

L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2010—Subsec. (d). Pub. L. 111-239 amended subsec. (d) generally. Prior to amendment, text read as follows:

“(1) IN GENERAL.—Subject to the availability of funds under paragraph (3), the Secretary shall establish an electronic reporting system to carry out this section.

“(2) FREQUENCY OF REPORTS.—After the establishment of the electronic reporting system in accordance with paragraph (1), the Secretary shall increase the frequency of the reports required under this section.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.”

2008—Subsec. (c)(3). Pub. L. 110-246, §1510(b), added par. (3) and struck out former par. (3). Prior to amendment, text read as follows: “The Secretary shall take such actions as the Secretary considers necessary to verify the accuracy of the information submitted or reported under this subchapter.”

Subsecs. (d), (e). Pub. L. 110-246, §1510(a), added subsec. (d) and redesignated former subsec. (d) as (e).

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment 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 an Effective Date note under section 8701 of this title.

IMPLEMENTATION OF ELECTRONIC REPORTING SYSTEM

Pub. L. 111-239, §3(b), Sept. 27, 2010, 124 Stat. 2502, provided that: “Not later than one year after the date of enactment of this Act [Sept. 27, 2010], the Secretary of Agriculture shall implement the electronic reporting system required by subsection (d) of section 273 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1637b), as amended by subsection (a). Until the electronic reporting system is implemented, the Secretary shall continue to conduct mandatory dairy product information reporting under the authority of such section, as in effect on the day before the date of enactment of this Act.”

SUBCHAPTER IV—COUNTRY OF ORIGIN LABELING

§ 1638. Definitions

In this subchapter:

(1) Beef

The term “beef” means meat produced from cattle (including veal).

(2) Covered commodity

(A) In general

The term “covered commodity” means—

- (i) muscle cuts of beef, lamb, pork, and venison;
- (ii) ground beef, ground lamb, ground pork, and ground venison;
- (iii) farm-raised fish;
- (iv) wild fish;
- (v) a perishable agricultural commodity;
- (vi) peanuts; and¹
- (vii) meat produced from goats;
- (viii) chicken, in whole and in part;
- (ix) ginseng;
- (x) pecans; and
- (xi) macadamia nuts.

(B) Exclusions

The term “covered commodity” does not include an item described in subparagraph

(A) if the item is an ingredient in a processed food item.

(3) Farm-raised fish

The term “farm-raised fish” includes—

(A) farm-raised shellfish; and

(B) fillets, steaks, nuggets, and any other flesh from a farm-raised fish or shellfish.

(4) Food service establishment

The term “food service establishment” means a restaurant, cafeteria, lunch room, food stand, saloon, tavern, bar, lounge, or other similar facility operated as an enterprise engaged in the business of selling food to the public.

(5) Lamb

The term “lamb” means meat, other than mutton, produced from sheep.

(6) Perishable agricultural commodity; retailer

The terms “perishable agricultural commodity” and “retailer” have the meanings given the terms in section 499a(b) of this title.

(7) Pork

The term “pork” means meat produced from hogs.

(8) Secretary

The term “Secretary” means the Secretary of Agriculture, acting through the Agricultural Marketing Service.

(9) Wild fish

(A) In general

The term “wild fish” means naturally-born or hatchery-raised fish and shellfish harvested in the wild.

(B) Inclusions

The term “wild fish” includes a fillet, steak, nugget, and any other flesh from wild fish or shellfish.

(C) Exclusions

The term “wild fish” excludes net-pen aquacultural or other farm-raised fish.

(Aug. 14, 1946, ch. 966, title II, §281, as added Pub. L. 107-171, title X, §10816, May 13, 2002, 116 Stat. 533; amended Pub. L. 110-234, title XI, §11002(1), May 22, 2008, 112 Stat. 1351; Pub. L. 110-246, §4(a), title XI, §11002(1), June 18, 2008, 122 Stat. 1664, 2113; Pub. L. 113-79, title XII, §12104(b)(1), Feb. 7, 2014, 128 Stat. 979.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2014—Par. (2)(A)(i). Pub. L. 113-79, §12104(b)(1)(A), substituted “pork, and venison” for “and pork”.

