

**Rules
of
Georgia Department of Agriculture**

**Chapter 40-10-1
Meat Inspection - Meat Processing**

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40-10-1-.01 Federal - State Cooperation

- 1) The requirements of the Georgia Meat Inspection program will be at least equal to those imposed under Title 1 and Title IV of the Federal Meat Inspection Act.

- 2) The State of Georgia adopts U.S.D.A. Food Safety and Inspection Service (FSIS) rules and regulations for mandatory meat inspection as indicated in this chapter and in Title 9 Code of Federal Regulations, Chapter III (9CFR3), Parts: 307; 309; 310; 311; 313; 314; 315; 316; 317; 318; 319; 320; 325; 329; 381; 416; 417; 424; 430; 441 & 500 for mandatory meat and poultry inspection requirements not covered specifically in this chapter.

Authority O.C.G.A. § 26-2-80

40-10-1-.02 Meaning of Terms. Amended.

- 1) As used in this chapter, unless otherwise required by the context, the singular form shall also import the plural and the masculine form shall also import the feminine, and vice versa.

- 2) As used in this chapter, unless otherwise required by the context, the following terms shall be construed; respectively to mean:
 - a) Reserved.

 - b) The Department. The Georgia Department of Agriculture.

 - c) Reserved.

 - d) Reserved.

- e) Commissioner. The Commissioner of the Georgia Department of Agriculture, the Administrator. When used in these Rules, the Commissioner shall also mean any person duly authorized by him to carry out the provisions of these regulations.
- f) Program. The Meat Inspection Program of the Georgia Department of Agriculture.
- g) Inspector. An inspector of the program.
- h) Program Employee. Any inspector or other individual employed by the Department who is authorized by the Commissioner to do any work or perform any duty in connection with the program.
- i) Official establishment. Any slaughtering, cutting, boning, meat canning, curing, smoking, salting, packing, rendering, or similar establishment at which inspection is maintained under the regulations in this chapter.
- j) District Supervisor. The District Supervisor of a district.
- k) District. One of the geographical areas designated as a district by the Department of Agriculture.
- l) Reserved.
- m) Firm. Any partnership, association, or other unincorporated business organization.
- n) Meat broker. Any person engaged in the business of buying or selling carcasses, parts of carcasses, meat or meat food products of livestock on commission, or otherwise negotiating purchases or sales of such articles other than for his own account or as an employee of another person.

o) Renderer. Any person engaged in the business of rendering carcasses or parts or products or the carcasses of any livestock except rendering conducted under inspection or exemption under the Act.

p) Animal food. Any article intended for use as food for dogs, cats, or other animals derived wholly, or in part, from the carcass or parts or products of the carcass of any livestock, except that the term animal food as used herein does not include livestock and poultry feeds manufactured from processed animal byproducts (such as meatmeal tankage, meat and bonemeal, bloodmeal, and feed grade animal fat).

q) Animal food manufacturer. Any person engaged in the business of manufacturing or processing animal food except manufacturers of livestock and poultry feeds with respect to any activity of acquiring or using processed animal byproducts (such as meatmeal tankage, meat and bonemeal, bloodmeal, and feed grade animal fat in the manufacture of such feeds.)

r) State. Any state of the United States or Commonwealth of Puerto Rico.

s) Reserved.

t) Reserved.

u) Reserved.

v) Capable of use as human food. This term applies to any carcass, or part or product of a carcass, of any livestock, unless it is denatured or otherwise identified as required by the applicable provisions of 40-10-1-.16 of this chapter to deter its use as a human food or it is naturally inedible by humans; e.g., hoofs or

horns in their natural state.

w) Edible. Intended for use as human food.

x) Inedible. Adulterated, uninspected, or not intended for use as human food.

y) Prepared. Slaughtered, canned, salted, rendered, boned, cut up, or otherwise manufactured or processed.

z) Cutting up. Any division of any carcass or part thereof, except that the trimming of carcasses or parts thereof to remove surface contaminants is not considered as cutting up.

aa) Adulterated. This term applies to any carcass, part thereof, meat or meat food product under one or more of the following circumstances:

1. 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 article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

2. If it bears or contains any of the following:

- i) If it bears or contains (by reason of administration of any substance to the live animal or otherwise) any added poisonous or added deleterious substances (other than one which is: a pesticide chemical in or on a raw agricultural commodity, a food additive, or a color additive), which may, in the judgment of the Commissioner, make such article unfit for human food;

- ii) If it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food,

Drug, and Cosmetic Act;

iii) If it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act;

iv) If it bears or contains any color additive which is unsafe within the meaning of Section 706 of the Federal, Food Drug, and Cosmetic Act: Provided, that an article which is not deemed adulterated under subdivision (ii), (iii), or this (iv) of this subparagraph shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive in or on such article is prohibited by the regulations in this chapter in official establishments;

3. If it consists in whole or in part of any filthy, putrid, or decomposed substance, or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food.

4. If it has been prepared, packed, or held under unsanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

5. If it is, in whole or in part, the product of an animal which has died otherwise than by slaughter;

6. If its container is composed, in whole or in part, of any poisonous or deleterious substances which may render the contents injurious to health;

7. If it has been intentionally subject to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act;

8. If any valuable constituent has been in whole or in part omitted

or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or 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; or,

9. If it is margarine containing animal fat and any of the raw material used therein consisted in whole or in part of any filthy, putrid, or decomposed substance, or is otherwise adulterated.

bb) "Inspected and passed" or "Georgia inspected and passed" or "Georgia inspected and passed by Department of Agriculture" (or any authorized abbreviation thereof). This term means that the product so identified has been inspected and passed under the regulations in this chapter, and at the time it was inspected, passed, and identified, it was found to be not adulterated.

cc) Georgia passed for cooking. This term means that the meat byproduct so identified has been inspected and passed on condition that it is rendered into lard, rendered pork fat, or tallow, as prescribed by the regulations in 40-10-1-.17 of this chapter.

dd) Georgia passed for refrigeration. This term means that the meat or meat byproduct so identified has been inspected and passed on condition that it be refrigerated or otherwise handled as prescribed by the regulations in 40-10-1-.13 of this chapter.

ee) Georgia inspected and condemned (or any authorized abbreviation thereof). This term means that the carcass, viscera, other part of carcass, or other product so identified has been inspected, found to be adulterated, and condemned under the regulations in this chapter.

ff) Georgia retained. This term means that the carcass, viscera, other parts of the carcass, or other product, or article so identified

is held for further examination by an inspector to determine its disposal.

gg) Georgia suspect. This term means that the livestock so identified is suspected of being affected with a disease or condition which may require its condemnation, in whole or in part, when slaughtered, and is subject to further examination by an inspector to determine its disposal.

hh) Georgia condemned. This term means that the livestock so identified has been inspected and found to be in a dying condition, or to be affected with any other condition or disease that would require condemnation of its carcass.

ii) Misbranded. This term applies to any carcass, part thereof, meat or meat food product under one or more of the following circumstances:

1. If it's labeling is false or misleading in any particular;
2. If it is offered for sale under the name of another food;
3. If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated;
4. If its container is so made, formed, or filled as to be misleading;
5. If in a package or other container unless it-bears a label showing:

i) The name and place of business of the manufacturer, packer, or distributor; and

ii) An accurate statement of the quantity of the contents in terms

of weight, measure, or numerical count; except as otherwise provided in 40-10-1-.19 of this chapter with respect to the quantity of contents;

6. If any word, statement, or other information required by or under authority of the Act to appear on the label or other labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

7. If it purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by the regulations in 40-10-1-.21 of this chapter unless:

i) It conforms to such definition and standard, and

ii) Its label bears the name of the food specified in the definition and standard and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food;

8. If it purports to be or is represented as a food for which a standard or standards of fill of container have been prescribed by the regulations in 40-10-1-.21 of this chapter, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify a statement that it falls below such standard:

9. If it is not subject to the provisions of subparagraph 7. of this paragraph unless its label bears:

i) The common or usual name of the food, if any there be, and

ii) In case it is fabricated from two or more ingredients the common or usual name of each such ingredient, except as otherwise provided in 40-10-1-.19 of this chapter.

10. If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as is required by the regulations in 40-10-1-.19 of this chapter.

11. If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears a label stating that fact; except as otherwise provided by the regulations in 40-10-1-.19 of this chapter or

12. If it fails to bear, directly thereon or on its containers, when required by the regulations in 40-10-1-.18 or .19 of this chapter, the inspection legend and, unrestricted by any of the foregoing, such other information as the Commissioner may require, in such regulations to assure that it will not have false or misleading labeling and that the public will be informed of the manner of handling required to maintain the article in a wholesome condition.

jj) Label. A display of written, printed, or graphic matter, upon the immediate container (not including package liners) of any article.

kk) Labeling. All labels and other written, printed or graphic matter:

1. Upon any article or any of its containers or wrappers, or
2. Accompany such article.

11) Federal Food, Drug, and Cosmetic Act. The Act so entitled, approved June 25, 1938 (52 Stat. 1040), and Acts amendatory thereof or supplementary thereto.

mm) Pesticide chemical, food additive, color additive, raw agricultural commodity. These terms shall have the same meanings for purposes of the Act and the regulations in this chapter as under the Federal Food, Drug and Cosmetic Act.

nn) Official mark. The official inspection legend or any other symbol prescribed by the regulations in this chapter to identify the status of any article or animal under the Act.

oo) Official inspection legend. Any symbol prescribed by the regulations in this chapter showing that an article was inspected and passed in accordance with the Act.

pp) Official certificate. Any certificate prescribed by the regulations in this chapter for issuance by an inspector or other person performing official functions under the Act.

qq) Official device. Any device prescribed by the regulations in 40-10-1-.14 of this chapter for use in applying any official mark.

rr) Livestock. Cattle, sheep, swine, rabbit, goat, horse, mule, or other equine.

ss) Carcass. All parts, including viscera, of any slaughtered livestock.

tt) Meat. The part of the muscle of any cattle, sheep, swine, or goats, which is skeletal or which is found in the tongue, in the diaphragm, in the heart, or in the esophagus, with or without the accompanying and overlying fat, and the portions of bone, skin, sinew, nerve, and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing. It does not include the muscle found in the lips, snout or ears. This term, as applied to products of equines, shall have a

meaning comparable to that provided in this paragraph with respect to cattle, sheep, swine, and goats.

uu) Meat byproduct. Any part capable of use as human food, other than meat, which has been derived from one or more cattle, sheep, swine, or goats. This term as applied to products of equines, shall have a meaning comparable to that provided in this paragraph with respect to cattle, sheep, swine, and goats.

vv) Meat food product. Any article capable of use as human food which is made wholly or in part from any meat or other portion of the carcass of any cattle, sheep, swine or goats, except those exempted from definition as a meat food product by the Commissioner in specific cases or by the regulations in 40-10-1-.18 or 40-10-1-.19 of this chapter, upon a determination that they contain meat or other portions of such carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry, and provided that they comply with any requirements that are imposed in such cases or regulations as conditions of such exemptions to assure that the meat or other portions of such carcasses contained in such articles are not adulterated and that such articles are not represented as meat food products. This term, as applied to food products of equines, shall have a meaning comparable to that provided in this paragraph with respect to cattle, sheep, swine, and goats.

ww) Product. Any carcass, meat, meat byproduct, or meat food product, capable of use as human food.

xx) Immediate container. The can, pot, tin, canvas, or other receptacle or covering in which any product is directly contained or wholly or partly enclosed.

yy) Shipping container. The outside container (box, bag, barrel, crate, or other receptacle or covering) containing or wholly or

partly enclosed any product packed in one or more immediate containers.

zz) Biological residue. Any substance, including metabolites, remaining in an animal at time of slaughter or in any of its tissues after slaughter as the result of treatment or exposure of the animal to a pesticide, organic or inorganic compound, hormone, hormone-like substance, growth promoter, antibiotic, anthelmintic, tranquilizer, or other therapeutic or prophylactic agent.

aaa) Experimental animal. Any animal used in any research investigation involving the feeding or other administration of, or subjection to, an experimental biological product, drug or chemical or any nonexperimental biological product, drug or chemical used in a manner for which it was not intended.

bbb) Dead livestock. The body (cadaver) of livestock which has died otherwise than by slaughter.

ccc) Dying, diseased, or disabled livestock. Livestock which has or displays symptoms of having any of the following:

1. Central nervous system disorder;
2. Abnormal temperature (high or low);
3. Difficult breathing;
4. Abnormal swellings;
5. Lack of muscular coordination;
6. Inability to walk normally or stand;
7. Any of the diseases for which livestock is required to be condemned on antemortem inspection in accordance with the

regulations in part 40-10-1-.11 of this chapter.

ddd) Supervision. The controls, as prescribed in instructions to Program employees, to be exercised by them over particular operations to insure that such operations are conducted in compliance with the Act and the regulations in this chapter.

eee) Further processing. Smoking, cooking, canning, curing, refining, or rendering in an official establishment of product previously prepared in official establishments.

fff) Artificial flavoring. A flavoring containing any sapid or aromatic constituent, which constituent was manufactured by a process of synthesis or other similar artifice.

ggg) Artificial coloring. A coloring containing any dye or pigment, which dye or pigment was manufactured by a process of synthesis or other similar artifice, or a coloring which was manufactured by extracting a natural dye or natural pigment from a plant or other material in which such dye or pigment was naturally produced.

hhh) Chemical preservative. Any chemical that, when added to a meat or meat food product, tends to prevent or retard deterioration thereof, but does not include common salt, sugars, vinegars, spices, or oils extracted from spices or substances added to meat and meat food products by exposure to wood smoke. Other definitions, if any, that are applicable only for purposes of a specific part of the regulations in this chapter, are set forth in such part.

iii) Inspector in Charge. A designated program employee who is in charge of one or more official establishments within a district and is responsible to the district supervisor or his designee.

Authority O.C.G.A. § 26-2-80

40-10-1-.03 Application of Requirements; Inspection. Amended.

1) Establishments requiring inspection:

a) Inspection under the regulation in this chapter is required at:

1. Every establishment, except as provided in 40-10-1-.04 (1) (a) and (b), or (c) of this chapter, in which any livestock are slaughtered for transportation or sale as articles of commerce, or in which any products of, or derived from, carcasses of livestock are, wholly or in part, prepared for transportation or sale as articles of commerce which are intended for use as human food;

2. Every establishment, except as provided in 40-10-1-.04 (1) (a) and (b), or (d) of this chapter, within any State or organized Territory at which any livestock are slaughtered or any products of any livestock are prepared, for use as human food solely for distribution within such jurisdiction; and

3. Every establishment designated by the Commissioner pursuant to paragraph 40-10-1-.02 (c) of the Act as one producing adulterated products which would clearly endanger the public health.

2) Livestock and products entering official establishments. All livestock and all products entering any official establishment and all products prepared, in whole or in part, therein, shall be inspected, handled, stored, prepared, packaged, marked, and labeled as required by the regulations in this chapter.

Authority O.C.G.A. § 26-2-80

40-10-1-.04 Exemptions. Amended.

1) Exemptions:

a) The requirements of the Act and the regulations in this chapter for inspection of the preparation of products do not apply to:

1. The slaughtering by any individual of livestock of his own raising, and the preparation by him and transportation in commerce of the carcasses, parts thereof, meat and meat food products of such livestock exclusively for use by him and members of his household and his nonpaying guests and employees;

2. The custom slaughter by any person of cattle, sheep, swine, non-traditional livestock, rabbits, or goats delivered by the owner thereof for such slaughter, and the preparation by such slaughterer and transportation in commerce of the carcasses, parts thereof, meat and meat food products of such livestock, exclusively for use, in the household of such owner, by him and members of his household and his nonpaying guests and employees; nor to the custom preparation by any person of carcasses, parts thereof, meat or meat food products derived from the slaughter by any individual of cattle, sheep, swine, non-traditional livestock, rabbits or goats of his own raising or from game animals, delivered by the owner thereof for such custom preparation, and transportation in commerce of such custom prepared articles, exclusively for use in the household of such owner, by him and members of his household and his nonpaying guests and employees: Provided, that the following requirements are met by such custom operator:

i) The establishment in which the custom operations are conducted is maintained and operated in accordance with the requirements of 40-10-1-.10 of this chapter;

ii) If the custom operator prepared or handles any products for sale, they are kept separate and apart from the custom prepared products at all times while the latter are in his custody;

iii) The custom prepared products are plainly marked "Not for Sale" as provided in 40-10-1-.18 of this chapter, immediately after being prepared and are kept so identified until delivered to the owner; and

iv) If exempted custom slaughtering or other preparation of products is conducted in an official establishment, all facilities and equipment in the official establishment used for such custom operations shall be thoroughly cleaned and sanitized before they are used for preparing any products for sale.

3. The slaughter and processing of rabbits by any person who raises rabbits for slaughter and processing for sale at wholesale and retail in numbers not to exceed 2500 rabbits per year.

b) Exempted custom prepared products.

1. The exempted custom prepared products shall be prepared and handled in accordance with 40-10-1-.20 (5), (6), (7), (10), (11) and 40-10-1-.21 of this chapter and shall not be adulterated as defined in paragraph I (m) of the Act.

2. The exempted custom prepared products shall comply with the requirements of 40-10-1-.18 (16) and 40-10-1-.19 (16) of this chapter.

3. The custom operators claiming exemption under paragraph (a) 2. of this section shall keep records, in addition to records otherwise required by 40-10-1-.22 of this chapter, showing the numbers and kinds of livestock slaughtered on a custom basis, the quantities and types of products prepared on a custom basis, and the names and addresses of the owners of the livestock and

products.

4. Articles capable of use as human food, resulting from the exempted custom slaughter or other preparation of products shall be promptly denatured or otherwise identified in accordance with this chapter and not removed from the establishment where the custom operations are conducted until so identified, unless they are delivered to the owner of the articles for use in accordance with paragraph (a) 2. of this section.

c) Reserved.

d) Exempted retail prepared products.

1. The requirements of the Act and the regulations in this chapter for inspection of the preparation of products do not apply to operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar retail-type establishment in Georgia for sale in normal retail quantities or service of such articles to consumers at such establishments.

2. For purposes of subparagraph 1. of this paragraph, operations of types traditionally and usually conducted at retail stores and restaurants are the following:

i) Cutting up, slicing, and trimming carcasses, halves, quarters, or wholesale cuts into retail cuts such as steaks, chops, and roasts, and freezing such cuts;

ii) Grinding and freezing products made from meat;

iii) Curing, cooking, smoking, or other preparations of products, except slaughtering, rendering, or refining or livestock fat or the retort-processing of canned products;

iv) Breaking bulk shipments of products;

v) Wrapping or rewrapping products.

3. Any quantity or product purchased by a consumer from a particular retail supplier shall be deemed to be a normal retail quantity if the quantity so purchased does not in the aggregate exceed one-half carcass. The following amounts of product will be accepted as representing one-half carcass of the species identified:

One-half carcass pounds

Cattle	300
Calves	37.5
Sheep	27.5
Swine	100
Goats	25

4. A retail store is any place of business where the sales of product are made to consumers only; at least 75 percent, in terms of dollar value, of total sales of product represents sales to house-hold consumers and the total dollar value of sales of product to consumers other than household consumers does not exceed the dollar limitation per calendar year set by the USDA Administrator; only federally or State inspected and passed product is handled or used in the preparation of any product; no sale of product is made in excess of a normal retail quantity as defined in subdivision (1)(d)(3) of this subparagraph; the preparation of products for sale to household consumers is limited to traditional and usual operations as defined in subdivision 1(d)2 of this subparagraph; and the preparation of products for sale to other than household consumers is limited to traditional and usual operations as defined in (i), (ii), (iv), and (v) of subdivision 2 of this subparagraph.

5. A restaurant is any establishment where product is prepared only for sale or service, in meals, or as entrees, directly to individual consumers at such establishment; only federally or State inspected and passed product or such product prepared at a retail store exempted under subdivision 1(d)2 of (i), (ii), (iv), and (v) subparagraph is handled or used in the preparation of any product; no sale of product is made in excess of a normal retail quantity as defined in subdivision 3. of this subparagraph; and the preparation of product is limited to traditional and usual operations as defined in subdivision 2. of this subparagraph. This definition includes a caterer which delivers or serves product in meals, or as entrees, only to individual consumers and otherwise meets the requirements of this paragraph.

