

## CONSTRUCTION OF AMENDMENTS BY PUB. L. 101-535

Amendments by Pub. L. 101-535 not to be construed to alter authority of Secretary of Health and Human Services and Secretary of Agriculture under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), and the Egg Products Inspection Act (21 U.S.C. 1031 et seq.), see section 9 of Pub. L. 101-535, set out as a note under section 343 of this title.

**§ 337a. Extraterritorial jurisdiction**

There is extraterritorial jurisdiction over any violation of this chapter relating to any article regulated under this chapter if such article was intended for import into the United States or if any act in furtherance of the violation was committed in the United States.

(June 25, 1938, ch. 675, §311, as added Pub. L. 112-144, title VII, §718, July 9, 2012, 126 Stat. 1077.)

## SUBCHAPTER IV—FOOD

**§ 341. Definitions and standards for food**

Whenever in the judgment of the Secretary such action will promote honesty and fair dealing in the interest of consumers, he shall promulgate regulations fixing and establishing for any food, under its common or usual name so far as practicable, a reasonable definition and standard of identity, a reasonable standard of quality, or reasonable standards of fill of container. No definition and standard of identity and no standard of quality shall be established for fresh or dried fruits, fresh or dried vegetables, or butter, except that definitions and standards of identity may be established for avocados, cantaloupes, citrus fruits, and melons. In prescribing any standard of fill of container, the Secretary shall give due consideration to the natural shrinkage in storage and in transit of fresh natural food and to need for the necessary packing and protective material. In the prescribing of any standard of quality for any canned fruit or canned vegetable, consideration shall be given and due allowance made for the differing characteristics of the several varieties of such fruit or vegetable. In prescribing a definition and standard of identity for any food or class of food in which optional ingredients are permitted, the Secretary shall, for the purpose of promoting honesty and fair dealing in the interest of consumers, designate the optional ingredients which shall be named on the label. Any definition and standard of identity prescribed by the Secretary for avocados, cantaloupes, citrus fruits, or melons shall relate only to maturity and to the effects of freezing.

(June 25, 1938, ch. 675, §401, 52 Stat. 1046; Apr. 15, 1954, ch. 143, §1, 68 Stat. 54; Aug. 1, 1956, ch. 861, §1, 70 Stat. 919; Pub. L. 103-80, §3(h), Aug. 13, 1993, 107 Stat. 776.)

## AMENDMENTS

1993—Pub. L. 103-80 substituted “or reasonable standards of fill of container. No definition” for “and/or reasonable standards of fill of container: *Provided*, That no definition”.

1956—Act Aug. 1, 1956, designated provisions constituting subsec. (a) as entire section and repealed sub-

sec. (b) which provided the procedure for establishment of regulations and is covered by section 371(e) of this title.

1954—Act Apr. 15, 1954, designated existing provisions as subsec. (a) and added subsec. (b).

## SAVINGS PROVISION

Act Aug. 1, 1956, ch. 861, §3, 70 Stat. 919, provided that: “In any case in which, prior to the enactment of this Act [Aug. 1, 1956], a public hearing has been begun in accordance with section 401 of the Federal Food, Drug, and Cosmetic Act [341 of this title] upon a proposal to issue, amend, or repeal any regulation contemplated by such section, or has been begun in accordance with section 701(e) of such Act [section 371(e) of this title] upon a proposal to issue, amend, or repeal any regulation contemplated by section 403(j), 404(a), 406(a) or (b), 501(b), 502(d), 502(h), 504 or 604 of such Act [section 343(j), 344(a), 346(a) or (b), 351(b), 352(d), 352(h), 354, or 364 of this title], the provisions of such section 401 or 701(e), as the case may be, as in force immediately prior to the date of the enactment of this Act [Aug. 1, 1956], shall be applicable as though this Act [amending this section and section 371(e) of this title] had not been enacted.”

## TRANSFER OF FUNCTIONS

For transfer of functions of Federal Security Administrator to Secretary of Health, Education, and Welfare [now Health and Human Services], and of Food and Drug Administration in the Department of Agriculture to Federal Security Agency, see notes set out under section 321 of this title.

## FOOD SAFETY AND SECURITY STRATEGY

Pub. L. 107-188, title III, §301, June 12, 2002, 116 Stat. 662, provided that:

“(a) IN GENERAL.—The President’s Council on Food Safety (as established by Executive Order No. 13100 [set out below]) shall, in consultation with the Secretary of Transportation, the Secretary of the Treasury, other relevant Federal agencies, the food industry, consumer and producer groups, scientific organizations, and the States, develop a crisis communications and education strategy with respect to bioterrorist threats to the food supply. Such strategy shall address threat assessments; technologies and procedures for securing food processing and manufacturing facilities and modes of transportation; response and notification procedures; and risk communications to the public.

“(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of implementing the strategy developed under subsection (a), there are authorized to be appropriated \$750,000 for fiscal year 2002, and such sums as may be necessary for each subsequent fiscal year.”

## FOOD SAFETY COMMISSION

Pub. L. 107-171, title X, §10807, May 13, 2002, 116 Stat. 527, provided that:

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established a commission to be known as the ‘Food Safety Commission’ (referred to in this section as the ‘Commission’).

“(2) MEMBERSHIP.—

“(A) COMPOSITION.—The Commission shall be composed of 15 members (including a Chairperson, appointed by the President[]).

“(B) ELIGIBILITY.—

“(i) IN GENERAL.—Members of the Commission—

“(I) shall have specialized training or significant experience in matters under the jurisdiction of the Commission; and

“(II) shall represent, at a minimum—

“(aa) consumers;

“(bb) food scientists;

“(cc) the food industry; and

“(dd) health professionals.

“(ii) FEDERAL EMPLOYEES.—Not more than 3 members of the Commission may be Federal employees.