

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

Pub. L. 99–641, title IV, §403(d)(1), Nov. 10, 1986, 100 Stat. 3570, 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

Pub. L. 99–641, title IV, §404, Nov. 10, 1986, 100 Stat. 3571, provided that: “The expiration date provisions of section 403 [enacting provisions set out as notes under this section and sections 606, 621, 671, and 676 of this title] shall not have the effect of releasing or extin-

guishing any penalty, forfeiture, or liability incurred under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), as amended by section 403 [amending this section and sections 606, 621, 671, and 676 of this title], or under the rules or regulations issued under such Act.”

INSPECTION SERVICES FOR ESTABLISHMENTS NOT PARTICIPATING IN TOTAL PLANT QUALITY-CONTROL PROGRAM

Pub. L. 99–641, title IV, §403(e), Nov. 10, 1986, 100 Stat. 3570, provided that: “The amendments made by this section [amending this section and sections 606, 621, 671, and 676 of this title] shall not be construed to authorize the Secretary of Agriculture to refuse to provide inspection under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) at an establishment solely because such establishment does not participate in a total plant quality-control program.”

§ 610. Prohibited acts

No person, firm, or corporation shall, with respect to any cattle, sheep, swine, goats, horses, mules, or other equines, or any carcasses, parts of carcasses, meat or meat food products of any such animals—

(a) Slaughtering animals or preparation of articles capable of use as human food

slaughter any such animals or prepare any such articles which are capable of use as human food at any establishment preparing any such articles for commerce, except in compliance with the requirements of this chapter;

(b) Humane methods of slaughter

slaughter or handle in connection with slaughter any such animals in any manner not in accordance with the Act of August 27, 1958 (72 Stat. 862; 7 U.S.C. 1901–1906);

(c) Sales, transportation, and other transactions

sell, transport, offer for sale or transportation, or receive for transportation, in commerce, (1) any such articles which (A) are capable of use as human food and (B) are adulterated or misbranded at the time of such sale, transportation, offer for sale or transportation, or receipt for transportation; or (2) any articles required to be inspected under this subchapter unless they have been so inspected and passed;

(d) Adulteration or misbranding

do, with respect to any such articles which are capable of use as human food, any act while they are being transported in commerce or held for sale after such transportation, which is intended to cause or has the effect of causing such articles to be adulterated or misbranded.

(Mar. 4, 1907, ch. 2907, title I, §10, formerly 8th par., 34 Stat. 1262; renumbered §10 and amended Pub. L. 90–201, §§1, 7, Dec. 15, 1967, 81 Stat. 584, 589; Pub. L. 95–445, §3, Oct. 10, 1978, 92 Stat. 1069.)

REFERENCES IN TEXT

Act of August 27, 1958, referred to in subsec. (b), is Pub. L. 85–765, Aug. 27, 1958, 72 Stat. 862, as amended, which is classified generally to chapter 48 (§1901 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Tables.

Sections 1903 and 1905 of Title 7, included within reference to Act of August 27, 1958, were repealed by Pub.

L. 95-445, §5(b), Oct. 10, 1978, 92 Stat. 1069, effective as set forth in section 7 of Pub. L. 95-445, set out as an Effective Date of 1978 Amendment note under section 603 of this title.

CODIFICATION

Section was formerly classified to section 78 of this title.

AMENDMENTS

1978—Subsecs. (b) to (d). Pub. L. 95-445 added subsec. (b) and redesignated former subsecs. (b) and (c) as (c) and (d), respectively.

1967—Pub. L. 90-201, §7, included the list of animals and prohibited, except in compliance with requirements of this chapter, slaughtering animals or preparation of articles capable of use as human food, sales, transportation, and other transactions, and acts of adulteration or misbranding, incorporating in subsec. (b)(2) existing prohibition on distributions in interstate or foreign commerce of noninspected articles.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-445 effective one year after Oct. 10, 1978, and an additional eighteen month period thereafter in hardship cases, see section 7 of Pub. L. 95-445, set out as an Effective Date of 1978 Amendment note under section 603 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-201 effective Dec. 15, 1967, except that subsecs. (b)(1) and (c) of this section effective upon expiration of sixty days after Dec. 15, 1967, see section 20(a) of Pub. L. 90-201, set out as an Effective Date note under section 601 of this title.

§ 611. Devices, marks, labels, and certificates; simulations

(a) Devices to be made under authorization of Secretary

No brand manufacturer, printer, or other person, firm, or corporation shall cast, print, lithograph, or otherwise make any device containing any official mark or simulation thereof, or any label bearing any such mark or simulation, or any form of official certificate or simulation thereof, except as authorized by the Secretary.

(b) Other misconduct

No person, firm, or corporation shall—

(1) forge any official device, mark, or certificate;

(2) without authorization from the Secretary use any official device, mark, or certificate, or simulation thereof, or alter, detach, deface, or destroy any official device, mark, or certificate;

(3) contrary to the regulations prescribed by the Secretary, fail to use, or to detach, deface, or destroy any official device, mark, or certificate;

(4) knowingly possess, without promptly notifying the Secretary or his representative, any official device or any counterfeit, simulated, forged, or improperly altered official certificate or any device or label or any carcass of any animal, or part or product thereof, bearing any counterfeit, simulated, forged, or improperly altered official mark;

(5) knowingly make any false statement in any shipper's certificate or other nonofficial or official certificate provided for in the regulations prescribed by the Secretary; or

(6) knowingly represent that any article has been inspected and passed, or exempted, under

this chapter when, in fact, it has, respectively, not been so inspected and passed, or exempted.

(Mar. 4, 1907, ch. 2907, title I, §11, formerly 9th par., 34 Stat. 1263; renumbered §11 and amended Pub. L. 90-201, §§1, 8, Dec. 15, 1967, 81 Stat. 584, 589.)

CODIFICATION

Section was formerly classified to section 79 of this title.

AMENDMENTS

1967—Pub. L. 90-201, §8, clarified application to brand manufacturers and printers of existing prohibition against counterfeiting official marks, labels or certificates, the provisions with respect to forgery, unauthorized use or failure to use official marks, or similar items, and similar offenses, and existing prohibitions with respect to false statements in official or nonofficial certificates, and added restriction upon possession of official devices, or devices, labels, meat, or other articles bearing counterfeit official marks, counterfeit official certificates, or similar items, and prohibition against false representations.

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.

§ 612. Notification

Any establishment subject to inspection under this chapter that believes, or has reason to believe, that an adulterated or misbranded meat or meat food product received by or originating from the establishment has entered into commerce shall promptly notify the Secretary with regard to the type, amount, origin, and destination of the meat or meat food product.

(Mar. 4, 1907, ch. 2907, title I, §12, as added Pub. L. 110-234, title XI, §11017(a), May 22, 2008, 122 Stat. 1370, and Pub. L. 110-246, §4(a), title XI, §10418(a), June 18, 2008, 122 Stat. 1664, 2132.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

PRIOR PROVISIONS

A prior section 612, acts Mar. 4, 1907, ch. 2907, title I, §12, formerly 10th par., 34 Stat. 1263; renumbered §12 and amended Pub. L. 90-201, §§1, 3(b), 12(a), Dec. 15, 1967, 81 Stat. 584, 588, 592, related to inspection of animals for export, prior to repeal by Pub. L. 107-171, title X, §10418(a)(19), May 13, 2002, 116 Stat. 508. Section was formerly classified to section 80 of this title.

EFFECTIVE DATE

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

§ 613. Plans and reassessments

The Secretary shall require that each establishment subject to inspection under this chapter shall, at a minimum—