6. For the purpose of this paragraph, operations conducted at a restaurant central kitchen facility shall be considered as being conducted at a restaurant if the restaurant central kitchen prepares meat or meat food products that are ready-to-eat when they leave such facility (i.e., no further cooking or other preparation is needed, except that they may be reheated prior to serving if chilled during transportation), transported directly to a receiving restaurant by its own employees, without intervening transfer or storage, maintained in a safe, unadulterated condition during transportation and served in meals or as entrees only to customers at restaurants or through vending machines, owned or operated by the same person that owns or operates such facility, and which otherwise meets the requirements of this paragraph; provided that the requirements of 40-10-1-.22 apply to such facility. Provided further that the exempt facility may be subject to inspection requirements under the Act (GMIA) for as long as the Commissioner determines that the sanitary conditions or practices of the facility or the processing procedure or methods at the facility are such that any of its meat or meat food products are rendered adulterated. When the Commissioner has made such

determination and subjected a restaurant central kitchen facility to such inspection requirements, the operator of such facility shall be afforded an opportunity to dispute the Commissioner's determination in a hearing pursuant to the rules of practice which will be adopted for this proceeding.

7. Similar retail-type establishment: Any establishment which is a combination retail store and restaurant; any delicatessen which meets the requirements for a retail store or restaurant as prescribed in subdivision 3. and 4. of this subparagraph; or other establishment as determined by the Commissioner in specific cases.

8. Consumer: Any household consumer, hotel, restaurant, or similar institution as determined by the Commissioner in specific cases.

e) Whenever any complaint is received by the Commissioner from any person alleging that any retail store claiming exemption under this paragraph (d) has been operated in violation of the conditions prescribed in this section for exemption, and the Commissioner, upon investigation of the complaint, has reason to believe that any such violation has occurred he shall so notify the operator of the retail store and afford him reasonable opportunity to present his views informally with respect to the matter. Thereafter, if the Commissioner still has reason to believe that such a violation has occurred, and that a requirement that the operator keep records concerning the operations of the retail store would effectuate the purposes of the Act, the Commissioner shall order the operator to maintain complete, accurate, and legible records of total monthly purchases and of total monthly sales of meat, meat byproducts, and meat food products, in terms of dollar values of the products involved. Such records shall separately show total sales to household consumers and total sales to other consumers and shall be maintained for the period prescribed in 40-10-1-.22 (3) of this chapter. If the operator maintains copies of bills of lading, re-

ceiving and shipping invoices, warehouse receipts, or similar documents which give the information required herein, additional records are not required by this subparagraph.

f) The adulteration and misbranding provisions of the Act and the regulations in this chapter, other than the requirement of the official inspection legend, apply to articles which are exempted from inspection or not required to be inspected under this section. This includes the requirement that any pork and any product containing pork be prepared only in compliance with any applicable requirement for the destruction of trichina as provided in 40-10-1-.20 (10) of this chapter.

g) The Commissioner may extend the inspection requirements to any establishment in the State at which products are prepared for distribution solely within the State, if he determines in accordance with the provisions of the Act that it is producing adulterated products which would clearly endanger the public health.

h) The Commissioner in specific cases may modify, by relieving, the inspection and related requirements of the regulations in this chapter when he determines that application of the modified requirements will be adequate to effectuate the purposes of the Act.

Authority O.C.G.A. § 26-2-80

40-10-1-.05 Application for Inspection; Grant or Refusal of Inspection. Amended.

1) Application for inspection.

a) Before inspection is granted, the operator of each establishment required to have inspection shall make application therefor to the Commission as provided in this part.

b) Every application under this section shall be made on a form furnished by the Department of Agriculture, and shall include all information called for by that form, including the name, address, and type of legal entity of any tenant and the name and principal office address of any subsidiary corporation that will prepare product or conduct any other operation at the establishment for which inspection is requested. The applicant for inspection will be held responsible for compliance by all such tenants or subsidiaries with the requirements of the regulations in this chapter at such establishment if inspection is granted. Such tenants and subsidiaries will also be held responsible for their own operations. Preparation of product and other operations at the establishment for which inspection is granted may be conducted only by the applicant and any of its tenants and subsidiary corporations named in the application.

c) In cases of change of ownership, location, tenants or subsidiaries, a new application shall be made.

2) Drawings, information to be furnished; subsidiary establishments; grant or refusal of inspection:

a) Each applicant for inspection shall submit to the program, four copies of

1. Complete drawings with specifications of the floor plans of the establishment for which inspection is requested, showing the locations of principal pieces of equipment, floor drains, principal drainage lines, hand-washing basins, and hose connections for clean-up purposes;

2. A plot plan showing the limits of the establishment's premises, locations in outline of buildings on the premises, cardinal points of the compass, and roadways and railways serving the establishment; and

3. A room schedule showing the finish of walls, floors, and ceilings of all rooms in the establishment. The specifications shall include statements describing the water supply, plumbing, drainage, refrigeration, equipment, lighting, and operations of the establishment. Applicants for inspection may request information from the Commissioner concerning the requirements before submitting plans.

b) Notice in writing shall be given to each applicant granted inspection, specifying the establishment to which the grant applies;

c) The Commissioner is authorized to grant inspection upon his determination that the applicant and the establishment are eligible therefor and to refuse to grant inspection at any establishment if he determines that it does not meet the requirements of this part of the regulations in 40-10-1-.06, and 40-10-1-.08, and 40-10-1-.09 and 40-10-1-.10 of this chapter or has not received approval labeling and containers to be used at the establishment as required by the regulations in 40-10-1-.19 of this chapter. Before inspection is refused for any such reason, the applicant shall be informed of the proposed action and the reasons therefor and afforded an opportunity to present his views.

Authority O.C.G.A. § 26-2-80

40-10-1-.06 Official Numbers; Inauguration of Inspection; Withdrawal of Inspection; Reports of Violations. Amended.

1) Official numbers; subsidiaries and tenants:

a) An official number shall be assigned to each establishment granted inspection. Such number shall be used to identify all inspected and passed products prepared in the establishment. More than one number shall not be assigned to an establishment;

b) Two or more official establishments under the same ownership

or control may be granted the same official number, provided a serial letter is added in each case to identify each establishment and the products thereof,

c) When inspection has been granted to any other person at the same establishment, except that a subsidiary or tenant of the grantee, preparing any product at the establishment, may receive inspection at the same establishment.

2) Separation of official establishments:

a) Each official establishment shall be separate and distinct from any unofficial establishment except a poultry products processing establishment operated under Federal Inspection under the Poultry Products Inspection Act or under State Inspection;

b) The slaughter or other preparation of products of horses, mules, or other equines required to be conducted under inspection pursuant to the regulations in this chapter shall be done in establishments separate from any establishment in which cattle, sheep, swine, or goats are slaughtered or their products are prepared;

c) Inspection shall not be inaugurated in any building, any part of which is used as living quarters, unless the part for which inspection is requested is separated from such quarters by floors, walls, and ceilings of solid concrete, brick, or similar material, and the floors, walls, and ceilings are without opening that directly or indirectly communicates with any part of the building used as living quarters.

3) Sanitation and adequate facilities. Inspection shall not be begun if an establishment is not in a sanitary condition or unless the establishment agrees to maintain such condition and provides adequate facilities for conducting such inspection.

4) Inauguration of inspection. When an application for inspection is granted, the officer in charge shall, at or prior to the inauguration of inspection, inform the operator of the establishment of the requirements of the regulations in this chapter. If the establishment, at the time inspection is inaugurated, contains any product which has not theretofore been inspected, passed, and marked in compliance with the regulations in this chapter, the identity of the same shall be maintained and it shall not be distributed in commerce, or otherwise subject to the requirements of such regulation, or dealt with as inspected and passed under the regulations. The establishment shall adopt and enforce all necessary measures and shall comply with all such directions as the officer in charge may prescribe, for carrying out the purposes of this section.

5) Withdrawal of inspection.

a) The Commissioner is authorized to withdraw inspection from an official establishment where the sanitary conditions are such that its products are rendered adulterated, or for failure of the operator to destroy condemned products as required by the Act and the regulations in this chapter.

b) The assignment of inspectors may be temporarily suspended, in whole or in part, by the commissioner to the extent it is determined necessary to avoid impairment of the effective conduct of the program when the operator of any official establishment or any subsidiary therein, or any officer, employee, or agent of any such operator or any subsidiary therein, acting within the scope of his office, employment, or agency threatens to forcibly assault or forcibly assaults, intimidates, or interferes with any program employee in or on account of the performance of his official duties under the act, unless promptly upon the incident being brought by an authorized supervisor of the program employee to the attention of the operator of the establishment the operator satisfactorily justifies the incident, takes effective steps to prevent a recurrence,

or provides acceptable assurance that there will not be any recurrences. Such suspension shall remain in effect until one of such actions is taken by the operator: Provided, That upon request of the operator he shall be afforded an opportunity for an expedited hearing to show cause why the suspension should be terminated.

c) Inspection service may be temporarily suspended, in whole or in part, at an official establishment, by the Commissioner, to the extent that it is determined necessary to prevent inhumane slaughtering or handling in connection with slaughter of livestock as defined in 40-10-1-.02 (2). The Commissioner shall notify the operator of an establishment orally or in writing, as promptly as circumstances permit, of such suspension and the reasons therefore. Such suspension shall remain in effect until the operator of the establishment takes effective steps to prevent a recurrence, or provides other satisfactory assurances that there will not be any recurrences. Upon request, the operator shall be afforded an opportunity for a hearing to show cause why the suspension should be terminated.

6) Reports of Violations. Inspectors and other program employees shall report to the office in charge all violations of the Act or regulations in this chapter of which they have information and the officer in charge shall report the same to the Commissioner.

Authority O.C.G.A. § 26-2-80

40-10-1-.07 Assignment and Authorities of Division Employees. Amended.

1) Designation of officer in charge and assistants. The Commissioner shall designate an officer in charge of the inspection in each district, and assign to said inspector such assistants as may be necessary.

2) Program employees to have access to establishments. For the

purpose of any examination or inspection necessary to prevent the use in commerce of any adulterated product. Program employees shall have access at all times, by day or night, whether the establishment is operated or not, to every part of any official establishment to which they are assigned.

3) Badge as identification of inspectors. Each inspector will be furnished with a numbered official badge, which he shall not allow to leave his possession, and which he shall wear in such manner and at such times as the Commissioner may prescribe. This badge shall be sufficient identification to entitle him to admittance at all regular entrances and to all parts of the establishment and premises to which he is assigned.

4) Assignment of Program Employees where members of family employed; soliciting employment.

a) Except as specifically authorized by the Commissioner, no program employee shall be detailed for duty at an establishment where any member of his family is employed by the establishment, nor shall any officer in charge or other employee acting in a supervisory capacity be continued on duty at a circuit where any member of his family is employed by any establishment under his jurisdiction. Program employees are forbidden to solicit, for any person, employment at any official establishment, or by an officer, manager, or employee thereof.

b) Program employees shall not procure product from any official establishment or any other establishment if its operations or products are inspected or regulated under the Meat Inspection Act of 1969 or any other law administered by the Department unless the store or outlet from which the purchase is made is open to the general public and the price paid by such employee is the same as the price paid by the general public. Program employees must pay, and obtain receipts for money paid to such establishments for all such product and keep such receipts subject to inspection by su-

persivory employees or other authorized Department employees.

5) Any appeal from a decision of any program employee shall be made to his immediate supervisor having jurisdiction over the subject matter of the appeal, except as otherwise provided in the applicable rules of practice.

Authority O.C.G.A. § 26-2-80

40-10-1-.08 Facilities for Inspection. Amended.

Facilities for Inspection shall be in accordance with Code of Federal Regulations, 9 CFR, Chapter 3, Part 307.

Authority O.C.G.A. § 26-2-80

40-10-1-.09 Hazard Analysis and Critical Control Point (HACCP) Systems

Hazard Analysis and Critical Control Point Systems shall be in accordance with the Code of Federal Regulations, 9 CFR, Chapter III, Part 417.

Authority O.C.G.A. § 26-2-80

40-10-1-.10 Sanitation. Amended.

Sanitation shall be in accordance with code of Federal Regulations, 9 CFR Chapter III, Part 416 and the Sanitation Performance Standard, FSIS Directive 11,000.1.

Authority O.C.G.A. § 26-2-80

40-10-1-.11 Ante Mortem Inspection. Amended.

Ante-mortem Inspection shall be performed in accordance with the

provisions of the Code of Federal Regulations, 9 CFR, Chapter III, Part 309.

Authority O.C.G.A. § 26-2-80

40-10-1-.12 Post Mortem Inspection. Amended.

Post-mortem inspection shall be performed in accordance with the provisions of the Code of Federal Regulations, 9 CFR, Chapter III, Part 310.

Authority O.C.G.A. § 26-2-80

40-10-1-.13 Disposal of Diseased or Otherwise Adulterated Carcasses and Parts. Amended.

Disposal shall be in accordance with the provisions of the Code of Federal Regulations, 9 CFR, Chapter III, Part 311.

Authority O.C.G.A. § 26-2-80

40-10-1-.14 Official Marks, Devices, and Certificates. Amended.

1) The marks, devices, and certificates prescribed or referenced in this part shall be official marks, devices, and certificates for purposes of the Act, and shall be used in accordance with the provisions of this part and the regulations cited therein.

2) Official marks and devices to identify inspected and passed products of cattle, non-traditional livestock, sheep, swine or goats. The official inspection legend required by part 40-10-1-.18 of this chapter to be applied to inspected and passed carcasses and parts of carcasses of cattle, sheep, swine and goats, meat food products in animal casings, and other products by the Commissioner shall be in the appropriate form as specified.

Authority O.C.G.A. § 26-2-80

40-10-1-.15 Humane Slaughter of Livestock. Amended.

Humane slaughter of livestock shall be accomplished in accordance with the provisions of the Code of Federal Regulations, 9 CFR, Chapter III, Part 313.

Authority O.C.G.A. § 26-2-80

40-10-1-.16 Handling and Disposal of Condemned or Other Inedible Products at Official Establishments. Amended.

Handling and disposal of condemned or other inedible products at official establishments shall be accomplished in accordance with the Code of Federal Regulations, 9 CFR, Chapter III, Part 314.

Authority O.C.G.A. § 26-2-80

40-10-1-.17 Rendering or Other Disposal of Carcasses and Parts Passed for Cooking. Amended.

Rendering or other disposal of carcasses and parts passed for cooking shall be accomplished in accordance with the provisions of the Code of Federal Regulations, 9 CFR, Chapter III, Part 315.

Authority O.C.G.A. § 26-2-80

40-10-1-.18 Marking Products and Their Containers. Amended.

1) Authorization required to make devices bearing official marks. No brand manufacturer, printer, or other person shall cast, print, lithograph, or otherwise make or cause to be any device containing any official mark or simulation thereof without prior written authority therefor from the Commissioner as provided for in 40-

10-1-.18 of this chapter.

2) Approval required for official marks. No device containing any official mark shall be made or caused to be made for use on any product until it has been approved by the Commissioner as provided for in 40-10-1-.19 of this chapter.

3) Use of official marks prohibited except under supervision of Program employee; removal of official marks, when required:

a) No person shall affix or place, or cause to be affixed or placed, the official inspection legend or any other official mark, or any abbreviation or simulation of any official mark, to or on any product, or container thereof, except under the supervision of a Program employee.

b) No person shall fill, or cause to be filled, in whole or in part, with any product, any container bearing or intended to bear any official mark or any abbreviation or simulation of any official mark, except under the supervision of a Program employee.

c) Product bearing any official mark shall not be canned, cooked, cured, smoked, salted, packed, rendered, or otherwise prepared by any person for commercial purposes unless:

1. Such preparation is performed at an official establishment; or

2. Such preparation is conducted under State or other governmental inspection and the prepared product is marked to show that fact; or

3. The official marks are removed, defaced or otherwise destroyed before or during such preparation or

4. The preparation of the product consists solely of cutting up operations at any establishment exempted from inspection under

paragraph 40-10-1-.04 (1)(d)2 of the Act or equal provisions of a law of a State or organized Territory.

4) Marking devices; to be furnished by official establishments; control of:

a) Each official establishment shall furnish such ink brands, burning brands, and any other device for marking products with official marks as the Commissioner may determine is necessary for marking products at such establishment. The official inspection legend on such a device shall be as prescribed in this chapter.

b) All official devices for marking products with the official inspection legend, or other official marks, including self-locking seals, shall be used only under the supervision of a Program employee, and, when not in use for marking shall be kept locked in properly equipped lockers or compartments, the keys of which shall not leave the possession of a Program employee.

5) Branding ink; to be furnished by official establishments; approval by Program; color:

a) Each official establishment shall furnish all ink for marking products with the official marks at such establishment. Such ink must be made with harmless ingredients that are approved for the purpose by the Commissioner. Samples of inks shall be submitted to the Program Laboratory from time to time as may be deemed necessary by the officer in charge.

b) Only ink approved for the purpose shall be used to apply ink brands bearing official marks to carcasses of cattle, sheep, swine, or goats and fresh meat cuts derived therefrom.

c) Green ink shall not be used to apply marks to the carcasses of cattle, sheep, swine, or goats or fresh meat cuts derived therefrom.

d) Except as provided in paragraphs (b) and (c) of this section, branding ink of any color, approved for the purpose by the Commissioner may be used to apply ink brands, including official marks, to processed meat cuts derived from cattle, sheep, swine or goats.

e) Only green ink approved for the purpose shall be used to apply ink brands including official marks to carcasses and parts of carcasses and meat cuts derived from horses, mules and other equines.

f) Ink used must assure legibility and permanence of the markings and the color of ink shall provide acceptable contrast with the color of the product to which it is applied.

6) Products not to be removed from official establishments unless marked in accordance with the regulations. No person shall remove or cause to be removed from an official establishment any products which the regulations in this chapter require to be marked in any way unless they are clearly and legibly marked in compliance with such regulations.

7) Marking devices not to be false or misleading; style and size of lettering; approval required. No brand or other marking device shall be false or misleading. The letters and figures thereon shall be of such style and type as will make a clear and legible impression. All markings to be applied to products in an official establishment shall be approved prior to use by the Commissioner as provided for in 40-10-1-.19 (3), except that official markings prescribed by the Federal meat grading regulations (7 CFR 53.19) need not be submitted to the Commissioner for approval.

8) Unmarked inspected products moved between official establishments; moved in commerce.

a) Unmarked products which have been inspected and passed but do not bear the official inspection legend may be transported from one official establishment to another official establishment, for further processing, in a railroad car, truck, or other closed container, if they are sealed with the official seal of the Department (as prescribed in 40-10-1-.14 of this chapter) bearing the official inspection legend.

b) Products which have been inspected and passed but do not bear the official inspection legend may be removed from an official establishment in closed containers bearing the official inspection legend and all other information required by this part and 40-10-1-.19 of this chapter: Provided, that upon removal from such closed container the product may not be further transported in commerce unless such removal was made under the supervision of a Program employee and such product is reinspected by a Program employee and packed under his supervision in containers bearing the official inspection legend and all other information required by this part and 40-10-1-.19 of this chapter: and provided further, that unmarked products shall not be brought into an official establishment in an open container.

9) Products to be marked with official marks:

a) Each carcass which has been inspected and passed in an official establishment shall be marked at the time of inspection with the official inspection legend containing the number of the official establishment.

b) Except as provided otherwise in this part, each primal part of a carcass, the beef cod fat and beef kidney fat, and each liver, beef tongue and beef heart which has been inspected and passed shall be marked with the official inspection legend containing the number of the official establishment before it leaves the establishment in which it is first inspected and passed, and each other inspected and passed product susceptible of marking shall be

marked with the official inspection legend containing the number of the office establishment where it was last prepared: Provided, that products need not be so marked if packed in properly labeled immediate containers in accordance with the regulations in 40-10-1-19 of this chapter. Additional official marks of inspection may be applied to such products as desired to meet local conditions. Primal parts are the wholesale cuts of carcasses as customarily distributed to retailers. The round, flank, loin, rib, plate, brisket, chuck, and shank are primal parts of beef carcasses. Veal, mutton, and goat primal parts are the leg, flank, loin, rack, breast, and shoulder. The ham, belly, loin, shoulder, and jowl are pork primal parts. Equine primal parts are the round, flank, loin, rib, plate, brisket, chuck and shank.

c) Beef livers shall be marked with the official inspection legend containing the number of the official establishment at which the cattle involved were slaughtered, on the convex surface of the thickest portion of the organ.

d) Inspected and passed parts of carcasses which are not marked with the official inspection legend under this section shall not enter any official establishment or be sold, transported, or offered for sale or transportation, in commerce, except as provided in 40-10-1-18.

