to chapter 9 (§301 et seq.) of this title. For complete classification of this Act to the Code, see section 301 of this title and Tables.

Either Act and these Acts, referred to in subsec. (c)(2), mean the Federal Meat Inspection Act and the Federal Food, Drug, and Cosmetic Act. The Federal Meat Inspection Act is act Mar. 4, 1907, ch. 2907, titles I to IV, as added Dec. 15, 1967, Pub. L. 90-201, 81 Stat. 584, and amended, which are classified generally to subchapters I to IV (§601 et seq.), respectively, of this chapter. For complete classification of this Act to the Code, see Short Title note under section 601 of this title and Tables.

CODIFICATION

Section was formerly classified to section 75 of this title.

AMENDMENTS

1996—Subsec. (f). Pub. L. 104-127 added subsec. (f).

1967—Subsec. (a). Pub. L. 90-201, §§3(a), 6(a), (b), struck out “interstate or foreign” before “commerce” and provisions prohibiting sales of meat or meat food products in interstate or foreign commerce under any false or deceptive names and permitting trade names or names which are usual to such products and are not false and deceptive and are approved by the Secretary of Agriculture, now incorporated in subsec. (d), and designated remaining provisions as subsecs. (a), respectively.

Subsecs. (b) to (e). Pub. L. 90-201, §6(c), added subsecs. (b) to (e).

#### CHANGE OF NAME

“Secretary of Health and Human Services” substituted for “Secretary of Health, Education, and Welfare” in subsec. (c)(2) pursuant to section 509(b) of Pub. L. 96-88, which is classified to section 3508(b) of Title 20, Education.

#### EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-201 effective Dec. 15, 1967, except that with respect to equines (other than horses) and their carcasses and parts thereof, meat, and meat food products thereof, amendment effective upon expiration of sixty days after Dec. 15, 1967, see section 20(b) of Pub. L. 90-201, set out as an Effective Date note under section 601 of this title.

### § 608. Sanitary inspection and regulation of slaughtering and packing establishments; rejection of adulterated meat or meat food products

The Secretary shall cause to be made, by experts in sanitation or by other competent inspectors, such inspection of all slaughtering, meat canning, salting, packing, rendering, or similar establishments in which amenable species are slaughtered and the meat and meat food products thereof are prepared for commerce as may be necessary to inform himself concerning the sanitary conditions of the same, and to prescribe the rules and regulations of sanitation under which such establishments shall be maintained; and where the sanitary conditions of any such establishment are such that the meat or meat food products are rendered adulterated, he shall refuse to allow said meat or meat food products to be labeled, marked, stamped or tagged as “inspected and passed.”

(Mar. 4, 1907, ch. 2907, title I, §8, formerly 6th par., 34 Stat. 1262; renumbered §8 and amended Pub. L. 90-201, §§1, 3, 12(a), (f), Dec. 15, 1967, 81 Stat. 584, 588, 592; Pub. L. 109-97, title VII, §798[(a)](1), Nov. 10, 2005, 119 Stat. 2166.)

#### CODIFICATION

Section was formerly classified to section 76 of this title.

#### AMENDMENTS

2005—Pub. L. 109-97 substituted “amenable species” for “cattle, sheep, swine, goats, horses, mules, and other equines”.

1967—Pub. L. 90-201, §§3, 12(a), (f), struck out “interstate or foreign” before “commerce” and “of Agriculture” after “Secretary”, included horses, mules, and other equines in the list of animals, and substituted “adulterated” for “unclean, unsound, unhealthful, unwholesome, or otherwise unfit for human food”, respectively.

#### EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by Pub. L. 109-97 effective the day after 120 days after Nov. 10, 2005, see section 798(b) of Pub. L. 109-97, set out as a note under section 601 of this title.

#### EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-201 effective Dec. 15, 1967, except that with respect to equines (other than horses) and their carcasses and parts thereof, meat, and meat food products thereof, amendment effective upon expiration of sixty days after Dec. 15, 1967, see section 20(b) of Pub. L. 90-201, set out as an Effective Date note under section 601 of this title.

### § 609. Examination of animals and food products thereof, slaughtered and prepared during nighttime

The Secretary shall cause an examination and inspection of all amenable species, and the food products thereof, slaughtered and prepared in the establishments hereinbefore described for the purposes of commerce to be made during the nighttime as well as during the daytime when the slaughtering of said amenable species, or the preparation of said food products is conducted during the nighttime.

(Mar. 4, 1907, ch. 2907, title I, §9, formerly 7th par., 34 Stat. 1262; renumbered §9 and amended Pub. L. 90-201, §§1, 3, 12(a), Dec. 15, 1967, 81 Stat. 584, 588, 592; Pub. L. 99-641, title IV, §403(d)(1), Nov. 10, 1986, 100 Stat. 3570; Pub. L. 109-97, title VII, §798[(a)](1), Nov. 10, 2005, 119 Stat. 2166.)

#### CODIFICATION

Section was formerly classified to section 77 of this title.

#### AMENDMENTS

2005—Pub. L. 109-97 substituted “amenable species” for “cattle, sheep, swine, goats, horses, mules, and other equines” in two places.

1986—Pub. L. 99-641 temporarily inserted “, except as provided in section 606 of this title,” after first reference to “other equines, and”. See Effective and Termination Dates of 1986 Amendment note below.

1967—Pub. L. 90-201, §§3, 12(a), struck out “interstate or foreign” before “commerce” and “of Agriculture” after “Secretary” and included horses, mules, and other equines in the list of animals, respectively.

#### EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by Pub. L. 109-97 effective the day after 120 days after Nov. 10, 2005, see section 798(b) of Pub. L. 109-97, set out as a note under section 601 of this title.

#### EFFECTIVE AND TERMINATION DATES OF 1986 AMENDMENT

Section 403(d)(1) of Pub. L. 99-641 provided that the amendment made by that section is effective only during the 6-year period beginning Nov. 10, 1986.

Pub. L. 99-641, title IV, §408, Nov. 10, 1986, 100 Stat. 3571, provided that:

“(a) GENERAL EFFECTIVE DATE.—Except as provided in subsection (b) of this section, this title and the amendments made by this title [amending this section and sections 606, 621, 671, and 676 of this title and enacting provisions set out as notes under this section and sections 606, 621, 671, and 676 of this title] shall become effective on the date of the enactment of this Act [Nov. 10, 1986].

“(b) TEMPORARY APPLICATION OF EXISTING LAW.—Sections 6, 9, and 21 of the Federal Meat Inspection Act (21 U.S.C. 606, 609, and 621), as in effect immediately before the date of the enactment of this Act [Nov. 10, 1986], shall apply with respect to establishments until the Secretary of Agriculture first issues rules and regulations to implement the amendments made by section 403(a) [amending section 606 of this title].”

#### EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-201 effective Dec. 15, 1967, except that with respect to equines (other than horses) and their carcasses and parts thereof, meat, and meat food products thereof, amendment effective upon expiration of sixty days after Dec. 15, 1967, see section 20(b) of Pub. L. 90-201, set out as an Effective Date note under section 601 of this title.

#### SAVINGS PROVISION

Section 404 of Pub. L. 99-641 provided that: “The expiration date provisions of section 403 [enacting provi-