FEDERAL REGISTER

 NUMBER 193 VOLUME 35

Saturday, October 3, 1970 • Washington, D.C.

Pages 15431-15617

Part I

(Part II begins on page 15551)

Agencies in this issue-

The President Agricultural Research Service Agricultural Stabilization and Conservation Service Air Force Department Civil Aeronautics Board Civil Service Commission Coast Guard Consumer and Marketing Service Customs Bureau Federal Aviation Administration Federal Insurance Administration Federal Power Commission Fish and Wildlife Service Forest Service General Services Administration Housing and Urban Development Department Interagency Textile Administrative Committee Interior Department Interstate Commerce Commission Land Management Bureau Maritime Administration Securities and Exchange Commission

Selective Service System

Detailed list of Contents appears inside.





Latest Edition

Guide to Record Retention Requirements

[Revised as of January 1, 1970]

This useful reference tool is designed to keep businessmen and the general public informed concerning the many published requirements in Federal laws and regulations relating to record

The 89-page "Guide" contains about 1,000 digests which tell the user (1) what type records must be kept, (2) who must keep them, and (3) how long

they must be kept. Each digest carries a reference to the full text of the basic law or regulation providing for such retention.

The booklet's index, numbering over 2,200 items, lists for ready reference the categories of persons, companies, and products affected by Federal record retention requirements.

Price: \$1.00

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office Washington, D.C. 20402



Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408. Area Cede 202 Phone 962-8626 pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, ap-

proved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The Federal Register will be furnished by mail to subscribers, free of postage, for \$2.50 per month or \$25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402,

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant

to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The Code of Federal Regulations is sold by the Superintendent of Documents, Prices of new books are listed in the first Federal Register issue of each month.

There are no restrictions on the republication of material appearing in the Pederal Register or the Code of Pederal Regulations.

Contents

THE PRESIDENT	COMMERCE DEPARTMENT See Maritime Commission.	FISH AND WILDLIFE SERVICE Rules and Regulations
EXECUTIVE ORDER Amending the Selective Service	CONSUMER AND MARKETING SERVICE	Pungo National Wildlife Refuge, N.C.; hunting 15443
Regulations 15435	Rules and Regulations	FOREST SERVICE
EXECUTIVE AGENCIES	Lemons grown in California and Arizona; handling limitations15439 Meat inspection regulations15552	Notices Director, Division of Lands; delegation of authority15482
AGRICULTURAL RESEARCH SERVICE	Milk in Upper Florida, Tampa Bay, and Southeastern Florida marketing areas; correction 15439	GENERAL SERVICES ADMINISTRATION
Notices	Proposed Rule Making	Rules and Regulations
Certain soil-inhabiting pests; list of approved laboratories au- thorized to receive interstate	Filberts grown in Washington and Oregon: Expenses and rate of assess-	National Archives and Records Service; exhibition hall hours 15444
shipments of soil samples 15451 AGRICULTURAL STABILIZATION	ment 15446 Proposed free and restricted percentages for 1970–71 fiscal	HOUSING AND URBAN DEVELOPMENT DEPARTMENT
AND CONSERVATION SERVICE	year 15446 Milk in Quad Cities-Dubuque, Cedar Rapids-Iowa City and	See also Federal Insurance Administration.
Wheat: notice of marketing quota	Des Moines marketing areas;	Notices Acting Area Administrator, Com-
referendum period for 1971 crop 15452	handling 15446 CUSTOMS BUREAU	monwealth Area Office (Puerto Rico); designation15453
AGRICULTURE DEPARTMENT	Notices	Pittsburgh Area Coordinator for Renewal Assistance; delegation
See Agricultural Research Service: Agricultural Stabilization	C & L Scrap Iron and Metal Co.: instruments of international	of authority15452
and Conservation Service; Commodity Credit Corporation;	traffic 15450 Monterey cheese; tariff classifica-	INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE
Forest Service.	tion 15450	Notices
AIR FORCE DEPARTMENT	DEFENSE DEPARTMENT	Certain cotton and cotton textile
Rules and Regulations	See Air Force Department,	products produced or manufac- tured in Romania; entry or
Revocation of certain parts 15443	FEDERAL AVIATION ADMINISTRATION	withdrawal from warehouse for consumption 15456
CIVIL AERONAUTICS BOARD Notices	Rules and Regulations	INTERIOR DEPARTMENT
Hearings, etc.: Furs; pick-up and delivery rates	Standard instrument approach procedures; miscellaneous	See also Fish and Wildlife Service: Land Management Bureau.
at New York et al 15454	amendments15440	Notices
International Air Transport Association (2 documents) 15453	FEDERAL INSURANCE ADMINISTRATION	English, John F.; report of ap- pointment and statement of fi- nancial interests
CIVIL SERVICE COMMISSION	Rules and Regulations	Statements of financial interests: Keaton, D. N
Rules and Regulations	Areas eligible for sale of insurance; list of designated areas 15442	Vaughey, E. A 15451
Overseas Private Investment Corporation; excepted service 15439	Flood hazard areas; list 15442	INTERSTATE COMMERCE
COAST GUARD	FEDERAL POWER COMMISSION	COMMISSION Rules and Regulations
Rules and Regulations	Proposed Rule Making	Freight schedules: miscellaneous
Niagara River, Youngstown, N.Y.; anchorage regulations 15443	Liquefied natural gas; exempt regarding transport and/or sales. 15446	amendments 15444 Notices
Proposed Rule Making	Notices Hearings, etc.:	Rerouting or diversion of traffic:
Hudson River at Hyde Park, N.Y.; special anchorage regulation 15447	Cities Service Gas Co	Penn Central Transportation
Notices	Northern Natural Gas Co 15455 Orange and Rockland Utilities,	Co 15459 Soapstone from Texas to Florida;
Seaboard Coast Line bridges across Cooper and Stono Rivers; hear-	Inc 15455	petition of Southern Freight As- sociation for declaratory order, 15460
ing regarding proposed altera- tions 15453	Power Authority of State of New York 15456	(Continued on next page)
		15433