10) Marking of meat food products with official inspection legend and ingredient statement:

a) Inspected and passed sausage and other products in casings or in link form, of the ordinary "ring" variety or larger shall be marked with the official inspection legend and list of ingredients in accordance with 40-10-1-19 of this chapter. The official marks required by this section shall be branded near each end of sausage or similar product prepared in casings when the product is of a size larger than that customarily sold at retail intact.

b) Inspected and passed sausage and other products, in casings or link form, of the smaller varieties, shall bear one or more official inspection legends and one or more lists of ingredients on each 2 pounds of product, except where such products leave the official establishment completely enclosed in properly labeled containers having a capacity of 10 pounds or less and containing a single kind of product: Provided, That such products in properly labeled closed containers exceeding 10 pounds shipped to another official establishment for further processing or to a governmental agency, needs only have the official inspection legend and list of ingredients shown twice throughout the contents of the container. When such products are shipped to another official establishment for further processing, the officer in charge at the point of origin shall identify the shipment to the officer in charge at destination.

c) The list of ingredients may be applied by stamping, printing, using paper bands, tags, or tissue strips, or by other means approved by the Commissioner.

d) All cured products shall be marked with the list of ingredients in accordance with Part 40-10-1-.19 of this subchapter.

11) Special markings for certain meat food products:

a) Meat food products, in casings or link form, other than sausage, which possess the characteristics of, or resemble sausage, shall bear on each link or piece the word "imitation" prominently displayed: Provided, That the following need not be so marked if they bear on each link or piece the name of the product in accordance with 40-10-1-.19 (2) of this chapter: Such products as coppa, capocollo, lachschinken, bacon, pork loins, pork shoulder butts, and similar cuts of meat which are prepared without added substances other than curing materials or condiments; meat rolls, bockwurst and similar products which do not contain cereal or vegetables; headcheese, souse, sulze, scrapple, blood pudding, and liver pudding; and other products such as loaves, chili con carne,

and meat and cheese products when prepared with sufficient cheese to give definite characteristics to the finished products: And provided further, that imitation sausage packed in properly labeled containers having a capacity of 3 pounds or less and of a kind usually sold at retail intact, need not bear the word "imitation" on each link or piece if no other marking or labeling is applied directly to the product.

b) When cereal, vegetable, starch, starchy vegetable flour, soy flour, soy protein concentrate, isolated soy protein, dried milk, nonfat dry milk, or calcium reduced dried skim milk is added to sausage in casing or link form within the limits prescribed in 40-10-1-.19 of this chapter, the product shall be marked with the name of each added ingredient, as for example, "cereal added," "potato flour added," "cereal and potato flour added," "soy flour added," "isolated soy protein added," "nonfat dry milk added," "calcium reduced dried skim milk added," or "cereal and nonfat dry milk added," as the case may be.

c) 1. When product is placed in a casing to which artificial coloring is thereafter applied, as permitted in 40-10-1-.20 of this chapter, the product shall be legibly and conspicuously marked by stamping or printing on the casing the words "artificially colored."

2. If a casing is removed from product at an official establishment and there is evidence of artificial coloring on the surface of the product, the product from which the casing has been removed shall be marked by stamping directly thereon the words "artificially colored."

3. The casing containing product need not be marked to show that it is colored if it is colored prior to its use as a covering for the product, and the coloring is of a kind and so applied as not to be transferable to the product and not to be misleading or deceptive in any respect.

d) When an approved artificial smoke flavoring or an approved smoke flavoring is added to any meat food product such as permitted in 40-10-1-.20 of this chapter, the product shall be legibly and conspicuously marked with the words "Artificial Smoke Flavoring Added," whichever may be applicable.

e) Subject to the provisions in paragraph (a) of this section, in the case of sausage of the smaller varieties, the markings prescribed in this section may be limited to links bearing the official inspection legend, and such markings shall not be required if the sausages are packed in properly labeled containers having a capacity of 3 pounds or less and of a kind usually sold at retail intact. Further, all markings otherwise required by this section (except those required by paragraph (a) of this section) may be omitted from the casings of sausage and other meat food products when these products are to be processed in sealed metal containers properly labeled in accordance with the requirements in 40-10-1-.19 of this chapter.

f) When an approved antioxidant is added to any meat food product as permitted in 40-10-1-.20 and .21 of this chapter, the products shall be legibly and conspicuously marked in an approved manner identifying the specific antioxidant used by its common name or approved abbreviation and the purpose for which it is added, such as "BHA, BHT, and Propylgallate" added to help protect flavor.

g) Sausage of the dry varieties treated with potassium sorbate or propylparaben (propyl p-hydroxybenzoate) as permitted by 40-10-1-.20 of this chapter shall be marked as prescribed in 40-10-1-.19 (8)(b) 28. of this chapter.

12) Reserved.

13) Marking of outside containers:

a) Except as provided in this chapter, when any inspected and passed product for domestic commerce is moved from an official establishment, the outside container shall bear an official inspection legend as prescribed in 40-10-1-.14 of this chapter.

b) When any product prepared in an official establishment for domestic commerce has been inspected and passed and is enclosed in a cloth or other wrapping, such wrapping shall bear the official inspection legend and official establishment number applied by the approved 2 1/2-inch rubber brand in the form prescribed in 40-10-1-.14 of this chapter: Provided, That the rubber brand may be omitted if the official inspection legend and the official establishment number on the product itself are clearly legible through the wrapping or the wrapping is labeled in accordance with 40-10-1-.19 of this chapter: Provided further, that plain unprinted wrappings, such as stockinettes, cheese cloth, paper and crinkled paper bags, for properly marked products, which are used solely to protect the product against soiling or excessive drying during transportation or storage need not bear the official inspection legend.

c) Reserved.

d) Slack barrels used as outside containers of products shall have a cloth or paper top covering branded with the official inspection legend containing the official establishment number which shall be applied in such a manner that removal of the covering results in defacing such official inspection legend.

e) The outside containers of any product which has been inspected and passed for cooking, pork which has been refrigerated as provided in 40-10-1-.20 (10) (c) of this chapter, and beef which has been inspected and passed for refrigeration shall bear the markings and tag prescribed elsewhere in this chapter.

f) The outside container of glands and organs which are not used

for human food purposes shall be plainly marked with the phrase "For pharmaceutical purposes," "For organotherapeutic purposes" or "For technical purposes", as appropriate, with no reference to inspection, and need not bear other markings otherwise required under the regulations in this chapter.

g) Approval in accordance with 40-10-1-.19 (3) of this chapter is not required by labeling information which is not false or misleading and is in accordance with 40-10-1-.19 (2) of this chapter if it is applied by stencils, box dies, other marking devices or labels on outside containers such as tierces, crates, barrels, drums, boxes and fiberboard containers, and if the information is approved by the officer in charge and does not contain any official inspection legends and if the containers on which it is to be used will bear all labels and markings required by 40-10-1-.19 (2) of this chapter and other provisions of this part and 40-10-1.19 of this chapter.

h) The outside containers of condemned livers shall be marked as prescribed in 40-10-1-.16 (10) of this chapter.

i) The outside containers of any equine product shall be marked to show the kinds of animals from which derived, when the products are sold, transported, offered for sale or transported or received for transportation in commerce.

14) Marking tank cars and tank trucks used in transportation of edible products:

a) Each tank car and each tank truck carrying inspected and passed product from an official establishment shall bear a label containing the name of the product in accordance 40-10-1-.19 (2) of this chapter, the official inspection legend containing the number of the official establishment and the words "date of loading," followed by a suitable space in which the inspector shall insert the date when the tank car or truck is loaded. The label shall

be conspicuously located and shall be printed on material of such character and so affixed as to preclude detachment or effacement upon exposure to the weather. Before the car or truck is removed from the place where it is unloaded, the carrier shall remove or obliterate such label.

b) Tank cars and tank trucks carrying inspected and passed product from an official establishment to another official establishment shall be equipped for sealing and securely sealed by a Program employee with an official seal of the Department bearing the official inspection legend as prescribed by 40-10-1-.14 of this chapter.

15) Marking outside containers of inedible grease, etc.:

a) Outside containers of inedible grease, inedible tallow, or other inedible animal fat, or mixture of any such articles, resulting from operations at any official establishment shall be marked conspicuously with the word "inedible" prior to removal from the point of filling. Containers, such as tierces, barrels, and half barrels shall have both ends painted white with durable paint, if necessary, to provide a contrasting background, and the word "inedible" shall be marked thereon in letters not less than 2 inches high, while on tank cars and tank trucks the letters shall be not less than 4 inches high.

b) Inspected rendered animal fat which is intended not to be used for human food may also be marked "inedible" if handled as provided in paragraph (a) of this section and 40-10-1-.16 of this chapter.

16) Custom prepared products to be marked "Not for Sale." Carcasses and parts therefrom that are prepared on a custom basis under 40-10-1-.04 (1) (a) 2. of this chapter shall be marked at the time of preparation with the term "Not for Sale" in letters at least three eighths inch in height, except that such products need not be

so marked if in immediate containers properly labeled in accordance with the regulations in 40-10-1-.19 (16) of this chapter. Ink used for marking such products must comply with the requirements of 40-10-1-.18 (5).

Authority O.C.G.A. § 26-2-80

40-10-1-.19 Labeling, Marking Devices, and Containers. Amended.

1) Labels required; supervision by Program Employee.

a) When, in an official establishment, any inspected and passed product is placed in any receptacle or covering constituting an immediate container, there shall be affixed to such container a label as described in 40-10-1-.19 (2) except that the following do not have to bear such a label.

1. Wrappings of dressed carcasses and primal parts in an unprocessed state, bearing the official inspection legend, if such wrappings are intended solely to protect the product against soiling or excessive drying during transportation or storage, and the wrappings bear no information except company brand names, trade marks, or code numbers which do not include any information required by 40-10-1-.19 (2).

2. Uncolored transparent coverings, such as cellophane, which bear no written, printed or graphic matter and which enclose any unpackaged or packaged product bearing all markings required by 40-10-1-.18 of this chapter which are clearly legible through such coverings;

3. Animal and transparent artificial casings bearing only the markings required by 40-10-1-.18 of this chapter.

4. Stockinettes used as "operating devices", such as those applied

to cured meats in preparation for smoking, whether or not such stockinettes are removed following completion of the operations for which they are applied;

5. Containers such as boil-in bags, trays of frozen dinners, and pie pans which bear no information except company brand names, trademarks, code numbers, directions for preparation and serving suggestions, and which are enclosed in a consumer size container that bears a label as described in 40-10-1-.19 (2).

6. Containers of products passed for cooking or refrigeration and moved from an official establishment under 40-10-1-.13(1) of this chapter.

b) Folders and similar coverings made of paper or similar materials which do not completely enclose the product and which bear any written, printed, or graphic matter shall bear all features required on a label for an immediate container.

c) No covering or other container which bears or is to bear a label shall be filled, in whole or part, except with product which has been inspected and passed in compliance with the regulations in this chapter, which is not adulterated and which is strictly in accordance with the statements on the label. No such container shall be filled, in whole or part, and no label shall be affixed thereto, except under the supervision of a Program employee.

2) Labels: definitions; required features.

a) A label within the meaning of this part shall mean a display of any printing, lithographing, embossing, stickers, seals, or other written printed or graphic matter upon the immediate container (not including package liners) of any product.

b) Any word, statement, or other information required by this part to appear on the label must be prominently placed thereon with

such conspicuousness (as compared with other words, statements, designs or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use. In order to meet this requirement such information must appear on the principal display panel except as otherwise permitted in this part.

c) Labels of all products shall show the following information on the principal display panel (except as otherwise permitted in this part), in accordance with the requirements of this part or, if applicable, 40-10-1-.21 of this chapter:

1. The name of the product, which in the case of a product for which a definition and standard of identity or composition is prescribed in 40-10-1-.21 of this chapter, shall be the name, if any, of the food specified in the standard, and otherwise shall be the common or usual name of the food, if any there be, and if there is none a truthful descriptive designation;
2. The word "ingredients" followed by a list of the ingredients if the product is fabricated from two or more ingredients;
3. The name and place of business of the manufacturer, packer or distributor for whom the product is prepared;
4. An accurate statement of the net quantity of the contents;
5. An official inspection legend and, except as otherwise permitted in paragraph (i) of this section, the number of the official establishment, in the form as required by 40-10-1-.14 of this chapter.
6. Any other information required by the regulations in this part or part 40-10-1-.21 of this chapter.

d) The principal display panel shall be the part of a label that is

most likely to be displayed, presented, shown, or examined under customary conditions of display for sale. Where packages bear alternate principal display panels, information required to be placed on the principal display panel shall be duplicated on each principal display panel. The principal display panel shall be large enough to accommodate all the mandatory label information required to be placed thereon by this part and 40-10-1-.21 of this chapter with clarity and conspicuousness and without obscuring of such information by designs or vignettes or crowding. In determining the area of the principal display panel, exclude tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles or jars. The principal display panel will be:

1. In the case of a rectangular package, one entire side, the area of which is at least the product of the height times the width of that side;
 2. In the case of a cylindrical or nearly cylindrical container:
 - i) An area that is 40 percent of the product of the height of the container times the circumference of the container; or (ii) an area at least one-third of the product of the height times the circumference of the container; if immediately to the right or left of, such area, there is an area reserved for information prescribed in paragraph (c) 2., 3., and 5. of this section, equal to not more than 20 percent of the circumference.
 3. In the case of a container of any other shape, 40 percent of the total surface of the container.
- e) Any descriptive designation used as a product name for a product which has no common or usual name shall clearly and completely identify the product. Product which has been prepared by salting, smoking, drying, cooking, chopping, or otherwise shall be so described on the label unless the name of the product implies, or the manner of packaging shows that the product was

subjected to such preparation. The unqualified terms "meat," "meat byproduct," "meat food product," and terms common to the meat industry but not common to consumers such as "picnic butt," "cala," "square loaf," "spread," "delight," "roll," "plate luncheon," and "daisy" shall not be used as names of a product unless accompanied with terms descriptive of the product or with a list of ingredients, as deemed necessary in any specific case by the Commissioner in order to assure that the label will not be false or misleading.

f) 1. On containers of frozen dinners, entrees, pizzas and similarly packaged products in cartons, the ingredient statement may be placed on the front riser panel; Provided, That the words "see ingredients" followed immediately by an arrow is placed on the principal display immediately above the location of such statement: Provided further, That such front riser panel is used solely to show the ingredient statement.

2. The list of ingredients shall show the common or usual names of the ingredients arranged in the descending order of predominance, except as otherwise provided in this paragraph.

i) The term "flavorings" may be used to designate natural spices, essential oils, oleoresins, and other natural spice extractives, and the term "spices" may be used to designate natural spices, without naming each.

ii) The term "corn syrup" may be used to designate either corn syrup or corn syrup solids.

iii) The term "animal and vegetable fats" or "vegetable and animal fats" may be used to designate the ingredients of mixtures of such edible fats in product designated "compound" or "Shortening". "Animal fats" as used herein means fat derived from inspected and passed cattle, sheep, swine or goats.

iv) When a product is coated with pork fat, gelatin, or other approved substance and a specific declaration of such coating appears contiguous to the name of the product, the ingredient statement need not make reference to the ingredients of such coating.

v) When two meat ingredients comprise at least 70 percent of the meat and meat byproduct ingredients of a formula and when neither of the two meat ingredients is less than 30 percent by weight of the total meat and meat byproducts used, such meat ingredients may be interchanged in the formula without a change being made in the ingredients statement on labeling materials, provided that the word "and" in lieu of a comma shall be shown between the declaration of such meat ingredients in the statement of ingredients.

g) Name and Address required.

1. The name of the person that prepared the product or the name of the operator of the official establishment where the product is prepared by a subsidiary or tenant of the operator may appear as the name of the manufacturer or packer without qualification on the label. Otherwise the name of the distributor of the product shall be shown with a phrase such as "Prepared for or "Distributed by -- - ----- The place of business of the manufacturer, packer, or distributor shall be shown on the label by city, State, and postal zip code when such business is listed in a telephone or city directory and if not listed in such directory the place of business shall be shown by street address, city, State, and postal zip code.

2. The name and place of business of the manufacturer, packer, or distributor may be shown:

i) On the principal display panel, or

ii) On the 20 percent panel adjacent to the principal display panel

reserved for required information, or

iii) On the front riser panel of frozen food cartons.

h) Statement of net quantity

1. The statement of net quantity of contents shall appear on the principal display panel in easily legible and conspicuous bold-face print or type in distinct contrast to other matter on the package and shall be declared in accordance with the provisions of subparagraphs 1. through 9. of this paragraph (h).

2. The statement as it is shown on a label shall not be false or misleading and shall accurately reveal the quantity of food in the package exclusive of wrappers and packing substances. For example, when any product is enclosed in a container along with a packing substance such as brine, vinegar, or agar jelly, the statement of the quantity of contents shall represent the weight of the drained product when removed from the container, to the exclusion of the packing substance. Unless the statement of net quantity of contents is so qualified as to show that it expresses the minimum quantity, it shall be taken to express the actual quantity. When the statement expresses the minimum quantity, no variation below the stated minimum shall be permitted, and variations above the .stated minimum shall be no greater than consistent with filling the container to the stated minimum in accordance with good commercial practice. When the statement purports to express actual quantity, variations incident to packaging in accordance with good commercial practice as set forth in the Manual of Meat Inspection procedures shall be allowed but the average net weight of the packages in each lot, determined on the basis of representative samples, shall not be less than the quantity stated.

3. The statement shall be placed on the principal display panel within the bottom 30 percent of the area of the panel in lines - generally parallel to the base: Provided: That on packages having a

principal display panel of 5 square inches or less, the requirement for placement within the bottom 30 percent of the area of the label panel shall not apply when the statement meets the other requirements of this paragraph (h). The declaration may appear in more than one line. The terms "net weight" or "Net Wt." shall be used when stating the net quantity of contents in terms of weight, and the term "net contents" when stating the net quantity of contents in terms of fluid measure.

4. The statement shall be expressed in terms of avoirdupois weight or liquid measure. Where no general consumer usage to the contrary exists, the statement shall be in terms of liquid measure, if the product is liquid; or in terms of weight, if the product is solid, semisolid, viscous, or a mixture of solid and liquid. For example a declaration of 3/4 pound avoirdupois weight shall be expressed as "Net Wt. 12 oz." except as provided for in subparagraph 5. of this paragraph for random weight packages; a declaration of 1 1/2 pounds avoirdupois weight shall be expressed as "Net Wt. 24 oz. (1 lb. 8 oz.)," "Net Wt. 24 oz. (1 1/2 lb.)," or "Net Wt. 24 oz. (1.5 lbs.)."

5. On packages containing 1 pound or 1 pint and not more than 4 pounds or 1 gallon, the statement shall be expressed as a dual declaration both in ounces and (immediately thereafter in parenthesis) in pound, with any remainder in terms of ounces or common or decimal fraction of the pound, or in the case of liquid measure, in the largest whole units with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart, except that on random weight packages the statement shall be expressed in terms of pounds and decimal fractions of the pound carried out to not more than two decimal places, for packages over 1 pound, and for packages which do not exceed 1 pound, the statement may be in decimal fractions of the pound in lieu of ounces.

6. The statement shall be in letters and numerals in type size

established in relationship to the area of the principal display panel of the package and shall be uniform for all packages of substantially the same size by complying with the following type size specifications:

i) Not less than one-sixteenth inch in height on packages, the principal display panel of which has an area of 5 square inches or less;

ii) Not less than one-eighth inch in height on packages, the principal display panel of which has an area of more than 5 but not more than 25 square inches;

iii) Not less than three-sixteenths inch in height on packages, the principal display panel of which has an area of more than 25 but not more than 100 square inches;

iv) Not less than one-quarter inch in height on packages, the principal display panel of which has area of more than 100 but not more than 400 square inches;

v) Not less than one-half inch in height on packages, the principal display panel of which has an area of more than 400 square inches.