Par. (2)(A)(ii). Pub. L. 113-79, §12104(b)(1)(B), substituted “ground pork, and ground venison” for “and ground pork”.

2008—Par. (2)(A)(vii) to (xi). Pub. L. 110-246, §11002(1), added cls. (vii) to (xi).

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the

¹ So in original. The word “and” probably should not appear.

date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

§ 1638a. Notice of country of origin

(a) In general

(1) Requirement

Except as provided in subsection (b), a retailer of a covered commodity shall inform consumers, at the final point of sale of the covered commodity to consumers, of the country of origin of the covered commodity.

(2) Designation of country of origin for beef, lamb, pork, chicken, goat, and venison meat

(A) United States country of origin

A retailer of a covered commodity that is beef, lamb, pork, chicken, goat, or venison meat may designate the covered commodity as exclusively having a United States country of origin only if the covered commodity is derived from an animal that was—

- (i) exclusively born, raised, and slaughtered in the United States;
- (ii) born and raised in Alaska or Hawaii and transported for a period of not more than 60 days through Canada to the United States and slaughtered in the United States; or
- (iii) present in the United States on or before July 15, 2008, and once present in the United States, remained continuously in the United States.

(B) Multiple countries of origin

(i) In general

A retailer of a covered commodity that is beef, lamb, pork, chicken, goat, or venison meat that is derived from an animal that is—

- (I) not exclusively born, raised, and slaughtered in the United States,
- (II) born, raised, or slaughtered in the United States, and
- (III) not imported into the United States for immediate slaughter,

may designate the country of origin of such covered commodity as all of the countries in which the animal may have been born, raised, or slaughtered.

(ii) Relation to general requirement

Nothing in this subparagraph alters the mandatory requirement to inform consumers of the country of origin of covered commodities under paragraph (1).

(C) Imported for immediate slaughter

A retailer of a covered commodity that is beef, lamb, pork, chicken, goat, or venison meat that is derived from an animal that is imported into the United States for immediate slaughter shall designate the origin of such covered commodity as—

- (i) the country from which the animal was imported; and
- (ii) the United States.

(D) Foreign country of origin

A retailer of a covered commodity that is beef, lamb, pork, chicken, goat, or venison

meat that is derived from an animal that is not born, raised, or slaughtered in the United States shall designate a country other than the United States as the country of origin of such commodity.

(E) Ground beef, pork, lamb, chicken, goat, and venison

The notice of country of origin for ground beef, ground pork, ground lamb, ground chicken, ground goat, or ground venison shall include—

- (i) a list of all countries of origin of such ground beef, ground pork, ground lamb, ground chicken, ground goat, or ground venison; or
- (ii) a list of all reasonably possible countries of origin of such ground beef, ground pork, ground lamb, ground chicken, ground goat, or ground venison.

(3) Designation of country of origin for fish

(A) In general

A retailer of a covered commodity that is farm-raised fish or wild fish may designate the covered commodity as having a United States country of origin only if the covered commodity—

- (i) in the case of farm-raised fish, is hatched, raised, harvested, and processed in the United States; and
- (ii) in the case of wild fish, is—

(I) harvested in the United States, a territory of the United States, or a State, or by a vessel that is documented under chapter 121 of title 46 or registered in the United States; and

(II) processed in the United States, a territory of the United States, or a State, including the waters thereof, or aboard a vessel that is documented under chapter 121 of title 46 or registered in the United States.

(B) Designation of wild fish and farm-raised fish

The notice of country of origin for wild fish and farm-raised fish shall distinguish between wild fish and farm-raised fish.

(4) Designation of country of origin for perishable agricultural commodities, ginseng, peanuts, pecans, and macadamia nuts

(A) In general

A retailer of a covered commodity that is a perishable agricultural commodity, ginseng, peanut, pecan, or macadamia nut may designate the covered commodity as having a United States country of origin only if the covered commodity is exclusively produced in the United States.

(B) State, region, locality of the United States

With respect to a covered commodity that is a perishable agricultural commodity, ginseng, peanut, pecan, or macadamia nut produced exclusively in the United States, designation by a retailer of the State, region, or locality of the United States where such commodity was produced shall be sufficient to identify the United States as the country of origin.