Notices

Noti	ces		
	Mexico; document		

Prudential-Grace Lines, Inc.;

notice of application_____ 15452

SECURITIES AND EXCHANGE COMMISSION

COMMISSION	
Rules and Regulations	
Appearance and practice before Commission	1544
Proposed Rule Making	
Persons presumed not to be un- derwriters	1544
Notices	
Hearings, etc.:	
A.N.C. Corp	1545
Equitable Life Insurance Com-	
pany of Iowa et al	1545

SELECTIVE SERVICE SYSTEM

Rules and Regulations
Quotas and calls; action by local
board upon receipt of notice of
call; gross reference______ 15443

TRANSPORTATION DEPARTMENT

See Coast Guard; Federal Aviation Administration.

TREASURY DEPARTMENT

See Customs Bureau.

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections

affected by documents published since January 1, 1970, and specifies how they are affected.

50

3 CFR	PROPOSED RULES:	24 CFR
EXECUTIVE ORDERS:	982 (2 documents) 15446	1914
10001 (see EO 11563)15435	106315446	191515442
10202 (see EO 11563) 15435	107015446	32 CFR
10292 (see EO 11563) 15435	1079 15446	
10659 (see EO 11563) 15435	0 000	80515443 80815443
10735 (see EO 11563) 15435	9 CFR	82215443
10984 (see EO 11563) 15435	Subchapter A 15552	163115443
11098 (see EO 11563) 15435 11119 (see EO 11563) 15435		
11241 (see EO 11563) 15435	14 CFR	33 CFR
11360 (see EO 11563) 15435		11015443
11497 (see EO 11563) 15435	9715440	PROPOSED RULES:
11537 (see EO 11563) 15435	CONTRACTOR OF THE PARTY OF THE	11015447
1156315435	17 CFR	AAVaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaa
r crn	20115440	41 CFR
5 CFR	PROPOSED RULES:	105-6115444
213 15439		
7 CFR	23015447	49 CFR
		130015444
91015439	18 CFR	
100615439	PROPOSED RULES:	50 CFR
101315439	15715446	3215443