7. The ratio of height to width of letters and numerals shall not exceed a differential of 3 units to 1 unit (no more than 3 times as high as it is wide). Heights pertain to upper case or capital letters. When upper case and lower case or all lower case letters are used, it is the lower case letter "o" or its equivalent that shall meet the minimum standards. When fractions are used, each component numeral shall meet one-half the height standards.

8. The statement shall appear as a distinct item on the principal display panel and shall be separated by a space at least equal to the height of the lettering used in the statement from other printed label information appearing above or below the statement and by a

space at least equal to twice the width of the letter "N" of the style of type used in the quantity of contents statement from other printed label information appearing to the left or right of the statement. It shall not include any term qualifying a unit of weight, measure, or count such as "jumbo quart", "full gallon", "giant quart" "when packed" "Minimum" or words of similar import.

9. The following exemptions from the requirements contained in this paragraph (h) are hereby established:

i) Individually wrapped and labeled packages of less than 1/2 ounce net weight shall be exempt from the required statement of net quantity of contents specified in this paragraph (h) when the statement of net quantity of contents on the shipping container meets the requirements of this paragraph (h);

ii) Random weight packages bearing labels declaring net price, price per pound, and total price, shall be exempt from the type size, dual declaration and placement requirements of this paragraph (h), if an accurate statement of net weight is shown conspicuously on the principal display panel of the package;

iii) Reserved.

iv) Sliced shingle packed bacon in rectangular packages containing 8 ounces, 1 pound, or 2 pounds are exempt from the requirements of paragraphs (3) and (5) of this paragraph regarding the placement of the statement of the net quantity of contents within the bottom 30 percent of the principal display panel and that the statement be expressed both in ounces and in pounds if the statement appears as "8 oz." "1/2 pound", "1 pound", "one pound" "2 pounds" or "two pounds", as the case may be, in a conspicuous manner on the principal display panel.

10. Labels for containers which bear any representation as to the

number of servings contained therein shall bear, contiguous to such representation, and in the same size type as is used for such representation, a statement of the net quantity of each serving.

11. As used in this section a "random weight package" is one which is one of a lot, shipment, or delivery of packages of the same product with varying weights and with no fixed weight pattern.

12. On a multi unit retail package, a statement of the net quantity of contents shall appear on the outside of the package and shall include the number of individual units, the quantity of each individual unit and, in parentheses, the total net quantity of contents of the multiunit package in terms of avoirdupois or fluid ounces, except that such declaration of total quantity need not be followed by an additional parenthetical declaration in terms of the largest whole units and subdivisions thereof, as required by subparagraph 5. of this paragraph. For the purposes of this section, "multiunit retail package" means a package containing two or more individually packaged units of the identical commodity and in the same quantity, with the individual packages intended to be sold as part of the multiunit retail package but capable of being individually sold in full compliance with all requirements of the regulations in this part. Open multiunit retail packages that do not obscure the number of units and the labeling thereon are not subject to this paragraph if the labeling of each individual unit complies with the requirements of subparagraph 2. 3. 6. and 8. of this paragraph.

13. Shingle packed sliced bacon cartons containing product weighing other than 8 ounces, 1 pound, or 2 pounds shall have the statement of the quantity of contents shown with the same prominence as the most conspicuous feature on the label and printed in a color of ink contrasting sharply with the background.

i) Establishment number

1. The establishment number shall be either embossed or lithographed on all hermetically sealed containers of inspected and passed product filled in an official establishment, except that such containers which bear labels lithographed directly on the container and in which the establishment number is incorporated need not have the establishment number separately embossed or lithographed thereon. Labels shall not be affixed to containers so as to obscure the embossed or lithographed establishment number.
2. When any product is placed in a carton or wrapper of paper or cloth or in any other type of container approved by the Commissioner, which is labeled in accordance with this part, the official inspection legend and the establishment number as specified in paragraph (c) of this section, may be applied by means of a sticker to be securely and prominently affixed, along with the name of product, at a place on the label reserved and designated for the purpose. In case there are two or more display panels featuring the name of product, the inspection sticker shall be affixed to the principal panel.
3. The official establishment number may be omitted from the official inspection legend on cartons used as outer containers of edible fats, such as lard and oleomargarine, when such products are enclosed in wrappers which bear an official inspection legend containing the official establishment number.
4. The official establishment number may be omitted from the official inspection legend on the immediate containers of sliced bacon, frozen dinners and pies, and similarly packaged products when the official establishment number is placed on an end panel at the time of packaging and when it is presented on a single colored background in a prominent and legible manner in a size sufficient to insure easy recognition.
5. The official establishment number may be omitted from the

official inspection legend on consumer size packages of sliced meat food products when the official establishment number is printed on the label at the time of packaging and when it is presented on a single colored background in a prominent and legible manner in a size sufficient to insure easy recognition.

6. The official establishment number may be omitted from the official inspection legend on consumer size containers of meat food products in aluminum pans or trays when the official establishment number is embossed in such pans or trays and when a statement such as "Est. No. on Pan" is placed contiguous to the official inspection legend on the container.

7. The official-establishment number may be omitted from the official inspection legend printed on artificial casings or bags enclosing meat food products when the official establishment number is etched in ink on a flat surface of a metal clip used to close the container in a prominent and legible manner in a size sufficient to insure easy recognition and when a statement, such as, "Est. No. on Metal Clip" is placed contiguous to the official inspection legend on the casing or bag.

8. The official establishment number may be omitted from the official inspection legend printed on paper labels of canned products when the official establishment number is printed on the principal display panel at the time of labeling the container, or the official establishment number may be printed on the back of the paper label when the statement "Est. No. on Back of Label" is printed contiguous to the official legend, in a prominent and legible manner in a size sufficient to insure easy recognition.

j) Labels of any product within any of the following paragraphs shall show the information required by such paragraph for such product:

1. A label for product which is in imitation of another food shall

bear the word "imitation" immediately preceding the name of the food imitated and in the same size and style of lettering as in that name and immediately thereafter the word "ingredients" and the names of the ingredients arranged in the order of their predominance. This subparagraph 1. shall not apply to any part of a carcass, however prepared.

2. If a product purports to be or is represented for any special dietary use by man, its label shall bear a statement concerning its vitamin, mineral, and other dietary properties upon which the claim for such use is based in whole or in part and shall be in conformity with regulations (21 CFR Part 125) established pursuant to sections 201, 403, and 701 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321, 343, 371).

3. When an approved artificial smoke flavoring or an approved smoke flavoring is added to meat food products, as permitted in 40-10-1-.20 of this chapter, there shall appear on the label, in prominent letters and contiguous to the name of the product, a statement such as "Artificial Smoke Flavoring Added" or "Smoke Flavoring Added," as may be applicable, and the ingredient statement shall identify any artificial smoke flavoring as such.

4. When any other artificial flavoring is added to product as permitted under 40-10-1-.20 of this chapter, there shall appear on the label in prominent letters and contiguous to the name of the product, the words "Artificially flavored" or "Artificial flavoring added" or "With added artificial flavoring." The ingredient statement shall identify it as an artificial flavoring.

5. Artificial coloring of edible fats shall be declared on the label in a prominent manner and contiguous to the name of the product by the words "Artificially colored" or "Artificial coloring added" or "With added artificial coloring."

6. When product is placed in a casing to which artificial coloring

is applied, as permitted under 40-10-1-.20 of this chapter, there shall appear on the label, in a prominent manner and contiguous to the name of the product the words "Artificially colored."

7. If a casing is removed from product at an official establishment and there is evidence of artificial coloring on the surface of the product, there shall appear on the label, in a prominent manner and contiguous to the name of the product, the words, "Artificially colored."

8. When a casing is colored prior to its use as a covering for product and the color is not transferred to the product enclosed in the casing, no reference to color need appear on the label but no such casing may be used if it is misleading or deceptive with respect to color, quality, or kind of product, or otherwise.

9. Product which bears or contains any other artificial coloring, as permitted under 40-10-1-.19 of this chapter, shall bear a label stating that fact on the immediate container or if there is none on the product.

10. When an antioxidant is added to product as permitted under 40-10-1-.20 of this chapter, there shall appear on the label in prominent letters and contiguous to the name of the product, a statement showing that fact and the purpose for which it is added, such as "oxygen interceptor added to improve stability."

11. Reserved.

12. Containers of other product packed in or bearing or containing any chemical preservative shall bear a label stating that fact.

k) Packaged products which require special handling to maintain their wholesome condition shall have prominently displayed on the principal display panel of the label, the statement "Keep refrigerated" or "Perishable keep under refrigeration..... Keep

frozen," or such similar statement as the Commissioner may approve. For such canned products the statement shall be shown in upper case letters one-fourth inch in height for containers having a net weight of 3 pounds or less, and for containers having a net weight over 3 pounds the statement shall be shown in letters one half inch in height.

3) Approval of abbreviations of marks of inspection; preparation of marking devices bearing inspection legend without advance approval prohibited; exception.

a) The Commissioner may approve and authorize the use of abbreviations of marks of inspection under the regulations of this chapter. Such abbreviations shall have the same force and effect as the respective marks for which they are authorized abbreviations.

b) Except for the purpose of submitting a sample or samples of the same to the Commissioner for approval, no person shall procure, make, or prepare, or cause to be procured, made, or prepared, labels, brands, or other marketing devices bearing the inspection legend or any abbreviations, copy or representation thereof, for use on any product without the written authority therefor of the Commissioner. However, when any sample label, brand, or other marking device is approved by the Commissioner, new supplies of such labels and new brands and other marking devices of a character exactly similar to such approved sample may be procured, made, or prepared, for use in accordance with the regulations in this chapter, without further approval by the Commissioner.

4) Labels to be approved by Commissioner.

a) Except as provided in paragraph (d) of this section no label shall be used on any product until it has been approved in its final form by the Commissioner. For the convenience of the

establishment sketches or proofs of new labels may be submitted in triplicate through the officer in charge to the Program for approval and the preparation of finished labels deferred until such approval is obtained: All finished labels shall be submitted in triplicate through the officer in charge to the Program for approval.

b) In case of lithographed labels, paper takeoffs in lieu of sections of the metal containers shall be submitted for approval. Such paper takeoffs shall not be in the form of a negative but shall be a complete reproduction of the label as it will appear on the package, including any color scheme involved. In case of fiber containers, printed layers, such as the kraft paper sheet, shall be submitted for approval in lieu of the complete container.

c) Inserts, tags, liners, pasters, and like devices containing printed or graphic matter and for use on, or to be placed within, containers and coverings of product shall be submitted for approval in the same manner as provided for labels in paragraph (a) of this section, except that officers in charge may permit use of such devices which contain no reference to product and bear no misleading feature.

d) Stencils, labels, box dies, and brands may be used on shipping containers and on such immediate containers as tierces, barrels, drums, boxes, crates, and large-size fiberboard containers provided the markings are applicable to the product, are not false or deceptive, and are used with the approval of the officer in charge. The inspection legend for use in combination with such markings shall be approved by the Commissioner.

5) Officer in charge to permit certain modifications of approved labels. The officer in charge may permit modification of approved labels or markings, under the following circumstances, provided the labeling or markings as modified is so used as not to be false or misleading:

- a) When all features of the label or marking are proportionately enlarged and the color scheme remains the same.
- b) When changes are made in the figures denoting the quantity of contents or when there is substitution of such abbreviations as "lb." for pound, or "oz." for ounce, or the word "pound" or "ounce" is substituted for the abbreviation;
- e) When a master or stock label is approved, from which the name and address of the distributor are omitted and such name and address are applied before being used, the words "prepared for" or similar statement must be shown together with the blank space reserved for the insertion of the name and address when such labels are offered for approval;
- d) When, during Christmas and other holiday seasons, wrappers or other covers bearing floral or foliage designs or illustrations of rabbits, chicks, fireworks, or other emblematic holiday designs are used with approved labels or markings. The use of such designs will not make necessary the application of labeling not otherwise required;
- e) When there is a slight change in arrangement pertaining to the opening of cans or the serving of the product;
- f) When there is a change in the quantity of an ingredient shown in the formula without a change in the order of predominance shown on the label: Provided, that the change in quantity of ingredients complies with any minimum or maximum limits for the use of such ingredients prescribed in 40-10-1-.20 and 40-10-1-.21 of this chapter.
- 6) Approved labels to be used only on products to which they are applicable. Labels shall be used only on products for which they are approved, and only if they have been approved for such products in accordance with 40-10-1-.18 (3): Provided, That

existing stocks of labels approved prior to the effective date of this section and which bear the official inspection legend and all other information required by subparagraph (3) and subparagraphs (5) through (11) of paragraph 1 (K) of the Act and comply with subparagraphs (1) and (2) of paragraph 1 (K) of the Act, and the quantity of which has been identified to the officer in charge as being in storage on said date at the official establishment or other identified warehouse for the account of the operator of the official establishment, may be used until such stocks are exhausted, but not later than 6 months after the effective date of this section unless such labels conform to all the requirements of this part and 40-10-1-.20 of this chapter. The Commissioner may upon the show of good cause grant individual extension of time as he deems necessary.

7) Reserved.

8) Misleading or false labeling or practices generally; specific prohibitions and requirements for labels and containers:

a) No product or any of its wrappers, packaging or other containers shall bear any false or misleading marking, label or other labeling and no statement, word, picture, design, or device which conveys any false impression or gives any false indication of origin or quality or is otherwise false or misleading shall appear in any marking or other labeling. No product shall be wholly or partly enclosed in any wrapper, packaging or other container that is so made, formed, or filled as to be misleading.

b) The labels and container of products shall comply with the following provisions, as applicable.

1. Terms having geographical significance with reference to a locality other than that in which the product is prepared may appear on the label only when qualified by the word "style," "type" or "brand," as the case may be, in the same size and style of

lettering as in the geographical term, and accompanied with a prominent qualifying statement identifying the country, State, Territory, or locality in which the product is prepared, using terms appropriate to effect the qualification. When the word "style" or "type" is used, there must be a recognizable style or type of product identified with and peculiar to the area represented by the geographical term and the product must possess the characteristics of such style or type, and the word "brand" shall not be used in such a way as to be misleading: Provided, That a geographical term which has come into general usage as a trade name and which has been approved by the Commissioner as being a generic term may be used without the qualifications provided for in this paragraph. The terms "frankfurter," "vienna," "bologna," "lebanon bologna," "braunschweiger," "thuringer," "genoa," "leona," "Berliner," "Holstein," "goteborg," "milan," "polish," and their modifications, as applied to sausages, the terms "brunswick" and "irish" as applied to stews, and the term "Boston" as applied to pork shoulder butts need not be accompanied with the word "style," "type," or "brand," or a statement identifying the locality in which the product is prepared.

2. Such terms as "farm" or "country" shall not be used on labels in connection with products unless such products are actually prepared on the farm or in the country: Provided: That if the product is prepared in the same way as on the farm or in the country, these terms, if qualified by the word "style" in the same size and style of lettering, may be used: Provided further, That the term "farm" may be used as part of a brand designation when qualified by the word "brand" in the same size and style of lettering, and followed with a statement identifying the locality in which the product is prepared. Sausage containing cereal shall not be labeled "farm style" or "country style", and lard not rendered in an open kettle shall not be designated as "farm style" or "country style."

3. The requirement that the label shall contain the name and place

of business of the manufacturer, packer, or distributor shall not relieve any establishment from the requirement that its label shall not be misleading in any particular.

4. The term "spring lamb" or "genuine spring lamb" is applicable only to carcasses of new-crop lambs slaughtered during the period beginning March and terminating not beyond the close of the week containing the first Monday in October.

5. Coverings:

i) Coverings shall not be of such color, design, or kind as to be misleading with respect to color, quantity, or kind of product to which they are applied. For example, transparent or semitransparent coverings for such articles as sliced bacon or pork sausage shall not bear lines or other designs of red or other color which give a false impression of leanness of the product. Transparent or semitransparent wrappers or coverings for use in packaging cured, cured and smoked, or cured and cooked sausage products, and sliced ready-to-eat meat food products may be color tinted or bear red designs on 50 percent of such wrapping or covering: Provided, that the principal display panel is free of color tinting and red designs; Provided further, that the principal display panel provides at least 20 percent unobstructed clear space, consolidated in one area so that the true nature and color of the product is visible to the consumer.

ii) Packages for sliced bacon that have a transparent opening shall be designed to expose, for viewing, the cut surface of a representative slice. Packages for sliced bacon which meet the following specifications will be accepted as meeting the requirements of this subparagraph provided the enclosed bacon is positioned so that the cut surface of the representative slice can be visually examined:

1) For shingled-packed sliced bacon, the transparent window shall

be designed to reveal at least 70 percent of the length (longest dimension) of the representative slice, and this window shall be at least 1/2 inches wide. The transparent window shall be located not more than five-eighths inch from the top or bottom edge of a 1-pound or smaller package and not more than three-fourths inch from either the top or bottom edge of a package larger than 1 pound.

11) For stack-packed sliced bacon, the transparent window shall be designed to reveal at least 70 percent of the length (longest dimension) of the representative slice and be at least 1 1/2 inches wide.

6. The word "fresh" shall not be used on labels to designate product which contains any sodium nitrate, sodium nitrite, potassium nitrate, or potassium nitrite, or which has been salted for preservation.

7. No ingredient shall be designated on the label as a spice, flavoring, or coloring unless it is a spice, flavoring, or coloring, as the case may be, within the meaning of such term as commonly understood by consumers. The term "spice" shall be shown for all natural spices. An ingredient which is both a spice and a coloring, or both a flavoring and a coloring, shall be designated as "spice and coloring," or "flavoring and coloring", as the case may be unless such ingredient is designated by its specific name.

8. As used on labels of product, the term "gelatin" shall mean the jelly prepared in official establishments by cooking pork skins, tendons, or connective tissue from inspected and passed product, and dry commercial gelatin or the jelly resulting from its use.

9. Product (other than canned product) labeled with the term "loaf" as part of its name:

i) If distributed from the official establishment in consumer size

containers may be in any shape;

ii) If distributed in a container of a size larger than that sold intact at retail the product shall be prepared in rectangular form, or as in subdivision (iii) of this subparagraph;

iii) If labeled as an "Old Fashioned Loaf" shall be prepared in a traditional form, such as rectangular with rounded top or circular with flat bottom and rounded top.

10. The term "baked" shall apply only to product which has been cooked by the direct action of dry heat and for a sufficient time to permit the product to assume the characteristics of a baked article, such as the formation of a brown crust on the surface, rendering out of surface fat, and the caramelization of the sugar if applied. Baked loaves shall be heated to a temperature of at least 160 degrees Fahrenheit. and baked pork cuts shall be heated to an internal temperature of at least 170 degrees Fahrenheit.

11. When products such as loaves are browned by dipping in hot edible oil or by a flame, the label shall state such fact, e.g., by the words, "Browned in Hot Cottonseed Oil" or "Browned by a Flame," as the case may be, appearing as part of the name of the products.

12. The term "meat" and the names of particular kinds of meat, such as beef, veal, mutton, lamb, and pork, shall not be used in such manner as to be false or misleading.

13. The word "ham," without any prefix indicating the species of animal from which derived, shall be used in labeling only in connection with pork hams. Ham shanks as such or ham shank meat as such or the trimmings accruing in the trimming and shaping of hams shall not be labeled ham or ham meat without qualification. When used in connection with a chopped product the term "ham" or "ham meat" shall not include the skin.

14. The terms "shankless" and "hockless" shall apply only to hams and pork shoulders from which the shank or hock has been completely removed, thus eliminating the entire tibia and fibula, or radius and ulna, respectively, together with the overlying muscle, skin, and other tissue.

15. Such terms as "meat extract" or "extract of beef" without qualification shall not be used on labels in connection with products prepared from organs or other parts of the carcass, other than fresh meat than fresh meat. Extracts prepared from any parts of the carcass shall not be labeled "meat extract" but may be properly labeled with the true name of the parts from which prepared. In the case of extract in fluid form, the word "fluid" shall also appear on the label, as, for example, "fluid extract of beef."

16. When cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, isolated soy protein, dried milk, non-fat dry milk, or calcium reduced skim milk is added to sausage within the limits prescribed in 40-10-1-.20 of this chapter, there shall appear on the label in a prominent manner, contiguous to the name of the product, the name of each such added ingredient, as, for example, "Cereal Added," "With Cereal," "Potato Flour Added," "Cereal and Potato Flour Added," "Soy Flour Added," "Soy Protein Concentrate Added," "Isolated Soy Protein Added," "Nonfat Dry Milk Added," "Calcium Reduced Skim Milk Added," or "Cereal and Nonfat dry Milk Added," as the case may be.

17. When any product is enclosed in a container along with a packing substance such as brine, vinegar, or agar jelly, a declaration of the packing substance shall be printed prominently on the label in connection with the name of the product, as for example, "frankfurters packed in brine," "lamb tongue packed in vinegar," or "beef tongue packed in agar jelly," as the case may be. The packing substance shall not be used in such a manner as will

result in the container being so filled as to be misleading.

18. Leaf Lard is lard prepared from fresh leaf fat.

19. When lard or hardened lard is mixed with rendered pork fat or hardened rendered pork fat, the mixture shall be designated as "rendered pork fat" or "hardened rendered pork fat," as the case may be.

20. Oil, stearin, or stock obtained from beef or mutton fats rendered at a temperature above 170 degrees Fahrenheit. shall not be designated as "oleo oil," "oleo stearin," or "oleo stock," respectively.

21. When not more than 20 percent of beef fat, mutton fat, oleo stearin, vegetable stearin, or hardened vegetable fat is mixed with lard or with rendered pork fat, there shall appear on the label, contiguous to and in the same size and style of lettering as the name, of the product, the words "beef fat added," "mutton fat added," "oleo stearin added," "vegetable stearin," whereas the designations "vegetable fat added," as the case may be. If more than 20 percent is added, the product name shall refer to the particular animal fat or fats added. For example, "lard and beef fat." The designation "vegetable fat" is applicable to vegetable oil, vegetable stearin, or a combination of such oils and stearin, whereas the designations "vegetable oil" and "vegetable stearin" shall be applicable only to the oil and stearin, respectively, when used in meat food products.

22. Cooked, cured or pickled pigs feet, pig knuckles, and similar products, shall be labeled to show that the bones remain in the product, if such is the case. The designation "semi-boneless" shall not be used if less than 50 percent of the total weight of bones has been removed.

23. When mono glycerides, diglycerides, and/or polyglycerol

esters of fatty acids are added to rendered animal fat or a combination of such fat and vegetable fat, there shall appear on the label in a prominent manner and contiguous to the, name of the product a statement such as "With Monoglycerides and Diglycerides Added," or "With Diglycerides and Monoglycerides," or "With Polyglycerol Esters of Fatty Acids" as the case may be.

24. Colored oleomargarine or colored margarine packed for retail sale shall be in containers not exceeding one pound capacity, labeled as follows:

i) The word "oleomargarine" or "margarine" shall appear on each principal display panel of the container in type of lettering at least as large and in at least the same prominence as any other type of lettering appearing on such container;

ii) A full and accurate statement of all the ingredients contained in such oleomargarine or margarine shall be prominently and informatively displayed contiguous to the word "oleomargarine" or "margarine" wherever such word is featured on the container. The ingredients shall be shown by their common or usual name and be arranged in the order of their predominance. Collective terms such as "animal fat" and "vegetable fat" shall not be used but the specific fat, oil, or stearin shall be shown;

iii) Each part of the contents of the container shall be enclosed in a wrapper bearing the word "oleomargarine" or "margarine" in type or lettering not smaller than 20 point type;

iv) Wrapped quarter pound sticks or similar units of such oleomargarine or margarine packed together in a container may constitute units for retail sale and they shall be individually wrapped and labeled in accordance with subdivisions (i), (ii), and (iii) of this subparagraph.

25. When approved proteolytic enzymes are used on steaks or

other meat cuts which are frozen or cooked within the official establishment where they are produced, there shall appear on the labels of the frozen or cooked cuts, contiguous to the name of the products, a prominent descriptive statement such as "Dipped in Solution of Papain," to indicate the use of such enzymes.

26. When dimethylpolysiloxane is added as an antifoaming agent to rendered fats, its presence shall be declared on the label contiguous to the name of the product. Such declaration shall read "Dimethylpolysiloxane Added."

27. When pizzas are formulated with crust containing calcium propionate or sodium propionate, there shall appear on the label contiguous to the name of the product the statement "----- added to retard spoilage of the crust" preceded by the name of the preservative.

28. Sausage of the dry varieties treated with potassium sorbate or propylparaben (propyl p-hydroxybenzoate) as permitted by 40-10-1-.20 of this chapter, shall be marked or labeled with a statement disclosing such treatment and the purpose thereof, such as "dipped in a potassium sorbate solution to retard mold growth."

29. Meat of goats shall be identified as goat meat or chevon.

30. The term "Chitterlings" shall apply to the large intestines of swine, or young bovine animals when preceded with the word "Calf" or "Veal". Meat food products that contain chitterlings or calf or veal chitterlings, in accordance with .19 (6) (b) 8. of this subchapter shall be identified with product names that refer to such ingredients, as for instance, "Chitterling Loaf," "Chitterling Pie," or "Calf Chitterlings and Gravy," and shall be packed in containers having a capacity of 3 pounds or less and of a kind usually sold at retail intact and bearing such other information as is required by this part.

31. Products that contain blood from livestock as permitted by 21 of this subchapter shall be labeled with a name that includes the term "blood," and the specific kind of blood shall be declared in the ingredient statement, e.g., "Swine blood," in the manner required by this part.

32. A calendar date may be shown on labeling when declared in accordance with the provisions of this subparagraph:

i) The calendar date shall express the month of the year and the day of the month for all products and also the year in the case of products hermetically sealed in metal or glass containers, dried or frozen products, or any other products that the Commissioner finds should be labeled with the year because the distribution and marketing practices with respect to such products may cause a label without a year identification to be misleading.

ii) Immediately adjacent to the calendar date shall be a phrase explaining the meaning of such date, in terms of "packing" date, "sell by" date, or "use before" date, with or without a further qualifying phrase, e.g., "For Maximum Freshness" or "For Best Quality", and such phrases shall be approved by the Commissioner as prescribed in (4).

33. When bread, cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, or isolated soy protein is added in brotwurst as permitted in part .21 of this subchapter, there shall appear on the label in a prominent manner and contiguous to the product name, the name of such added ingredient, e.g., "Bread Added," "Cereal Added," or "Soy Protein Concentrate Added," as the case may be.

34. The terms "All," "Pure," "100%," and terms of similar connotation shall not be used on labels for products to identify ingredient content, unless the product is prepared solely from a single ingredient.

9) Labeling of equine products. The immediate containers of any equine products shall be labeled to show the kinds of animals from which derived, when the products are sold, transported, offered for sale or transportation or received for transportation in commerce.

10) Reuse of official inspection marks; reuse of containers bearing official marks, labels, etc.:

a) No official inspection legend or other official mark which has been previously used shall be used again for the identification of any product, except as provided for in paragraph (b) of this section;

b) All stencils, marks, labels, or other labeling on previously used containers, whether relating to any product or otherwise, shall be obliterated or removed before such containers are used for any product, unless such labeling correctly indicates the product to be packed therein and such containers are refilled under the supervision of a Program employee.

11) Labeling, filling of containers, handling of labeled products, to be only in compliance with regulations:

a) No person shall apply or affix, or cause to be applied or affixed, any label to any product prepared or received in an official establishment, except in compliance with the regulations of this chapter;

b) No covering or other container shall be filled, in whole or in part, at any official establishment, with any product unless it has been inspected and passed in compliance with the regulations in this chapter, is not adulterated, and is strictly in accordance with the statements on the label-, and such filling is done under the supervision of a Program employee;

c) No person shall remove, or cause to be removed, from an official establishment any product bearing a label unless such label is in compliance with the regulations in this chapter, or any product not bearing a label required by such regulations.

12) Relabeling products; requirements: When it is claimed by an official establishment that some of its products which bore labels bearing official marks has been transported to a location other than an official establishment, and it is desired to relabel the product because the labels have become mutilated or otherwise damaged, a request for Relabeling the product shall be sent to the Commissioner accompanied with a statement of the reasons therefor. Labeling material intended for relabeling inspected and passed product shall not be transported from an official establishment unless permission has been received from the Commissioner. The relabeling of inspected and passed product with labels bearing any official marks shall be done under the supervision of an inspector of the Program. The official establishment shall reimburse the Program, in accordance with the regulations of the Department, for any cost involved in supervising the relabeling of such product.

13) Labels, wrappers, and containers bearing any official marks, with or without the establishment number, may be transported from one official establishment to any other official establishment provided such shipments are made with prior authorization of the officer in charge at point of origin, who will notify the officer in charge at destination concerning the date of shipment, quantity, and type of labeling material involved. No such material shall be used at the establishment to which it is shipped unless such use conforms with the requirements of this chapter.

14) Reporting of obsolete labels. Once a year, or more often if it is necessary, each official establishment shall submit to the Commissioner, in quadruplicate, a list of approved labels no longer in use, accompanied with a statement identifying the labels for

which approval is no longer desired. The approved labels shall be identified by the date of approval, and the name of the product or other designation showing the class of labeling material.

15) Reserved.

16) Labeling and containers of custom prepared product. Products that are custom prepared under 40-10-1-.04 (1) (a) 2. of this subchapter must be packaged immediately after preparation and must be labeled (in lieu of information otherwise required by this Part. 17) with the words "Not for Sale" in lettering not less than three eighths inch in height. Such exempted custom prepared products or their containers may bear additional labeling provided such labeling is not false or misleading.

17) Interpretation and statement of labeling policy for cured products; special labeling concerning nitrate and nitrite

a) With respect to sections of the Act and 40-10-1-.19 (2), any substance mixed with another substance to cure a product must be identified in the ingredients statement on the label of such product. For example, curing mixtures composed of such ingredients as water, salt, sugar, sodium phosphate, sodium nitrate, and sodium nitrite or other permitted substances which are added to any product, must be identified on the label of the product by listing each such ingredient in accordance with the provisions of 40-10-1-.19 (2).

b) Any product, such as bacon or pepperoni, which is required to be labeled by a common or usual name or descriptive name in accordance with .19 (2) (c) 1. of this Part and to which nitrate or nitrite is permitted or required to be added may be prepared without nitrate or nitrite and labeled with such common or usual name or descriptive name when immediately preceded with the term "Uncured" as part of the product name in the same size and style of lettering as the product name, provided that the product is

found by the Commissioner to be similar in size, flavor, consistency, and general appearance to such product as commonly prepared with nitrate or nitrite or both.

c) Special labeling requirement:

1. Products described in paragraph (b) of this section or part .21 (2) of this subchapter, which contain no nitrate or nitrite shall bear the statement "No Nitrate or Nitrite Added." This statement shall be adjacent to the product name in lettering of easily readable style and at least one-half the size of the product name.

2. Products described in paragraph (b) of this section and part .21 (2) of this subchapter shall bear, adjacent to the product name in lettering of easily readable style and at least one-half the size of the product name; the statement "Not Preserved-Keep Refrigerated Below 40 degrees Fahrenheit. at all times" unless they have been thermally processed to ≥ 3 or more (log reduction); they have been fermented or pickled to pH of 4.6 or less; or they have been dried to a water activity of 0.92 or less.

3. Products described in paragraph (b) of this section and part .19 (2) of this subchapter shall not be subject to the labeling requirements of paragraphs (b) and (c) of this section if they contain an amount of salt sufficient to achieve a brine concentration of 10 percent or more.

18) Reserved.

19) Jar closures requirements. Vacuum packed containers sealed with quick-twist, screw-on, or snap-on lids (or closures) shall not have an annular space between the inner edge of the lid's rim (lip or skirt) and the container itself or shall have such space sealed in a manner that will make it inaccessible to filth and insects.

20) Nutritional labeling of meat products shall comply with the requirements of Code of Federal Regulations, 9 CFR, Chapter 3, Part 317.300 through 317.400, inclusive.

21) Safe Handling Instructions shall comply with the requirements of Code of Federal Regulations, 9 CFR, Chapter, Part 317.2 (1).

Authority O.C.G.A. § 26-2-80

40-10-1-.20 Entry Into Official Establishments: Reinspection and Preparation of Products. Amended.

1) Products and other articles entering official establishment:

a) Except as otherwise provided in paragraphs (g) and (h) of this section, no product be brought into an official establishment unless it has been prepared only in an official establishment and previously inspected and passed by a Program employee, and is identified by an official inspection legend as so inspected and passed. Product entering any official establishment shall not be used or prepared thereat until it has been reinspected in accordance with 40-10-1-.20 (2).

b) No slaughtered poultry or poultry product shall be brought into an official establishment unless it has been previously inspected and passed and is identified as such in accordance with the requirements of the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) and the regulations thereunder, and has not been prepared other than in an establishment inspected under said Act or has been inspected and passed and is identified as such in accordance with the requirements of a state law;

c) Every article for use as an ingredient in the preparation of meat food products, when entering any official establishment and at all times while it is in such establishment, shall bear a label showing the name of the article, the amount or percentage therein of any

substances restricted by this part of 40-10-1-.19 of this chapter, and a list of ingredients in the article if composed of two or more ingredients. In addition, the label must show the name and address of the manufacturer or distributor.

d) Containers of preparations which enter any official establishment for use in cooling or retort water, in hog scalding water, or in denuding of tripe shall at all times while they are in such establishment bear labels, showing the chemical names of the chemicals in such preparations. In the case of any preparation containing any chemicals which are specifically limited by 40-10-1-.21 (7) (b) 4. as to amount permitted to be used, the labels on the containers shall also show the percentage of each such chemical in the preparation;

e) No prohibited dye, chemical, preservative, or other substance shall be brought into or kept in an official establishment for use as an ingredient of human food or animal feed;

f) All isolated soy protein when entering and while in any official establishment, must be labeled in accordance with, and otherwise meet the requirements of 40-10-1-.20 (6) (b) 11;

g) Glands and organs, such as cotyledons, ovaries, prostate glands, tonsils, spinal cords, and detached lymphatic, pineal, pituitary, parathyroid, suprarenal, pancreatic, and thyroid glands, used in preparing pharmaceutical, organotherapeutic, or technical products and which are not used as human food (whether or not they may be prepared at any official establishments) may be brought into and stored in edible product departments of inspected establishments if packaged in suitable containers so that the presence of such glands and organs will in no way interfere with the maintenance of sanitary conditions or constitute an interference with inspection. Glands or organs which are regarded as human food products, such as livers, testicles, and thymus glands, may be brought into official establishments for pharmaceutical, organic, therapeutic, or

technical purposes, only if Georgia inspected and passed and so identified;

h) Carcasses of game animals, and carcasses derived from the slaughter by any person of livestock of his own raising, and parts of such carcasses, may be brought into an official establishment for preparation, packaging, and storing provided that they do not result in any insanitary condition and are segregated from inspected product while in the official establishment, and, in the case of livestock products they are adequately marked or otherwise identified, in lieu of other marking or labeling required by the regulations of this chapter, as being not for sale and with the name and address of the owner of the products, and provided further, that the owner of any such carcasses or parts thereof of livestock certifies that the products thereof are intended exclusively for use by him and members of his household and his nonpaying guests and employees;

i) The official establishment shall furnish such information as the inspector may deem necessary to determine the origin of any product or other article entering the official establishment. Such information may include, but is not limited to, the name and address ,of the seller or supplier, transportation company, agent, or broker involved in the sale or delivery of the product or article in question;

j) Any product or any poultry or poultry product or other article that is brought into an official establishment contrary to any provision of this section may be required by the Commissioner to be removed immediately from such establishment by the operator thereof, and failure to comply with such requirement shall be deemed a violation of this regulation. If any slaughtered poultry or poultry products or other articles are received at an official establishment and are suspected of being adulterated or misbranded under the Poultry Products Inspection Act or the Federal Food, Drug, and Cosmetic Act, the appropriate

governmental authorities will be notified. Products received in an official establishment during the inspector's absence shall be held separate and apart in the establishment, pending inspection by the inspector.

2) Reinspection, retention, and disposal of products at official establishments:

a) All products and all slaughtered poultry and poultry products brought into any official establishment shall be identified and reinspected at the time of receipt, and shall be further subject to reinspection at any official establishment in such manner and at such times as may be deemed necessary by the officer in charge to assure compliance with the regulations in this chapter;

b) All products, whether fresh, cured, or otherwise prepared, even though previously inspected and passed, shall be reinspected by Program employees as often as may be necessary in order to ascertain that they are not adulterated or misbranded at the time they enter or leave official establishments;

c) Reinspection may be accomplished through use of statistically sound sampling plans that assure a high level of confidence. The officer in charge shall designate the type of plan and the program employee shall select the specific plan to be used in accordance with instructions issued by the Commissioner;

d) A Ga. Retained Tag shall be placed by a Program employee at the time of reinspection at any official establishment on all products which are suspected on such reinspection of being adulterated or misbranded, and such products shall be held for further inspection. Such tags shall be removed only by authorized Program employees. When further inspection is made, if the product is found to be adulterated, all official inspection legends or other official marks for which the product is found to be eligible under the regulations in this chapter, shall be removed or defaced

and the product shall be condemned and disposed of in accordance with this chapter, except that a determination regarding adulteration may be deferred if a product has become soiled or unclean by falling on the floor or in any other accidental way or if the product is affected with any other condition which the inspector deems capable of correction, in which case the product shall be cleaned (including trimming if necessary) or otherwise handled in a manner approved by the inspector to assure that it will not be adulterated and shall then be presented for reinspection and disposal in accordance with this section. If upon final inspection the product is found to be neither adulterated nor misbranded, the inspector shall remove the Georgia Retained tag. If a product is found upon reinspection to be misbranded, but not adulterated, it shall be held under a Georgia Retained tag, or a Georgia Detention tag, as provided in 40-10-1-.24 of this chapter, pending correction of the misbranding or issuance of an order to withhold from use the labeling or container of the product, or the institution of a judicial seizure action. The inspector shall make a complete record of each transaction under this paragraph and shall report his action to the officer in charge.

3) Designation of places of receipt of products and other articles for reinspection. Every official establishment shall designate, with the approval of the officer in charge, a dock or place at which products and other articles subject to reinspection shall be received, and such products and articles shall be received only at such dock or place.

4) Preparation of products to be officially supervised; responsibilities of official establishments:

a) All processes used in curing, pickling, rendering, canning, or otherwise preparing any product in official establishments shall be supervised by Program employees. No fixtures or appliances, such as tables, trucks, trays, tanks, vats, machines, implements, cans, or containers of any kind, shall be used unless they are of such

material and construction as will not contaminate or otherwise adulterate the product and are clean and sanitary. All steps in the process of manufacture shall be conducted carefully and with strict cleanliness in rooms or compartments separate from those used for inedible products;

b) It shall be the responsibility of the operator of every official - establishment to comply with the Act and the regulations in this chapter. In order to effectively carry out this responsibility, the operator of the establishment shall institute appropriate control programs, approved by the Georgia Meat Inspection Division and commensurate with the type of activities conducted at the establishment and the preparation, marking, labeling, and packaging of its products strictly in accordance with the sanitary and other requirements of this chapter. When such control programs involve the maintenance of records, such records shall be made available for review by inspectors.

5) Requirements concerning procedures:

a) Frozen product.

1. Care shall be taken to insure that product is not adulterated when placed in freezers. If there is doubt as to the soundness of any frozen product, the inspector will require the defrosting and reinspection of a sufficient quantity thereof to determine its actual condition.

2. Frozen product may be defrosted in water or pickle in a manner and with the use of facilities which are acceptable to the inspector. Before such product is defrosted, a careful examination shall be made to determine its condition. If necessary, this examination shall include defrosting of representative samples by means other than in water or pickle.

b) Product, such as pork tenderloins, brains, sweetbreads, stew, or

chop suey, shall not be packed in hermetically sealed metal or glass containers, unless subsequently heat processed or otherwise treated to preserve the product in a manner approved by the Commissioner in specific cases.

c) Care shall be taken to remove bones and parts of bones from product which is intended for chopping;

d) Heads for use in the preparation of meat food products shall be split and the bodies of the teeth, the turbinated and ethmoid bones, ear tubes, and horn butts removed, and the heads then thoroughly cleaned;

e) Kidneys for use in the preparation of meat food products shall be first freely sectioned and then thoroughly soaked and washed. All detached kidneys, including beef kidneys with detached kidney fat, shall be inspected before being used in or shipped from the establishment;

f) Cattle paunches and hog stomachs for use in the preparation of meat food products shall be thoroughly cleaned on all surfaces and parts immediately after being emptied of their contents, which shall follow promptly their removal from the carcass;

g) Clotted blood shall be removed from hog hearts before they are shipped from the establishment or used in the preparation of meat food products;

h) Beef rounds, beef bungs, beef middles, beef bladders, calf rounds, hog bungs, hog middles, and hog stomachs which are to be used as containers of any meat food product shall be presented for inspection turned with the fat surface exposed;

i) Portions of casings which show infection with Oseophagostomum or other nodule-producing, parasite, and weasands infected with the larvae of Hypoderma lineatum, shall be

rejected, except that when the infestation is slight and the nodules and larvae are removed, the casing or weasand may be passed.