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11563

AMENDING THE SELECTIVE SERVICE REGULATIONS

By virtue of the authority vested in me by the Military Selective Service Act of 1967 (62 Stat. 604, as amended), I hereby prescribe the following amendment of the Selective Service Regulations prescribed by Executive Orders No. 10001 of September 17, 1948, No. 10202 of January 12, 1951, No. 10292 of September 25, 1951, No. 10659 of February 15, 1956, No. 10735 of October 17, 1957, No. 10984 of January 5, 1962, No. 11098 of March 14, 1963, No. 11119 of September 10, 1963, No. 11241 of August 26, 1965, No. 11360 of June 30, 1967, No. 11497 of November 26, 1969, No. 11537 of June 16, 1970, and constituting portions of Chapter XVI of Title 32 of the Code of Federal Regulations:

Section 1631.7 Action by Local Board Upon Receipt of Notice of Call is amended to read as follows:

1631.7 Action by Local Board Upon Receipt of Notice of Call.—(a) When a call is received by a Notice of Call on Local Board (SSS Form 201) from the State Director of Selective Service for a specified number of men to be delivered for induction, or for a specified number of men in a medical, dental, or allied specialist category to be delivered for induction, the Executive Secretary or clerk, if so authorized, or a local board member shall select, as provided herein, and issue orders to report for induction to the number of men required to fill the call from among its registrants who have been classified in Class I-A or Class I-A-O and have been found acceptable for service in the Armed Forces and to whom a Statement of Acceptability (DD Form 62) has been mailed at least 21 days before the date fixed for induction: Provided, That notwithstanding Part 1628 or any other provision of these regulations, when a registrant classified in Class I-A or Class I-A-O has refused or otherwise failed to comply with an order of his local board to report for and submit to an armed forces physical examination, he may be selected and ordered to report for induction even though he has not been found acceptable for service in the Armed Forces and a Statement of Acceptability (DD Form 62) has not been mailed to him, and in such case the armed forces physical examination shall be performed after he has reported for induction as ordered and he shall not be inducted until his acceptability has been satisfactorily determined: Provided further, That a registrant classified in Class I-A or Class I-A-O who has volunteered for induction may be selected and ordered to report for induction to fill an induction call notwithstanding the fact that he has not been found acceptable for service in the Armed Forces and regardless of whether or not a Statement of Acceptability (DD Form 62) has been mailed to him. Whenever the number of postponements of induction materially reduces the number of men the local board actually can deliver in response to a call, the local board shall issue orders to report for induction to such numbers of additional men as may be necessary to meet the call, taking into account the number of men to be delivered following the expiration of postponements previously granted.

- (b) Registrants shall be selected and ordered to report for induction in the following categories and in the order indicated:
- (1) Volunteers who have not attained the age of 26 years in the sequence in which they have volunteered for induction.

- (2) Nonvolunteers in the Extended Priority Selection Group in the order of their random sequence number established by random selection procedures prescribed in accordance with paragraph (d) of Section 1631,5.
- (3) Nonvolunteers in the First Priority Selection Group in the order of their random sequence number established by random selection procedures prescribed in accordance with paragraph (d) of Section 1631.5.
- (4) Nonvolunteers in each of the lower priority selection groups, in turn, within the group in the order of their random sequence number established by random selection procedures prescribed in accordance with paragraph (d) of Section 1631.5.
- (5) Nonvolunteers who have attained the age of 19 years during the calendar year but who have not attained the age of 20 years, in the order of their dates of birth with the oldest being selected first.
- (6) Nonvolunteers who have attained the age of 26 years in the order of their dates of birth with the youngest being selected first.
- (7) Nonvolunteers who have attained the age of 18 years and 6 months and who have not attained the age of 19 years in the order of their dates of birth with the oldest being selected first.
 - (c) Definitions.
- (1) Extended Priority Selection Group consists of registrants who on December 31 were members of the First Priority Selection Group whose random sequence number had been reached but who had not been issued Orders to Report for Induction.
 - (2) First Priority Selection Group:
- (i) 1970. In the calendar year 1970, nonvolunteers in Class I-A or Class I-A-O born on or after January 1, 1944, and on or before December 31, 1950, who have not attained the 26th anniversary of the dates of their birth.
- (ii) 1971 and later years. In the calendar year 1971 and each calendar year thereafter, nonvolunteers in Class I-A or Class I-A-O who prior to January of each such calendar year have attained the age of 19 years but not of 20 years and nonvolunteers who prior to January 1 of each such calendar year have attained the age of 19 but not of 26 years and who during that year are classified into Class I-A or Class I-A-O.
- (3) Lower priority selection groups. One or more priority selection groups lower than the First Priority Selection Group in a given year.
- (4) "Reached" random sequence number. A registrant's random sequence number will be deemed to have been "reached" whenever his local board has issued at any time during the calendar year an order to report for induction to another registrant in the same priority selection group and subgroup who had been assigned that or a higher random sequence number.
 - (d) Procedures.
- Local boards shall identify registrants in the appropriate groups as provided in this section.
- (2) Members of the First Priority Selection Group on December 31 in any calendar year whose random sequence numbers have not been reached by that date, or members of any subgroup which was not reached during such calendar year, shall be assigned to the priority selection group which is next below the First Priority Selection Group for the immediately succeeding calendar year.
- (3) On December 31 of each year, each priority selection group below the first priority selection group shall be reduced one step further in priority. In this manner the second priority selection group would become the third, the third would become the fourth, and so on.

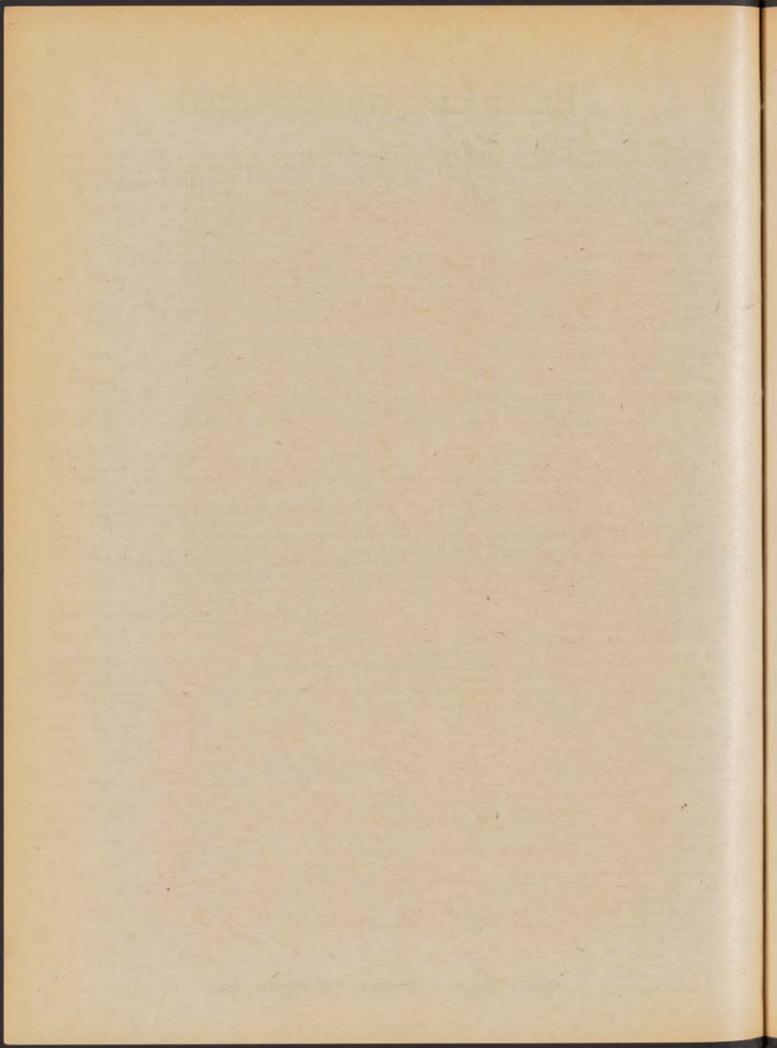
- (4) Members of the First Priority Selection Group on December 31 in any calendar year whose random sequence number had been reached but who had not been issued Orders to Report for Induction during the calendar year shall be assigned to the Extended Priority Selection Group for the immediately succeeding calendar year.
- (5) Members of the Extended Priority Selection Group who have not been issued orders to report for induction and originally scheduled for a date prior to April I shall forthwith be assigned to the lower priority selection group to which they would have been assigned had they never been assigned to the Extended Priority Selection Group; except that members of the Extended Priority Selection Group who would have been ordered to report for induction to fill the last call in the first quarter of the calendar year but who could not be issued orders shall remain in the Extended Priority Selection Group and shall be ordered to report for induction as soon as practicable. Circumstances which would prevent such an order shall include but not be limited to those arising from a personal appearance, appeal, preinduction physical examination, reconsideration, judicial proceeding, or inability of the local board to act.
- (6) Any registrant assigned to a lower priority selection group or the Extended Priority Selection Group, who while in such priority selection group receives a deferment or exemption, and who subsequently is reclassified into Class I-A or Class I-A-O, shall be assigned to the priority selection group which, at the time of such reclassification, is in the same corresponding position as was the priority selection group of which he was a member when he received such deferment or exemption.
- (7) A registrant in category (b) (2), (3) or (4) can be inducted under those provisions after he has attained the age of 26 only if he has extended liability and has been issued an order to report for induction prior to such birthday.
- (8) Within category (3) and (4) listed in (b) there shall be a subgroup consisting of registrants who have a wife whom they married on or before August 26, 1965, and with whom they maintain a bona fide family relationship in their homes. Registrants in any such subgroup shall be subject in all respects to this section except that they shall be selected after other registrants in the group of which that subgroup is a part.