6) Requirements concerning ingredients and other articles used in preparation of products:

a) All ingredients and other articles used in the preparation of any product shall be clean, sound, healthful, wholesome, and otherwise such as will not result in the product being adulterated. Official establishments shall furnish inspectors accurate information on all processing procedures, including product composition and any changes in such procedures essential for the inspectional control of the product;

b) Casings.

1. The only animal casings that may be used as containers of product are those from cattle, sheep, swine or goats.

2. Casings for product shall be carefully inspected by Program employees. Only those casings which have been carefully washed and thoroughly flushed with clean water immediately before stuffing and are suitable for containers, are clean, and are passed on such inspection shall be used, except that preflushed animal casings packed in salt or salt and glycerine solution or other approved medium may be used without additional flushing provided they are found to be clean and otherwise acceptable and are thoroughly rinsed before use.

3. Hog and sheep casings intended for use as containers of product may be treated by soaking in or applying thereto sound, fresh pineapple juice or papain or bromelin or pancreatic extract to permit the enzymes contained in these substances to act on the casings to make them less resistant. The casings shall be handled in a clean and sanitary manner throughout and the treatment shall be followed by washing and flushing the casings with water

sufficiently to effectively remove the substance used and to terminate the enzymatic action.

4. On account of the invariable presence of bone splinters, detached spinal cords may not be used in the preparation of edible product other than by rendering where they constitute a suitable raw material.

5. Testicles if handled as an edible product may be shipped from the establishment as such, but they may not be used as an ingredient of a meat food product.

6. Tonsils shall be removed and shall not be used as ingredients of meat food products.

7. Blood from livestock may be used as an ingredient of a meat food product for which a standard is prescribed in .21 of this subchapter, if permitted by such standard, and may be used in any meat food product for which no such standard is prescribed in .21 of this subchapter if it is a common and usual ingredient of such product.

8. Intestines shall not be used as ingredients in any meat food product for which a standard is prescribed in .21 of this subchapter and shall not be used in other products unless the products are labeled in accordance with .19 (8) (b) (30) of this subchapter.

9. Poultry products and egg products (other than shell eggs) which are intended for use as ingredients of meat food products shall be considered acceptable for use only when identified as having been inspected and passed for wholesomeness by the Department when found to be sound and otherwise acceptable when presented for use. Poultry products and egg products (other than shell eggs) which have not been so inspected and passed for wholesomeness shall not be used in the preparation of such meat food products.

10. Dry milk products which are intended for use as ingredients of meat food products shall be considered acceptable for such use only when produced in a plant approved by the Department and when found to be sound and otherwise acceptable for use. Dry milk products prepared in a plant not so approved shall not be used in the preparation of such meat food products.

11. All isolated soy protein used in products processed in any official establishment shall contain not more than and not less than 0.1 percent titanium incorporated as food grade titanium dioxide, and the presence of such substance must be shown on the label of the container of the isolated soy protein at all times that the article is in the official establishment.

12. Ingredients for use in any product may not bear or contain any pesticide chemical or other residues in excess of levels permitted in 40-10-1-.20 (16).

7) Approval of substances for use in the preparation of products:

a) No product shall contain any substance which would render it adulterated or which is not approved by the Commissioner;

b) Under appropriate declaration as required in 40-10-1-.18 and 40-10-1-.19 of this chapter, the following substances may be added to product:

1. Common salt, approved sugars (sucrose (cane or beet sugar), maple sugar, dextrose, invert sugar, honey, corn syrup solids, corn syrup, and glucose syrup), wood smoke, vinegar, flavorings, spices, sodium nitrate, sodium nitrite, potassium nitrate, potassium nitrite, and other substances specified in the chart in subparagraph 4. of this paragraph may be added to products under conditions, if any, specified in this part or part 40-10-1-.19 of this chapter.

2. Other harmless synthetic flavorings may be added to products

with the approval of the Commissioner in specific cases.

3. Coloring matter and dyes other than those specified in the chart in subparagraph 4. of this paragraph, may be applied to products, mixed with rendered fat, applied to natural and artificial casings, and applied to such casings enclosing products, if approved by the Commissioner in specific cases. When any coloring matter or dye is applied to casings, there shall be no penetration of coloring into the product. When any coloring matter is added to meat fat shortening containing synthetic flavoring, the product shall be packed in conventional round shortening containers having a capacity no greater than 3 pounds.

4. The substances specified in Code of Federal Regulations, 9 CFR, Chapter 3, Part 318.7 (c) (4) are acceptable for use in the processing of products, provided they are used for the purposes indicated, within the limits of the amounts stated and under other conditions specified in this part and 40-10-1-.18 of this chapter.

c) Requirements for the use of nitrite and sodium ascorbate or sodium erythorbate (isoascorbate) in bacon.

1. With respect to bacon: Sodium nitrite shall be used at 120 parts per million (ppm) ingoing or an equivalent amount of potassium nitrite shall be used (148 ppm ingoing); and 550 ppm of sodium ascorbate or sodium erythorbate (isoascorbate) shall be used. Sodium ascorbate or sodium erythorbate have a molecular weight of approximately 198. Hydrated forms of these substances shall be adjusted to attain the equivalent of 550 ppm of sodium ascorbate or sodium erythorbate.

2. The Department shall collect samples of bacon from producing plants and analyze them for the level of nitrosamines by the thermal energy analyzer (TEA). In the event that a TEA analysis indicates that a confirmable level of nitrosamines might be present, additional samples shall be collected and analyzed by gas

chromatography. Presumptive positive results must be confirmed by mass spectrometry before being considered positive. If, during the interval required for the Department to analyze the confirmatory samples by gas chromatography and mass spectrometry, changes are made in processing procedures which are expected to result in no confirmable levels of nitrosamines in bacon produced by these new procedures, an establishment may submit samples to USDA for analysis upon prior notification and arrangements with USDA. If, however, an establishment furnishes USDA with laboratory results from testing five consecutive lots of bacon produced under the new procedures and the testing is performed by the USDA methodology and procedures, those results will be utilized in making the determination concerning the product produced under the new procedures. Should the results of these tests reveal that confirmable levels of nitrosamine are not indicated in any of the five consecutive lots, the confirmation analysis by USDA shall be terminated and the establishment shall revert to normal monitoring status. In the event the test results continue to indicate nitrosamines, however, USDA shall proceed in its confirmation analysis on the original samples taken for confirmation. If any one of the original samples collected by USDA for confirmation is found to contain confirmable levels of nitrosamines, all bacon in the producing establishment and all future production will be retained. The Department shall sample and analyze such retained bacon for nitrosamines on a lot by lot basis. A production lot shall be that bacon produced by the establishment in any single shift. Samples from any lot of bacon under retention found to contain nitrosamines at a confirmable level shall cause the lot of bacon to be disposed of in a manner to assure it will not form nitrosamines when cooked. Such disposal may include incorporation of the uncooked bacon as an ingredient of another meat food product provided it is processed for eating without further preparation in a manner to preclude the formation of nitrosamines. Bacon subsequently produced shall not be retained because of nitrosamines if the operator of the establishment makes adjustments in the processing of the product

and laboratory results obtained by TEA analysis of samples from five consecutive normal sized lots of bacon indicates that the product being produced contains no confirmable levels of nitrosamines. These tests from five consecutive normal sized lots of bacon shall be conducted by the Department: Provided, however, that if the establishment furnishes the Department with the results of tests conducted under the methodology and procedures used by the Department, such test results will be utilized in making the determination concerning the nitrosamine content of the product. All tests of bacon for nitrosamines under this subparagraph shall be made on bacon cooked 340 degrees Fahrenheit for 3 minutes on each side. In order to determine that no confirmable levels of nitrosamines are present in the sample tested, the testing must be performed by methodology and procedures that would detect the presence of any nitrosamines at 10 ppb.

d) No substance may be used in or on any product if it conceals damage or inferiority or makes the product appear to be better or of greater value than it is. Therefore:

1. Paprika or oleoresin paprika may not be used in or on fresh meat, such as steaks, or comminuted fresh meat food product, such as chopped and formed steaks or patties; or in any other meat food products consisting of fresh meat (with or without seasoning), except chorizo sausage and except other meat food products in which paprika or oleoresin paprika is permitted as an ingredient in a standard of identity or composition in Part .21 of this subchapter.

2. Sorbic acid, calcium sorbate, sodium sorbate, and other salts of sorbic acid may not be used in cooked sausage or any other product; sulfurous acid and salts of sulfurous acid may not be used in or on any product and niacin or nicotinamide may not be used in or on fresh product; except that potassium sorbate, propylparaben (propyl phydroxybenzoate), calcium propionate, sodium propionate, benzoic acid, and sodium benzoate may be used in or

on any product only as provided in Code of Federal Regulations, 9 CFR, Chapter 3, Part 318.7 (c) (4) or as approved by the Commissioner in specific cases.

8) Preservatives and other substances permitted in product for export only; handling; such product not to be used for domestic food purposes.

a) Preservatives and other substances not permitted in domestic product under the regulations in this subchapter in this chapter may be used in the preparation and packing of product intended for export provided the product (1) accords to the specifications or directions of the foreign purchaser; (2) is not in conflict with the laws of the country to which it is intended for export; and (3) is labeled on the outside container to show that it is intended for export, and is otherwise labeled as required by this subchapter for such export product.

b) The preparation and packing of export product as provided for in paragraph (a) of this section shall be done in a manner acceptable to the inspector in charge so that the identity of the export product is maintained conclusively and the preparation of domestic product is adequately protected. The preservatives and other substances not permitted in domestic product shall be stored in a room or compartment separate from areas used to store other supplies and shall be held under program lock. Use of the preservatives or other substances shall be under the direct supervision of a Program employee.

c) The packing of all articles under paragraph (a) of this section shall be conducted under the direct supervision of a Program employee.

d) No article prepared or packed for export under paragraph (a) of this section shall be sold or offered for sale for domestic use or consumption, unless exported shall be destroyed for food purposes

under the direct supervision of a Program employee.

e) The contents of the container of any article prepared or packed for export under paragraph (a) of this section shall not be removed, in whole or in part, from such container prior to exportation, except under the supervision of a Program employee. If such contents are moved prior to exportation, then the article shall be either repacked, in accordance with the provision of paragraphs (b) and (c) of this section, or destroyed for food purposes under the direct supervision of a Program employee.

f) Permission must be obtained from the Commissioner before meat packed in borax are shipped from one official establishment to another or to an unofficial establishment for storage, except such meat prepared for the account of Federal agencies.

g) At all times, the identity of meat to which borax has been added shall be effectively maintained. In no case shall such meat, nor any trimmings or fat derived from such meat, whether unwashed or washed, or otherwise treated, be diverted to domestic use.

h) Salt used for bulking meat previously packed in borax may not again be used in an edible products department other than in connection with the packing of meat in borax. Only metal equipment shall be used for handling such meat. Particularly effective cleansing will be required if wooden equipment such as trucks, washing vats, etc., is used. Boxes from which boraxed meat has been removed may be used for repacking meat in borax, but their use as containers for other meat will be dependent upon the effective removal of all traces of borax.

i) The following instructions pertain to export cured pork packed in borax for the account of Federal agencies. The meat may be packed in borax in a room in which there is borax-free meat, provided proper care is taken to see that the borax-free meat is not affected by the borax. Under the same condition, meat packed in

borax may be received unpacked, defrosted, soaked, washed, smoked, and repacked in a room where there is other meat. However, meat originally packed in borax shall at all times be subject to the restrictions of meat so packed, even though - repacked without borax. After packing or repacking, borax packed meat may be stored in a room with meat not packed in borax, provided a reasonable degree of separation is maintained between the two classes of product.

9) Samples of products, water, dyes, chemicals, etc., to be taken for examination. Samples of products, water, dyes, chemicals, preservatives, spices, or other articles in any official establishment shall be taken, without cost to the Program, for examination, as often as may be necessary for the efficient conduct of the inspection.

10) Prescribed treatment of pork and products containing pork to destroy trichinae:

a) Reserved.

b) Reserved.

c) The treatment shall consist of heating, refrigerating, or curing, as follows:

1. Heating:

i) All parts of the pork muscle tissue shall be heated to a temperature not lower than 137 degrees Fahrenheit, and the method used shall be one known to insure such a result. On account of differences in methods of heating and in weights of products undergoing treatment it is impracticable to specify details of procedure for all cases;

ii) Procedures which insure the proper heating of all parts of the

product shall be adopted. It is important that each piece of sausage, each ham, and other product treated by heating in water be kept entirely submerged throughout the heating period; and that the largest pieces in a lot, the innermost links of bunched sausage or other massed articles, and pieces placed in the coolest part of a heating cabinet or compartment or vat be included in the temperature tests.

2. Refrigerating: At any state of preparation and after preparatory chilling to a temperature of not, above 40 degrees Fahrenheit or preparatory freezing, all parts of the muscle tissue or pork or product containing such tissue shall be subjected to a continuous temperature not higher than one of those specified in Table 1, the duration of such refrigeration at the specified temperature being dependent on the thickness of the meat or inside dimensions of the container.

Table I -Required Period of Freezing At Temperature Indicated

Temperature Degrees Fahrenheit	Group I Days	Group II Days
5	20	30
-10	10	20
-20	6	12

i) Group I comprises product in separate pieces not exceeding 6 inches in thickness, or arranged on separate racks with the layers not exceeding 6 inches in depth, or stored in crates or boxes not exceeding 6 inches in depth, or stored as solidly frozen blocks not exceeding 6 inches in thickness.

ii) Group II comprises product in pieces, layers, or within containers, the thickness of which exceeds 6 inches, but not 27 inches, and product in containers including tierces, barrels, kegs, and cartons, having a thickness not exceeding 27 inches.

iii) The product undergoing such treatment or the containers thereof shall be so spaced while in the freezer as will insure a free circulation of air between the pieces of meat, layers, blocks, boxes, barrels, and tierces in order that the temperature of the meat throughout will be promptly reduced to not higher than 5 degrees Fahrenheit, - 10 degrees Fahrenheit, or -20 degrees Fahrenheit, as the case may be.

iv) In lieu of the methods prescribed in Table 1, the treatment may consist of refrigeration to a temperature of -30 degrees Fahrenheit in the center of the pieces of meat or commercial freeze drying.

v) During the period of refrigeration the product shall be kept separate from other products and in the custody of the Program. Rooms or compartments equipped for being made secure with the Program lock or seal shall be provided. The rooms or compartments containing products undergoing freezing shall be equipped with accurate thermometers placed at or above the highest level at which the product undergoing treatment is stored and away from refrigerating coils. After completion of the prescribed treatment of pork to be used in the preparation of product covered by paragraph (b) of this section, the pork shall be kept closely under supervision by an inspector until it is prepared in finished form as one of the products enumerated in paragraph (b) of this section, or until it is transferred under Program control to another official establishment for preparation in such finished form.

vi) Pork which has been refrigerated as specified in this paragraph may be transferred in sealed railroad cars, sealed motor trucks, sealed containers, sealed trailers, to another official establishment at the same time or another station, for use in the preparation of product covered by paragraph (b) of this section. The sealing of closed containers, such as boxes and slack barrels, shall be effected by cording and affixing thereto Program seals, and such containers as tierces and kegs shall be held in Program custody by sealing

with wax impressed with a Program metal brand. Railroad cars, motor trucks, and trailers, shall, when necessary, be sealed with Program car seals. Properly sealed and marked closed containers may be shipped with other meat in unsealed railroad cars, motor trucks, and trailers. Shipping containers such as boxes, barrels, and tierces, containing pork refrigerated in accordance with 40-10-1.19 (10) shall be plainly and conspicuously marked with a label or stencil furnished by the establishment as follows: "Pork product --- -----Degrees F ---- - --- ----- days' refrigeration," indicating the temperature at which the product was refrigerated and the length of time so treated. For each consignment there shall be promptly issued and forwarded by the inspector to the officer in charge at destination a report on the form entitled "Notice of Unmarked Meats Shipped in Sealed Cars," appropriately modified to show the character of the containers, and that the contents are "Pork product ----- - ----- - --- degrees F - ----- - ----- - days' refrigeration." A duplicate copy -shall be retained in the station file.

3. Curing:

i) Sausage. The sausage may be stuffed in animal casings, or cloth bags. During any stage of treating the sausage for the destruction of live trichinae, except as provided in Method 5, these coverings shall not be coated with paraffin or like substance, nor shall any sausage be washed during any prescribed period of drying. In the preparation of sausage, one of the following methods may be used:

Method 1: The meat shall be ground or chopped into pieces not exceeding 3/4 of an inch in diameter. A dry-curing mixture containing not less than 3 1/3 pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After being stuffed, sausage having a diameter not exceeding 3 1/2 inches, measured at time of stuffing, shall be held in a drying room not less than 20 days at a

temperature not lower than 45 degrees Fahrenheit, except that in sausage of the variety known as pepperoni, if in casings not less than 1 3/8 inches in diameter at time of stuffing, the period of drying may be reduced to 15 days. In no case, however, shall the sausage be released from the drying room in less than 25 days from the time the curing materials are added. Sausage in casings exceeding 3 1/2 inches, but not exceeding 4 inches, in diameter at time of stuffing, shall be held in a drying room not less than 35 days at a temperature not lower than 45 degrees Fahrenheit, and in no case shall the sausage be released from the drying room in less than 40 days from the time the curing materials are added to the meat.

Method 2: The meat shall be ground or chopped into pieces not exceeding 3/4 of an inch in diameter. A dry-curing mixture containing not less than 3 1/3 pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After being stuffed, the sausage having a diameter not exceeding 3 1/2 inches, measured at the time of stuffing, shall be smoked not less than 40 hours at a temperature not lower than 80 degrees Fahrenheit, and finally held in a drying room not less than 10 days at a temperature not lower than 45 degrees Fahrenheit. In no case, however, shall the sausage be released from the drying room in less than 18 days from the time the curing materials are added to the meat. Sausage exceeding 3 1/2 inches, but not exceeding 4 inches, in diameter at the time of stuffing, shall be held in a drying room, following smoking as above indicated, not less than 25 days at a temperature not lower than 45 degrees Fahrenheit, and in no case shall the sausage be released from the drying room in less than 33 days from the time the curing materials are added to the meat.

Method 3: The meat shall be ground or chopped into pieces not exceeding 3/4 of an inch in diameter. A dry-curing mixture containing not less than 3 1/3 pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the

ground or chopped meat. After adding the mixture with the salt and other curing materials and before stuffing, the ground or chopped meat shall be held at a temperature not lower than 34 degrees Fahrenheit for not less than 36 hours. After being stuffed the sausage shall be held at a temperature not lower than 34 degrees Fahrenheit for an additional period of time sufficient to make a total of not less than 144 hours from the time the curing materials are added to the meat, or the sausage shall be held for the time specified in a pickle-curing medium of not less than 50 strength (salometer reading) at a temperature not lower than 44 degrees Fahrenheit. Finally, the sausage having a diameter not exceeding 3 1/2 inches, measured at the time of stuffing, shall be smoked for not less than 12 hours. The temperature of the smokehouse during this period at no time shall be lower than 90 degrees Fahrenheit; and for 4 consecutive hours of this period the smokehouse shall be maintained at a temperature not lower than 128 degrees Fahrenheit. Sausage exceeding 3 1/2 inches, but not exceeding 4 inches, in diameter at the time of stuffing shall be smoked, following the prescribed curing, for not less than 15 hours. The temperature of the smokehouse during the 15-hour period shall at no time be lower than 90 degrees Fahrenheit, and for 7 consecutive hours of this period the smokehouse shall be maintained at a temperature not lower than 128 degrees Fahrenheit. In regulating the temperature of the smokehouse for the treatment of sausage under this method, the temperature of 128 degrees Fahrenheit shall be attained gradually during a period of not less than 4 hours.