THE WHITE House,

September 26, 1970.

[F.R. Doc. 70-13343; Filed, Oct. 1, 1970; 4:45 p.m.]

Richard Nixon



Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission
PART 213—EXCEPTED SERVICE

Overseas Private Investment Corporation

Section 213.3317 is added to show that one position of Chauffeur to the President, Overseas Private Investment Corporation, is excepted under Schedule C. Effective on publication in the Federal Register, § 213.3317 is added as set out below.

§ 213.3317 Overseas Private Investment Corporation.

(a) One Chauffeur to the President.(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

United States Civil Service Commission,
(seal) James C. Spry,
Executive Assistant to
the Commissioners.

[F.R. Doc 70-13247; Filed, Oct. 2, 1970; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 447]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.747 Lemon Regulation 447.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee. established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the

public interest to give preliminary notice. engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the Federal Register (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 29, 1970.

(b) Order. (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period October 4, 1970, through October 10, 1970, are hereby fixed as follows:

(i) District 1: Unlimited movement:

(ii) District 2: 95,000 cartons;

(iii) District 3: 85,502 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended, 7 U.S.C. 601-674)

Dated: October 1, 1970.

PAUL A. NICHOLSON, Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 70-13293; Filed, Oct. 2, 1970; 8:49 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Orders Nos. 6, 12, 13; Dockets Nos. AO-356-A6, 347-A10, AO-286-A18]

MILK IN UPPER FLORIDA, TAMPA BAY, AND SOUTHEASTERN FLORIDA MARKETING AREAS

Order Amending Orders

Correction

In F.R. Doc. 70-12529 appearing at page 14699, in the issue of Tuesday, September 22, 1970, the following changes should be made:

1. Section 1006.22(j) (2) should read:
(2) The 5th day of each month the
Class II price and the Class II butterfat
differential, both for the preceding

month; and
2. The undesignated paragraph following § 1006.41(a) (2) is designated as

subparagraph "(3)",

3. The last line of § 1006.45(a) (1) should read "to § 1006.41(b) (6);" and the reference to "Class III" appearing in the second and third lines of paragraph (a) (1) and in the first and fourth lines of paragraph (a) (2) (i) of this section should be changed to read "Class II".

4. The reference to "Class III" in the fourth line of § 1006.74(a) (2) should read "Class II" and the last line of subparagraph (2) should be changed to read

'pursuant to § 1006.60(f).'

5. The last-word of § 1012.4 should read "unit".

6. The word "sources" in the penultimate line of § 1012.43(b) (3) (ii) should be singular.

7. Section 1012.45 should be changed as follows:

a. In paragraph (a) (1) the references to "Class III" in the second and third lines should be changed to read "Class II" and the last line of subparagraph (1) should read "§ 1012.41(b) (6);"

b. In paragraph (a) (2) (i) the references to "Class III" in the first and fourth lines should be changed to read "Class II" and the penultimate line of subdivision (i) should read "(b) (5) plus 2 percent of the remainder".