Method 4: The meat shall be ground or chopped into pieces not exceeding 1/4 inch in diameter. A dry-curing mixture containing not less than 2 1/2 pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After admixture with the salt and other curing materials and before stuffing, the ground or chopped sausage shall be held as a compact mass, not more than 6 inches in depth, at a temperature not lower than 36 degrees Fahrenheit for not less than

10 days. At the termination of the holding period, the sausage shall be stuffed in casings or cloth bags not exceeding 3 1/2 inches in diameter, measured at the time of stuffing. After being stuffed, the sausage shall be held in a drying room at a temperature not lower than 45 degrees Fahrenheit for the remainder of a 35-day period, measured from the time the curing materials are added to the meat. At any time after stuffing, if the establishment operator deems it desirable, the product may be heated in a water bath for a period not to exceed 3 hours at a temperature not lower than 85 degrees Fahrenheit, or subjected to smoking at a temperature not lower than 80 degrees Fahrenheit, or the product may be both heated and smoked as specified. The time consumed in heating and smoking, however, shall be in addition to the 35 day holding period specified.

Method 5: The meat shall be ground or chopped into pieces not exceeding 3/4 of an inch in diameter. A dry-curing mixture containing not less than 3 1/3 pounds of salt to each hundred-weight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After being stuffed the sausage shall be held for not less than 65 days at a temperature not lower than 45 degrees Fahrenheit. The coverings for sausage prepared according to this method may be coated at any stage of the preparation before or during the holding period with paraffin or other substance approved by the Commissioner.

ii) Capocollo (capicola, capacolla). Boneless pork butts for capocollo shall be cured in a dry-curing mixture containing not less than 4 1/2 pounds of salt per hundredweight of meat for a period of not less than 25 days at a temperature not lower than 36 degrees Fahrenheit. If the curing materials are applied to the butts by the process known as churning, a small quantity of pickle may be added. During the curing period the butts may be overhauled according to any of the usual processes of overhauling, including the addition of pickle or dry salt, if desired. The butts shall not be subjected during or after curing to any treatment designed to

remove salt from the meat, except that superficial washing may be allowed. After being stuffed, the product shall be smoked for a period of not less than 30 hours at a temperature not lower than 80 degrees Fahrenheit , and shall finally be held in a drying room not less than 20 days at a temperature not lower than 45 degrees Fahrenheit.

iii) Coppa. Boneless pork butts for coppa shall be cured in a dry-curing mixture containing not less than 4 1/2 pounds of salt per hundredweight of meat for a period of not less than 18 days at a temperature not lower than 36 degrees Fahrenheit. If the curing mixture is applied to the butts by the process known as churning, a small quantity of pickle may be added. During the curing period the butts may be overhauled according to any one of the usual processes of overhauling, including the addition of pickle or dry salt if desired. The butts shall not be subjected during or after curing to any treatment designed to remove salt from the meat, except that superficial washing may be allowed. After being stuffed, the product shall be held in a drying room not less than 35 days at a temperature not less than 45 degrees Fahrenheit.

iv) Hams and pork shoulder picnics. In the curing of hams and pork shoulder picnics, either of the following methods may be used.

Method 1: The products shall be cured by a dry-salt curing process not less than 40 days at a temperature not lower than 36 degrees Fahrenheit. The hams shall be laid down in salt, not less than 4 pounds to each hundredweight of hams, the salt being applied to the lean meat of each ham in a thorough manner. When placed in cure the hams may be pumped with pickle if desired. At least once during the curing process the hams shall be overhauled and additional salt applied, if necessary, so that the lean meat of each ham is thoroughly covered. After removal from cure, the hams may be soaked in water at a temperature not higher than 70 degrees Fahrenheit for not more than 15 hours, during which time

the water may be changed once; but they shall not be subjected to any other treatment designed to remove salt from the meat, except that superficial washing may be allowed. The hams should finally be dried or smoked not less than 10 days at a temperature not lower than 95 degrees Fahrenheit.

Method 2: The products shall be cured by a dry-salt curing process at a temperature not lower than 36 degrees Fahrenheit. for a period of not less than 3 days for each pound of weight (green) of the individual hams. The time of cure of each lot of hams placed in cure shall be calculated on a basis of the weight of the heaviest ham in the lot. Hams cured by this method, before they are placed in cure, shall be pumped with pickle solution of not less than 100% strength (salometer), about 4 ounces of the solution being injected into the shank and a like quantity along the flank side of the body bone (femur). The hams shall be laid down in salt, not less than 4 pounds of salt to each hundredweight of hams, the salt being applied in a thorough manner to the lean meat of each ham. At least once during the curing process the hams shall be overhauled and additional salt applied, if necessary, so that the lean meat of each ham is thoroughly covered. After removal from cure the hams may be soaked in water at a temperature not higher than 70 degrees Fahrenheit. in for not more than 4 hours, but shall not be subjected to any other treatment designed to remove salt from the meat, except that superficial washing may be allowed. The hams shall then be dried or smoked not less than 48 hours at a temperature not lower than 80 degrees Fahrenheit, and finally shall be held in a drying room not less than 20 days at a temperature not lower than 45 degrees Fahrenheit.

v) Boneless pork loins and loin ends. In lieu of heating or refrigerating to destroy trichinae in boneless loins, the loins may be cured for a period of not less than 25 days at a temperature of not lower than 36 degrees Fahrenheit by the use of one of the following methods:

Method 1: Application of a dry-salt curing mixture containing not less than 5 pounds of salt to each hundredweight of meats.

Method 2: Application of a pickle solution of not less than 80% strength (salometer) on the basis of not less than 60 pounds of pickle to each hundredweight of meat.

Method 3: Application of a pickle solution added to the dry-salt cure prescribed in this division (v) provided the pickle solution is not less than 80% strength (salometer). After removal from cure, the loins may be soaked in water at a temperature not higher than 70 degrees Fahrenheit or washed under a spray, but shall not be subjected, during or after the curing process, to any other treatment designed to remove salt. Following curing, the loins shall be smoked for -not less than 12 hours. The minimum temperature of the smokehouse during this period at no time shall be lower than 100 degrees Fahrenheit, and for 4 consecutive hours of this period the smokehouse shall be maintained at a temperature of not lower than 125 degrees Fahrenheit. Finally, the product shall be held in a drying room for a period of not less than 12 days at a temperature not lower than 45 degrees Fahrenheit.

d) General instructions: When necessary to comply with the requirements of this section, the smokehouses, drying rooms, and other compartments used in the treatment of pork to destroy trichinae shall be suitably equipped, by the establishment, with accurate automatic recording thermometers. Officers in charge are authorized to approve for use in sausage smokehouses, drying rooms, and other compartments, such automatic recording thermometers as are found to give satisfactory service and to disapprove and require discontinuance of use, for purposes of the regulations in this chapter any thermometers (including any automatic recording thermometers) of the establishment that are found to be inaccurate or unreliable.

11) Canning with heat processing and hermetically sealed

containers; cleaning containers; closure; code marking; heat processing; incubation:

a) Containers which are intended to be hermetically sealed shall be cleaned thoroughly immediately before filling, and precaution must be taken to avoid soiling the inner surfaces subsequently. However, cans in which lard is to be hermetically sealed may be examined immediately before filling and if found to be acceptably clean by a Program employee need not be washed;

b) Containers of metal, glass, or other material shall be washed in an inverted position with running water at a temperature of at least 180 degrees Fahrenheit. The container-washing equipment shall be provided with a thermometer to register the temperature of the water used for cleaning the containers. In lieu of cleaning with hot water the use of efficient jet-vacuum type equipment for cleaning cans and jars is permitted before filling;

c) Nothing less than perfect closure is acceptable for hermetically sealed containers. Heat processing shall follow promptly after closing;

d) Careful inspection shall be made of the containers by competent establishment employees immediately after closing and containers which are defectively closed or show inadequate vacuum shall not be processed until the defect has been corrected. The containers shall again be inspected by the establishment employees when they have cooled sufficiently for handling after processing by heating. The contents of defective containers shall be condemned unless correction of the defect is accomplished within 6 hours following the sealing of containers or completion of the heat processing, as the case may be, except that if the defective condition is discovered during an afternoon run the cans of product may be held in coolers at a temperature not exceeding 38 degrees Fahrenheit under conditions that will promptly and effectively chill them until the defect has been corrected the following day, short

vacuum or overstuffed cans of product which have not been handled in accordance with this paragraph may be incubated under Program supervision, after which the cans shall be opened and the sound product passed for food, and short vacuum or overstuffed cans of product of a class permitted to be labeled "Perishable, Keep Under Refrigeration" and which have been kept under adequate refrigeration since processing may be opened and the sound product passed for food;

e) Canned products shall not be passed unless after cooling to atmospheric temperature they show the external characteristics of sound cans; that is, the cans shall not be overfilled; they shall have concave sides, excepting the seam side; there shall be no bulging, and all ends shall be concave; the sides and ends shall conform to the product; and there shall be no slack or loose tin;

f) All canned products shall be plainly and permanently marked on the containers by code or otherwise with the identity of the contents, and date of canning. The code used and its meaning shall be on record in the office of the officer in charge;

g) Canned product must be processed at such temperature and for such period of time as will assure keeping without refrigeration under usual conditions of storage and transportation when heating is relied on for preservation, with the exception of those canned products which are processed without steam pressure cooking by permission of the Commissioner in specific cases and labeled "Perishable, Keep Under Refrigeration;"

h) Lots of canned product shall be identified during their handling preparatory to heat processing by tagging the baskets, cages, or cans with a tag which will change color on going through the heat processing or by other effective means so as to positively preclude failure to heat process after closing.

i) Facilities shall be provided by the operator of the official

establishment for incubation of representative samples of fully processed canned product. The incubation shall consist of holding the canned product for the periods of time and at the temperatures prescribed in subparagraph 4. of this paragraph.

1. The extent to which incubation tests shall be required depends on conditions such as the record of the official establishment in conducting canning operations, the extent to which the establishment furnishes competent supervision and inspection in connection with the canning operations, the character of the equipment used, and the degree to which such equipment is maintained at maximum efficiency. Such factors shall be considered by the officer in charge in determining the extent of incubation testing at a particular establishment.

2. In the event of failure by an official establishment to provide suitable facilities for incubation of test samples, the officer in charge may require holding of the entire lot under such conditions and for such period of time as may, in his discretion, be necessary to establish the stability of the product.

3. The officer in charge may permit lots of canned product to be shipped from the official establishment prior to completion of sample incubation when he has no reason to suspect unsoundness in the particular lots, and under circumstances which will assure the return of the product to the establishment for reinspection should such action be indicated by the incubation results.

4. Incubation shall consist of holding the samples at 95 degrees Fahrenheit for no less than 10 days; except:

i) Samples of firmly packed luncheon meat products, and products with high fat content such as chorizos packed in lard, and products weighing 3 pounds or more shall be held at 95 degrees Fahrenheit for not less than 20 days;

ii) Samples of products composed of chunks or patties of meat in a medium or sauce wherein the pH of the meat component and the medium or sauce are significantly different shall be incubated at 95 degrees Fahrenheit for no less than 30 days.

h) Lots of canned product shall be identified during their handling preparatory to heat processing by tagging the baskets, cages, or cans with a tag which will change color on going through the heat processing or by other effective means so as to positively preclude failure to heat process after closing.

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12) Preparation of dog food or similar uninspected article at official establishments:

a) When dog food, or similar uninspected article is prepared in an edible product department, there shall be sufficient space allotted and adequate equipment provided so that the preparation of the uninspected article in no way interferes with the handling or preparation of edible products. Where necessary to avoid adulteration of edible products, separate equipment shall be provided for the uninspected article. To assure the maintenance of sanitary conditions in the edible products departments, the operations incident to the preparation of the uninspected article will be subject to the same sanitary requirements that apply to all operations in edible product departments. The preparation of the uninspected article shall be limited to those hours during which the establishment generally operates under inspectional supervision; and there shall be no handling other than receiving at the official establishment, of any product ingredient of the uninspected article,

other than during the regular hours of inspection. The materials used in the preparation of the uninspected article shall not be used so as to interfere with the inspection of edible product or the maintenance of sanitary conditions in the department or render any edible product adulterated. The meat, meat byproducts, and meat food product ingredients of the uninspected article may be admitted into any edible products department of an official establishment only if they are Georgia Inspected and Passed. Products within 40-10-1-.16 (11) of this chapter or parts of carcasses of kinds not permitted under the regulations in food (e.g. hog lungs or intestines), which are produced at any official establishment, may be brought into the inedible products department of any official establishment for use in uninspected articles under this section. The uninspected article may be stored in, and distributed from, edible product departments: Provided, that adequate facilities are furnished, there is no interference with the maintenance of sanitary conditions, and such article is properly identified;

b) When dog food or similar uninspected article is prepared in part of an official establishment other than an edible product department the area in which the dog food is prepared shall be separated from edible product departments in the manner required for separation between edible product departments and inedible product departments. Sufficient space must be allotted and adequate equipment provided so that the preparation of the uninspected article does not interfere with the proper functioning of other operations at the establishment. Nothing in this paragraph shall be construed as permitting any deviation from the requirement that dead animals, condemned products, and similar materials of whatever origin, must be placed in the inedible product rendering equipment, and without undue delay. The preparation of the uninspected product must be such as not to interfere with the maintenance of general sanitary conditions on the premises, and it shall be subject to inspectional supervision similar to that exercised over other inedible product departments.

Trucks, barrels, and other equipment shall be cleaned before being returned to edible product departments from inedible product departments. Unoffensive material prepared in outside edible product departments may be stored in, and distributed from, edible product departments only if packaged in clean, properly identified, sealed containers;

c) Animal food shall be distinguished from articles of human food, so as to avoid the distribution of such animal food as human food. To accomplish this, labeling of hermetically sealed, retort processed, conventional retail size containers, as for example, "dog food" will be considered sufficient. If not in such containers the product must not only be properly identified as animal food but it must be of such character or so denatured or decharacterized as to deter its use for human food. Animal food shall not be represented as being a human food.

13) Mixtures containing product but not amenable to the Act. Mixtures containing product but not classed as a meat food product under the Act shall not bear the inspection legend or any abbreviation or representation thereof. When such mixtures are prepared in any part of an official establishment, the sanitation of that part of the establishment shall be supervised by Program employees, and the preparation of such mixtures shall not cause any deviation from the requirement that no uninspected products shall be brought into the establishment.

14) Adulteration of products by flood water, etc.; procedure for handling:

a) Any product at any official establishment which has been adulterated by contamination with flood water, harbor water, or other polluted water, shall be condemned. This would not apply to a product in sound, hermetically sealed containers;

b) After flood water has receded at an official establishment, the

operator shall cause its employees to thoroughly cleanse all walls, ceilings, posts and floors of the rooms and compartments; involved, including the equipment therein, under the supervision of a Program employee. An adequate supply of hot water, under pressure, is essential for effective cleaning of the rooms and equipment. After cleansing, a solution of sodium hypochlorite containing approximately one-half of one percent available chlorine (5000 parts per million), or other disinfectant approved by the Commissioner shall be applied to the surface of the rooms. Where the solution has been applied to equipment which will afterwards contact meat, the equipment shall be rinsed with clean water before being used. All metal should be rinsed with clean water to prevent corrosion;

c) Hermetically sealed containers of product which have been submerged or otherwise contaminated by flood water, harbor water, or other polluted water shall be rehandled promptly under supervision of a Program employee at official establishments as follows:

1. Separate and condemn all product the containers of which show extensive rusting or corrosion, such as might materially weaken the container, as well as any swollen, leaky, or otherwise suspicious container.

2. Remove paper labels and wash the container in warm soapy water, using a brush where necessary to remove rust or other foreign material, immerse in solution of sodium hypochlorite containing not less than 100 parts per million of available chlorine or other disinfectant approved for purposes of this chapter and rinse in clean fresh water and dry thoroughly. An alternative method of rehandling such products would be to immerse the containers in 212 degrees Fahrenheit water, bring temperature back to 212 degrees Fahrenheit and maintain for 5 minutes, then remove containers from the water and cool to 95 degrees Fahrenheit and dry thoroughly.

3. After handling as described in subparagraph 2. of this paragraph, the containers may be relacquered, if necessary, and then relabeled with approved labels applicable to the product therein.

4. The identity of the canned product shall be maintained throughout all stages of the rehandling operations, to insure correct labeling of all containers.

15) Tagging chemicals, preservatives, cereals, spices, etc., "Ga. Retained." When any chemical, preservative, cereal, spices, or other substance is intended for use in an official establishment, it shall be examined by a Program employee and if found to be unfit or otherwise unacceptable for use intended, or if final decision regarding acceptance is deferred pending laboratory or other examination, the employee shall attach a "Ga. Retained" tag to the substance or container thereof. The substance so tagged shall be kept separate from other substances as the officer in charge may require and shall not be used until the tag is removed, and such removal shall be made only by a Program employee after a finding that the substance can be accepted, or, in the case of an unacceptable substance, when it is removed from the establishment.

16) Pesticide chemicals, and other residues in products:

a) Nonmeat ingredients. Residues of pesticide chemicals, food additives and color additives or other substances in or on ingredients (other than meat, meat byproducts and meat food products) used in the formulation of products shall not exceed the levels permitted under the Federal Food, Drug and Cosmetic Act, and such nonmeat ingredients must be in compliance with the requirements under that Act;

b) Products, and meat, meat byproducts or meat food product ingredients. Products, and products used as ingredients of

products, shall not bear or contain any pesticide chemical, food additive or color residue in excess of the level permitted under the Federal Food, Drug and Cosmetic Act and the regulations in this chapter, or any other substance that is prohibited by such regulations or that otherwise make the product adulterated;

c) Standards and procedures. Instructions specifying the standards and procedures for determining when ingredients or finished products are in compliance with this section shall be issued to the inspectors by the Commissioner. Copies of such instructions will be made available to interested persons upon request made to the Commissioner.

17) Requirements for the production of cooked beef, and cooked corned beef.

a) Cooked beef and roast beef, including sectioned and formed roasts and chunked and formed roasts, and cooked corned beef shall be prepared by one of the time and temperature combinations in the following table. The stated temperature is the minimum which shall be produced and maintained in all parts of each piece of meat for at least the stated time:

Table for Time/Temperature Combination for Cooked Beef, Roast Beef, and Cooked Corned Beef

<i>Minimum Internal Temperature</i>		<i>Minimum Processing Time (minutes) after minimum temperature is reached</i>
<i>Degrees Fahrenheit</i>	<i>Degrees Centigrade</i>	
130	54.4	121
131	55.0	97
132	55.6	77
133	56.1	62
134	56.7	47
135	57.2	37
136	57.8	32

137	58.4	24
138	58.9	19
139	59.5	15
140	60.0	12
141	60.6	10
142	61.1	8
143	61.7	6
144	62.2	5
145	62.8	Instantly

b) Cooked beef, including sectioned and formed roasts and chunked and formed roasts, and cooked corned beef shall be moist cooked throughout the process or, in the case of roast beef or corned beef to be roasted, cooked as provided in paragraph (c) of this section. The moist cooking may be accomplished by (1) placing the meat in a sealed moisture impermeable bag, removing the excess air, and cooking, (2) completely immersing the meat, unbagged, in water throughout the entire cooking processing, or (3) using a sealed oven or steam injection to raise the relative humidity above 90 percent throughout the cooking process.

c) Roast beef or corned beef to be roasted shall be cooked by one of the following methods:

1. Heating roasts of 10 pounds or more in an oven maintained at 250 degrees Fahrenheit (120 degrees Centigrade) or higher throughout the process;

2. Heating roasts of any size to a minimum internal temperature of 145 degrees Fahrenheit (62.8 degrees Centigrade) in an oven maintained at any temperature if the relative humidity of the oven is maintained either by continuously introducing steam for 50 percent of the cooking time or by use of a sealed oven for over 50 percent of the cooking time, or if the relative humidity of the oven is maintained at 90 percent or above for at least 25 percent of the total cooking time, but in no case less than 1 hour; or

3. Heating roasts of any size in an oven maintained at any temperature that will satisfy the internal temperature and time requirements of paragraph (a) of this section if the relative humidity of the oven is maintained at 90 percent or above for at least 25 percent of the total cooking time, but in no case less than 1 hour. The relative humidity may be achieved by use of steam injection or by sealed ovens capable of producing and maintaining the required relative humidity.

d) Monitoring equipment.