8. Paragraph (a) of § 1013.46 should

be changed as follows:

a. The references to "Class III" in the second and third lines of subparagraph (1) should be changed to "Class II" and the last line of that subparagraph should read "§ 1013,41(b) (6);"

b. The reference to "Class III" should be changed to "Class II" as it appears in the third line of subparagraph (3).

c. The reference to "Class IV" appearing in the fourth line of subparagraph (4) should be changed to read "Class III".

d. The word "Receipt" as it appears in the first line of subparagraph (6)(i)

should be plural.

9. The last line of paragraph (a) of § 1013.71 should read "§ 1013.82 for the preceding month:" and the last line of paragraph (e) (2) should read "§ 1013,70 (f): and".

Title 14—AERONAUTICS AND SPACE

Chapter I-Federal Aviation Administration, Department of Transportation

[Docket No. 10614; Amdt. No. 723]

PART 97-STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-

696 (358 F.R. 5610).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20590. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, D.C. 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of \$125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.19 is amended by establishing, revising, or canceling the following Radar SIAPs, effective October 29,

Long Beach, Calif.—Long Beach Airport (Daugherty Field) Radar-1, Amdt. 4; Revised.

2. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAPs, effective October 29, 1970.

Baltimore, Md.-Friendship International Airport; VOR Runway 10, Amdt. 8; Revised. Md.—Friendship International Airport; VOR Runway 28, Amdt. 12; Rewised.

Big Piney, Wyo.—Big Piney Municipal Airport; VOR Runway 31, Original; Established.

Crestview, Fia.-Bob Sikes Airport; VOR-A, Amdt. 3; Revised.

Marysville, Calif.—Yuba County Airport;

VOR Runway 14, Amdt. 3; Revised.

Marysville, Calif.—Yuba County Airport;

VOR Runway 32, Amdt. 4; Revised. Meridian, Miss.-Key Field; VOR-A, Amdt.

9: Revised. Stockton, Calif.-Stockton Metropolitan Airport; VOR Runway 29R, Amdt. 11; Revised,

Tallahassee, Fla.—Tallahassee Commercial Airport; VOR-A. Amdt, 2; Revised. Westfield, Mass.-Barnes Municipal Airport;

VOR Runway 20, Amdt. 10; Revised.

Annette Island, Alaska—Annette Airport; VORTAC-A, Amdt. 2; Revised. Annette Island, Alaska-Annette Airport;

VORTAC Runway 30, Amdt. 2; Revised. Baltimore, Md.—Friendship International Airport; VOR/DME Runway 15, Amdt. 2; Revised.

altimore, Md.—Friendship International Airport; VOR/DME Runway 22, Amdt. 1; Baltimore, Revised.

3. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAPs, effective October 22, 1970.

Hawthorne, Calif.—Hawthorne Municipal Airport; VOR Runway 7, Amdt. 7;

4. Section 97.25 is amended by establishing, revising, or canceling the following LOC-LDA SIAPs, effective October 29, 1970.

altimore, Md.—Friendship International Airport; LOC (BC) Runway 28, Amdt. 8; Baltimore. Revised.

Md.-Friendship International Baltimore, Airport; LOC (BC) Runway 33, Original; Established.

5. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAPs, effective October 29, 1970.

Annette Island, Alaska—Annette Airport; NDB-A, Amdt. 9; Revised.

Annette Island, Alaska-Annette Airport; NDB-B, Amdt. 4; Revised.

Columbus, Ohio-Ohio State University Airport; NDB-A, Amdt, 2; Revised. Meridian, Miss.—Key Field; NDB Runway 1,

Amdt. 12: Revised.

Stockton, Calif.-Stockton Metropolitan Air-NDB Runway 29R, Amdt. 8; port: Revised.

6. Section 97.29 is amended by establishing, revising or canceling the following ILS SIAPs, effective October 29, 1970.

Annette Island, Alaska-Annette Airport; ILS Runway 12, Amdt. 10; Revised.

Baltimore. Md.-Friendship International Airport; H.S Runway 10, Amdt. 17; Revised. Md.-Friendship International Baltimore, Md.—Friendship International Airport: ILS Runway 15, Amdt. 2; Revised. Meridian, Miss.-Key Field; ILS Runway 1, Amdt, 14; Revised.

Miami, Fla.-Miami International Airport; Parallel ILS Runway 9L, Amdt. 1; Revised. Stockton, Calif.-Stockton Metropolitan Airport; ILS Runway 29R, Amdt. 10; Revised.

7. Section 97.31 is amended by establishing, revising or canceling the following Radar SIAPs, effective October 29,

Md.-Friendship International Airport; Radar-1, Amdt. 4; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, sec. 8(c), Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on September 24, 1970.

> J. A. FERRARESE, Acting Director, Flight Standards Service.

Note: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969 (35 F.R. 5610).

[P.R. Doc. 70-13205; Filed, Oct. 2, 1970; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Releases Nos. 33-5088, 34-8983, 35-16836, 39-280, IC-5192, IAA-2731

PART 201-RULES OF PRACTICE Appearance and Practice Before Commission

I. The Securities and Exchange Commission has amended Rule 2(e) of the Commission's Rules of Practice, 17 CFR 201.2(e), to provide for the automatic suspension from appearance or practice before the Commission of any person who (1) has been suspended or disbarred from practice or has had his license to practice suspended or revoked by any State, Territory, District, Common-wealth, or Possession or (2) has been convicted of any felony, or of a misde-meanor involving moral turpitude, or (3) has been suspended or disbarred by a court of the United States or in any State, Territory, District, Common-wealth, or Possession. The revision provides that the Commission's suspension will continue regardless of whether an appeal from the underlying suspension, conviction, or disbarment is pending or could be taken, but provides also that the Commission's suspension will be lifted, upon appropriate application, if all the grounds for the underlying suspension, conviction or disbarment are subsequently removed by reversal of the conviction or termination of the suspension or disbarment.

In addition, the revision provides that the Commission may deny, temporarily or permanently, the privilege of practic-ing or appearing before it by any person who it finds after notice of and opportunity for hearing to have willfully violated, or willfully aided and abetted the violation of, any provision of the Federal securities laws. The latter aspect of the revision is merely a clarification of Commission practice under the present Rule 2(e), which provides for the disqualification from appearance or practice before the Commission of any person who the Commission finds after notice of and opportunity for hearing (i) not to possess the requisite qualifications to represent others, or (ii) to be lacking in character or integrity or to have engaged in unethical or improper professional conduct. The present Rule 2(e) has been redesignated as Rule 2(e) (1) and this revision has been designated as (iii) thereto.

The revision provides further that any person who has been suspended from practice or convicted of a felony, or of a misdemeanor involving moral turpitude, or who has been suspended or disbarred by a State or Federal court, must give notice to the Commission of any such action. Finally, the revision provides that any person suspended under Rule 2(e) may apply for reinstatement at any time on any grounds and the applicant will be given an opportunity for a hearing.

The need for the revision and the proposed amendment described below is apparent from a recent situation in which an attorney, who had been convicted of violating certain provisions of the federal securities laws, was able to file numerous documents with the Commission during the approximately 11 months between the conviction and his disqualification by the Commission. The revision and proposed amendment should prevent similar situations in which the Commission and the investing public places its trust in, or reliance upon, attorneys, accountants and other experts who have proved their untrustworthiness.

The revision closely parallels similar provisions contained in many State laws and Federal district court rules and is consistent with the recommendations of the American Bar Association's Special Committee on Evaluation of Disciplinary Enforcement.

II. Commission action: Paragraph (e) of § 201.2 of Chapter II of Title 17 of the Code of Federal Regulations is hereby amended to read as follows:

§ 201.2 Appearance and practice before the Commission.

(e) Suspension and disbarment. (1) The Commission may deny, temporarily or permanently, the privilege of appearing or practicing before it in any way to any person who is found by the Commission after notice of and opportunity for hearing in the matter (i) not to possess the requisite qualifications to represent others, or (ii) to be lacking in character or integrity or to have engaged in unethical or improper professional conduct, or (iii) to have willfully violated, or willfully aided and abetted the violation of any provision of the federal securities laws (15 U.S.C. §§ 77a-80b-20). or the rules and regulations thereunder.