1. Except as provided in paragraph (d) 2. of this section, establishments producing cooked beef, roast beef, and cooked corned beef shall have sufficient monitoring equipment, including recording devices, to assure that the time (within one minute), the temperature (within 11 degrees Fahrenheit) and relative humidity (within 5 percent) limits required by these processes are being met. Data from the recording devices shall be made available to a program employee upon request.

2. In lieu of recording devices, establishments may propose in the written procedures prescribed in paragraph (f) of this section, and alternative means of providing inspection personnel with evidence that finished product has been prepared in compliance with the humidity requirements of paragraphs (b) and (c) of this section, and the 145 F (62.80 degrees Centigrade) temperature requirement of paragraph (a) of this section.

e) Each package of finished product shall be plainly and permanently marked on the immediate container with the date of production either in code or with the calendar date.

f) In order to assure that cooked beef, roast beef, and cooked corned beef are handled, processed, and stored under sanitary conditions, the establishment shall submit a set of written

procedures through the inspector in charge for approval by the Program Director. The written procedures shall contain the following information:

1. The temperature to which raw frozen product is thawed and the time required.
 2. The lot identification procedure for lots of product during processing.
 3. The storage time and temperature combinations which the establishment intends to use before cooking, the cooking time and temperature the establishment intends to use, and the time, if any, the establishment intends to wait after cooking and before cooling.
 4. If a code, instead of a calendar date, is used on the immediate container of the finished product, its meaning shall also be included.
 5. Any other critical control points in the procedures which could affect the safety of the product.
 6. In lieu of recording devices, the alternate means permitted by .20 (17) (d) 2. of providing evidence to inspection personnel that the finished product will be prepared in compliance with temperature or humidity requirements.
 7. Any other alternate procedure used that is permitted in this section.
- g) The establishment shall maintain records and reports which document the time, temperature, and humidity at which any cooked beef, roast beef, or cooked corned beef is cooked and cooled at the establishment. Such records shall be kept by the establishment for 6 months or for such further period as the Commissioner may require for purposes of any investigation or

litigation under the Act, by written notice to the person required to keep such records. Such records shall be made available to the inspector and any duly authorized representative of the Secretary upon request.

h) The handling and processing of cooked beef, roast beef, and cooked corned beef before, during and after cooking shall be such as to prevent the finished product from being adulterated. As a minimum, they shall be controlled as follows:

1. The establishment shall notify the inspector in charge which processing procedure will be used on each lot, including time and temperature.

2. In order to assure uniform heat penetration and consequent adequate cooking of each piece of beef, individual pieces of raw product in any one lot shall either not vary in weight by more than 2 pounds or not vary in thickness by more than 2 inches at the thickest part. Alternate methods of assuring uniform heat penetration may be submitted in writing for approval to the Regional Director.

3. A water-based solution that is used for injecting or immersing the meat shall be refrigerated to 50 degrees Fahrenheit (10 degrees Centigrade) or lower from the time it contacts the meat, and shall be filtered each time it is recirculated or reused.

4. A nonmeat ingredient, including the water-based solution in (h) 3.above, which has contacted meat shall be discarded at the end of that day's production unless it is in continuous contact with one batch of product.

5. Product prepared for cooking shall be entered into the cooking cycle within 2 hours of completion of precooking preparation or be placed immediately in a cooler at a temperature of 40 degrees Fahrenheit (4.4 degrees Centigrade) or lower.

6. The time and temperature requirements shall be met before any product in the lot is removed from the cooking units. Unless otherwise specified in the written procedures approved in accordance with paragraph (f) of this section, the heat source shall not be shut off until these requirements are met.

7. Other than incidental contact caused by water currents during immersion cooking or cooling, product shall be placed so that it does not touch or overlap other products. This provision does not apply to product that is stirred or agitated to assure uniform heat transfer.

8. Temperature sensing devices shall be so placed that they monitor product in the coldest part of the cooking unit; and when oven temperature is required by paragraph (c) of this section, the oven temperature shall also be monitored in the coldest part of the cooking unit.

9. If a humidity sensing device is required in an oven, it shall be placed so that it measures humidity in either the oven chamber or at the exit vent.

10. Chilling shall begin within 90 minutes after the cooking cycle is completed.

i) All product shall be chilled from 120 degrees Fahrenheit (48.80 degrees Centigrade) to 55 degrees Fahrenheit (12.70 degrees Centigrade) in no more than 6 hours.

ii) Chilling shall continue and the product shall not be packed for shipment until it has reached 40 degrees Fahrenheit (4.4 degrees Centigrade).

11. Any establishment that has experienced a cooking process deviation during preparation of product may either reprocess the

product completely, continue the heating to 145 degrees Fahrenheit (62.8 degrees Centigrade), or contact the Regional Director for a review of the process schedule for adequacy and, if needed, for a cooking schedule to finish that one batch of product.

12. An establishment that has experienced a cooking deviation after the product has been cooked shall contact the Regional Director to determine the disposition of that retained product.

i) Cooked beef, roast beef, and cooked corned beef shall be so handled to assure that the product is not recontaminated by direct contact with raw product. To prevent direct contamination of the cooked product, establishments shall:

1. Physically separated areas where raw product is handled from areas where exposed cooked product is handled, used a solid impervious floor to ceiling wall; or

2. Handle raw and exposed cooked product at different times, with a cleaning of the entire area after the raw material handling is completed and prior to the handling of cooked product in that area; or

3. Submit a written procedure for approval through the inspector in charge to the District Supervisor detailing the steps to be taken which would avoid recontamination of cooked product by raw product during processing.

j) To prevent indirect contamination of cooked product:

1. Any work surface, machine, or tool which contacts raw product shall be thoroughly cleaned and sanitized with a solution germicidally equivalent to 50 ppm chlorine before it contacts cooked product;

2. Employees shall wash their hands and sanitize them with a

solution germicidally equivalent to 50 ppm chlorine whenever they enter the heat processed product area or before preparing to handle cooked product, and as frequently as necessary during operations to avoid product contamination; and

3. Outer garments, including aprons, smocks, and gloves shall be especially identified as restricted for use in cooked product areas only, changed at least daily, and hung in a designated location when the employee leaves the area.

k) Cooked product shall not be stored in the same room as raw product unless it is first packaged in a sealed, water-tight container or is otherwise protected by a covering that has been approved, upon written request, by the District Supervisor.

Authority O.C.G.A. § 26-2-80

40-10-1-.21 Definitions and Standards of Identity or Composition and Standards of Fill of Containers. Amended.

Definitions and standards of identity or composition and standards of fill of containers shall be in accordance with Code of Federal Regulations, 9 CFR, Chapter 3, Part 319.

Authority O.C.G.A. § 26-2-80

40-10-1-.22 Records, Registration, and Reports. Amended.

1) Records required to be kept:

a) Every person (including every firm or corporation) within any of the classes specified in subparagraph 1., 2., or 3. of this paragraph is required by the Act to keep records which will fully and correctly disclose all transactions involved in his or its business subject to the Act:

1. Any person that engages, for commerce, in the business of slaughtering any cattle, sheep, swine, goats, horses, mules, or other equines, or preparing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, of any such animals, for use as human food or animal food;

2. Any person that engages in the business of buying or selling (as a meat broker, wholesaler or otherwise), or transporting in commerce, or storing in, or for commerce, or importing, any carcasses, or parts or products of carcasses, of any such animals:

3. Any person that engages in business, or for commerce, as a renderer, or engages in the business of buying, selling, or transporting, in commerce, or importing, any dead, dying, disabled, or diseased cattle, sheep, swine, goats, horses, mules, or other equines, or parts of the carcasses of any such animals that died otherwise than by slaughter.

b) The required records are:

1. Records, such as bills of sale, invoices, bills of lading, and receiving and shipping papers, giving the following information with respect to each transaction in which any livestock or carcass, part thereof, meat or meat food product is purchased, sold, shipped, received, transported, or otherwise handled by said person in connection with any business subject to the Act:

i) The name or description of the livestock or article;

ii) The net weight of the livestock or article;

iii) The number of shipping containers (if any);

iv) The name and address of the buyer of livestock or articles sold by such person; and the name and address of the seller of livestock or articles purchased by such person:

- v) The name and address of the consignee or receiver (if other than the buyer);
- vi) The method of shipment;
- vii) The date of shipment; and
- viii) The name and address of the carrier.

2. Reserved.

3. All information relating to consumer complaints received by the person required to keep the records, concerning article prepared under Federal or state inspection handled by him.

2) Place of maintenance of records. Every person engaged in any business described in 40-10-1-.21 (1) and required by this part to keep records shall maintain such records at the place where such business is conducted except that if such person conducts such business at multiple locations, he may maintain such records at his headquarters' office. When not in actual use, all such records shall be kept in a safe place at the prescribed location in accordance with good commercial practices.

3) Record retention period. Every record required to be maintained under this part shall be retained for a period of 2 years after December 31 of the year in which the transaction to which the record relates has occurred and for such further period as the Commissioner may require for purposes of any investigation or litigation under the Act, by written notice to the person required to keep such records under this part.

4) Access to and inspection of records, facilities, and inventory; copying and sampling. Every person (including every firm or corporation) within any of the classes specified shall upon proper

identification and request by any authorized representative of the Commissioner during ordinary business hours, permit such representative to enter his or its place of business and examine the records required to be kept and the facilities and inventory pertaining to the business of such person subject to the Act, and to copy all such records, and to take reasonable samples of the inventory upon payment of the fair market value therefor. Any necessary facilities (other than reproduction equipment) for such examination and copying of records and for such examination and sampling of inventory shall be afforded to authorized representatives of the Commissioner by such person.

5) Registration:

a) Except as provided in paragraph (c) of this section, every person that engages in business, in or for commerce as a meat broker, renderer, or animal food manufacturer or engages in business in commerce as a wholesaler of any carcasses, or parts or products of the carcasses, of any livestock, whether intended for human food or other purposes, or engages in business as a public warehouseman storing any such articles in or for commerce or engages in the business of buying, selling, or transporting in commerce, or importing any dead, dying, disabled, or diseased livestock or parts of the carcasses of any such livestock that died otherwise than by slaughter, shall furnish the Commissioner such information as required including his name, and the address of each place of business at which, and all trade names under which he conducts such business, by filing with the Commissioner a form containing such information within 90 days after the effective date hereof or after such later date as he begins to engage in such business if not engaged therein upon said effective date. All information submitted shall be current and correct. The registration form shall be obtained from the Georgia Meat Inspection Section, Georgia Department of Agriculture, 19 Martin Luther King Blvd., Atlanta, Georgia, 30334;

b) Whenever any change is made in the name of, or address of any place of business at which, or any trade name under which a registrant conducts his business, he shall report such change in writing to the Commissioner within 15 days after making the change;

c) The registration requirements prescribed in this section shall not apply to persons conducting any of the businesses specified in this section only at an official establishment.

6) Information and reports required from official establishment operators:

a) The operator of each official establishment shall furnish to Program employees accurate information as to all matters needed by them for making their daily reports of the amount of products prepared or handled in the departments of the establishment to which they are assigned and such reports concerning sanitation and other aspects of the operations of the establishment and the conduct of inspection thereat as the officer in charge may require of such Program employees for the purposes of the Act and the regulations in this chapter;

b) The operator of each official establishment shall also make such other reports as the Commissioner may from time to time require under the Act.

7) Reports by consignees of allegedly adulterated or misbranded products; sale or transportation as violations. Whenever the consignee of any product which bears an official inspection legend refuses to accept delivery of such product on the grounds that it is adulterated or misbranded, the consignee shall notify the Commissioner of the kind, quantity, source, and present location of the product and the respects in which it is alleged to be adulterated or misbranded, and it will be a violation of the Act for any person to sell or transport, or offer for sale or transportation, or receive for

transportation, in commerce, any such product which is capable of use as human food and is proved to be adulterated or misbranded at the time of such sale, transportation, offer, or receipt; Provided, however, that any such allegedly adulterated or misbranded product may be transported to the official establishment from which it had been transported in accordance with this chapter.

Authority O.C.G.A. § 26-2-80

40-10-1-.23 License and Hearing Provisions. Amended.

1) License and hearing provisions:

a) Section 5 of Act No. 453, Georgia Laws 1956, page 748, provides that no person shall operate an abattoir or a meat processing plant in the State of Georgia without first obtaining a license from the Commissioner of Agriculture. The license fee is \$10.00 per year with renewal each January 1ST at the rate of \$10.00. The license is valid from January 1st to December 31ST of each year;

b) No license will be issued to any person, corporation, agent, packer, or meat processor, to engage in the business of slaughtering animals and processing meat for use as human food unless he conforms strictly to all regulations set forth herein and promulgated by the Commissioner of Agriculture;

c) When sufficient evidence exists that any rule in this chapter has been violated, the party incriminated shall be subject to citation for hearing before the Commissioner of Agriculture. Procedure for such hearing shall be conducted as provided by law.

Authority O.C.G.A. § 26-2-80

40-10-1-.24 Seizure and Condemnation, Criminal Offenses. Amended.

1) Article or livestock subject to administrative detention. Any carcass, part of a carcass, meat or meat food product of livestock or article exempted from the definition of meat food product, or any dead, dying, disabled, or diseased livestock is subject to detention for a period not to exceed 20 days when found by any authorized representative of the Commissioner upon any premises where it is held for the purposes of, or during or after distribution in, commerce or it is otherwise subject to the provisions of the Act, and there is reason to believe that:

a) Any such article is adulterated or misbranded, and is capable of use as human food; or

b) Any such article has not been inspected, in violation of the provisions of the Act, any other Federal law, or the laws of any State or Territory, or the District of Columbia; or

c) Any such article or livestock has been or is intended to be, distributed in violation of the provisions of the Act, any other Federal law, or the laws of any State or Territory, or the District of Columbia.

2) Method of detention; form of detention tag. An authorized representative of the Commissioner shall detain any article or livestock subject to detention under this part, by affixing an official "Georgia Detained Tag" to such article or livestock.

3) Notification of detention to the owner of the article or livestock detained or has agent or person in possession thereof. Within 48 hours after the detention of any article or livestock pursuant to this part, an authorized representative of the Commissioner or other employee of the State of Georgia shall give oral or written notification of such detention to the owner of the article or livestock detained, or if such owner cannot be ascertained and notified within such period of time, to his agent or the carrier or

other person in possession of the article or livestock detained. The notification, if in writing, shall be served by either delivering the notification to such owner, or his agent, or to such other person, or by certifying and mailing the notification, addressed to such owner, agent, or other person, at his last known residence or principal office or place of business. In the event that notification is given orally, it shall be confirmed in writing, as promptly as circumstances permit.

4) Notification of governmental authorities having jurisdiction over article or livestock detained; form of written notification. Within 48 hours after the detention of any livestock or article pursuant to this part, an authorized representative of the Commissioner shall give oral or written notification of such detention to any Federal authorities not connected with the Program, and any State or other governmental authorities, having jurisdiction over such livestock or article. In the event notification is given orally, it shall be confirmed in writing, as promptly as circumstances permit.

5) Movement of article or livestock detained; removal of official marks. No article or livestock detained in accordance with the provisions in this part shall be moved by any person from the place at which it is located when so detained, until released by an authorized representative of the Commissioner. Provided, that any such article or livestock may be moved from the place at which it is located when so detained, for refrigeration, freezing, or storage purposes if such movement has been approved by an authorized representative of the Commissioner. And provided further, that the article or livestock so moved will be detained by an authorized representative of the Commissioner after such movement until such time as the detention is terminated. When the detention of such article or livestock is terminated, the owner, or his agent or the carrier or other person in possession of the article or livestock who was notified when the article or livestock was detained, will receive notification of the termination. Such notification shall be

served by either delivering the notice to such person, or by certifying and mailing the notification, addressed to such at his last known residence or principal office or place of business. All official marks may be required by such representative to be removed from such article or livestock before it is released unless it appears to the satisfaction of the representative that the article or livestock is eligible to retain such marks.

6) Articles or livestock subject to judicial seizure and condemnation. Any carcass, part of carcass, meat or meat food product or any dead, dying, disabled, or diseased livestock, that is being transported in commerce or is otherwise subject to the Act, or is held for sale in the United States after such transportation, is subject to seizure and condemnation, in a judicial proceeding if such product or livestock:

a) Is or has been prepared, sold, transported, or otherwise distributed or offered or received for distribution in violation of the Act, or

b) Is capable of use as human food and is adulterated or misbranded; or

c) In any other way is in violation of the Act.

7) Procedure for seizure, condemnation, and disposition. Any article or livestock subject to seizure and condemnation under this part shall be liable to be proceeded against and seized and condemned, and disposed of, at any time, on an appropriate pleading in any proper court within the jurisdiction of which the article or livestock is found.

8) Authority for condemnation or seizure under other provisions of the law. The provisions of this part relating to seizure, condemnation and disposition of articles or livestock do not derogate from authority for condemnation or seizure conferred by

other provisions of the Act, or other laws.

Authority O.C.G.A. § 26-2-80

40-10-1-.25 Transportation

Transportation of all inspected meat and meat products shall be in accordance with code of Federal Regulations, 9 CFR, Chapter III, Part 325, 416, 417, and the following:

1) No person shall sell, transport, offer for sale or transportation, or receive for transportation, in commerce, any meat or meat product which is capable of use as human food unless the product and its container, if any, bear the official inspection legend as required under 9 CFR, Chapter III, Parts 316 and 317 or such product is exempted from the requirement of inspection under part 9 CFR Chapter III, Part 303.

2) All inspected meat and meat products shall be protected from contamination from any source such as dust, dirt, insects and the rapid and progressive growth of infectious or toxigenic microorganisms during storage, loading, unloading at and transportation from official establishments.

a) No person, engaged in the business of buying, selling, freezing, storing, or transporting, in or for commerce, meat or meat food products capable of use as human food shall transport, offer for transportation, or receive for transportation in commerce any such meat or meat food product which is capable of use as human food and is not wrapped, packaged, or otherwise enclosed to prevent adulteration by airborne contaminants; unless the truck or other means of conveyance in which the product is contained or transported is completely enclosed with tight fitting doors or other covers for all openings.

b) In all cases, the means of conveyance shall be reasonably free of foreign matter (such as dust, dirt, rust, or other articles or residues), and free of chemical residues, and maintained at a temperature such that product placed therein will not become adulterated through rapid and progressive growth of infectious or toxigenic microorganisms.

1. Any cleaning compound, lye, soda solution, or other chemical used in cleaning the means of conveyance must be thoroughly removed from the means of conveyance prior to its use.

3) Such means of conveyance onto which product is loaded, being loaded, or intended to be loaded, shall be subject to inspection by an inspector at any official establishment. The decision whether or not to inspect a means of conveyance in a specific case, and the type and extent of such inspection shall be at the Program's discretion and shall be adequate to determine if product in such conveyance is, or when moved could become, adulterated. Circumstances of transport that can be reasonably anticipated shall be considered in making said determination. These include, but are not limited to, weather conditions, duration and distance of trip, nature of product covering, and effect of restowage at stops en route. Any means of conveyance found upon such inspection to be in such condition that product placed therein could become adulterated shall not be used until such condition which could cause adulteration is corrected. Product placed in any means of conveyance that is found by the inspector to be in such condition that the product may have become adulterated shall be removed from the means of conveyance and handled in accordance with 9 CFR Chapter 3 Part 318.2.

b) To avoid contamination of product with wood splinters or similar contaminants; slack barrels, similar containers and the cargo space of trucks or other means of conveyance shall be lined with suitable material of good quality before packing. Slack barrels, similar containers, trucks and other means of conveyance

in which any product is transported shall be kept in a clean and sanitary condition. Paper used for covering or lining slack barrels, similar containers and the cargo space of trucks or other means of conveyance shall be of a kind which does not tear during use but remains intact when moistened by the product and does not disintegrate.

1. All inspected meat and meat products shall be transported in a manner such as to avoid contamination of the product through progressive growth of infectious or toxigenic microorganisms. Appropriate transportation temperature must be maintained throughout transport.

2. If refrigeration is necessary to avoid product contamination, refrigerated vehicles or containers shall be of such construction as to maintain an ambient temperature or internal product temperature of 40 degrees Fahrenheit (5 degrees Centigrade) or less throughout shipment of such products.

4) Any alternative transportation method for inspected meat or meat products requires written approval from the Director of Meat Inspection.

Authority O.C.G.A. § 26-2-80