(2) (i) Any attorney who has been suspended or disbarred by a court of the United States or in any State, Territory, District, Commonwealth, or Possession, or any person whose license to practice as an accountant, engineer or other expert has been revoked or suspended in any Territory, District, Commonwealth, or Possession, or any person who has been convicted of a felony or of a misdemeanor involving moral turpitude, shall be forthwith suspended from appearing or practicing before the Commission. A disbarment, suspension, revocation or conviction within the meaning of this paragraph (e) shall be deemed to have occurred when the disbarring, suspending. revoking or convicting agency or tribunal enters its judgment or order, regardless of whether appeal is pending or could be taken, and includes a judgment or order on a plea of nolo contendere.

(ii) Any person suspended under this paragraph (e) shall be reinstated by the Commission, upon appropriate application, if all the grounds for any action taken hereunder are subsequently removed by a reversal of the conviction or termination of the suspension, disbarment or revocation. An application for reinstatement on any other grounds may be filed at any time and the applicant will be accorded an opportunity for a hearing in the matter; however, such suspension shall continue unless and until said person has been reinstated by order of the Commission for good cause shown.

(3) Any person appearing or practicing before the Commission who has been the subject of an order, judgment, decree, or finding as set forth above shall promptly file with the Secretary of the Commission a copy thereof (together with any related opinion or statement of the agency or tribunal involved). Failure to file any such paper shall not impair the operation of any other provision of this paragraph (e).

(4) Any proceeding brought under any of the above subdivisions of this paragraph (e) shall not preclude a proceeding under any other provisions thereof.

III. Further, notice is hereby given that the Commission has under consideration a proposal to amend the newly revised Rule 2(e) to provide that any person who has been (1) permanently enjoined from violating, or aiding and abetting the violation of any provision of the Federal securities laws, or (2) found by any court or the Commission to have willfully violated, or willfully aided and abetted the violation of, any provision of the Federal securities laws, may be ordered to show cause, within 15 days after service upon him of a copy of such order, why he should not be censured or temporarily or permanently disqualified.

The text of the proposed amendment to revised \$ 201.2(e) would read as follows:

Any person who has been permanently enjoined by any court of competent jurisdiction from violating or aiding and abetting the violation of any provision of the Federal securities laws (15 U.S.C. 77a-80b-20), or the rules and regulations thereunder, or has been found by any such court or this Commission in any civil or administrative action or proceeding to which such person is a party to have willfully violated or willfully aided and abetted the violations of any such provision, rule or regulation, may be ordered to show cause, within 15 days after the service upon him of a copy of such order, why he should not be censured or temporarily or permanently disqualified from appearing or practicing before the Commission. Upon his response to the order, or upon the expiration of the 15 days if no response is made, the Commission shall enter an appropriate order with due regard to the public interest.

Should the amendment be adopted, it would be designated as subdivision (3) of Rule 2(e) and subdivisions (3) and (4) would be redesignated as (4) and (5).

All interested persons are invited to submit their views and comments on the above proposal, in writing, to the Securities and Exchange Commission, Washington, D.C. 20549 on or before October 23, 1970. All such communications will be considered available for public inspection.

The foregoing revision of Rule 2(e) of the Commission's rules of practice is adopted pursuant to section 23(a) of the Securities Exchange Act of 1934, 15 U.S.C. § 78w(a), which provides in pertinent part that the Commission shall have power to make such rules and regulations as may be necessary for the execution of the functions invested in [it] * by this title." Similar power to make and amend rules and regulations is contained in the other statutes administered by the Commission. See, e.g., section 19(a) of the Securities Act of 1933, 15 U.S.C. section 77s(a); section 38(a) of the Investment Company Act of 1940, 15 U.S.C. section 80a-37(a). The Commission finds that the revision relates only to matters of agency procedure and pratcice and, therefore, notice and procedures specified in 5 U.S.C. 553 are unnecessary. Accordingly, the revision shall become effective September 24, 1970.

(Secs. 19(a), 209, 48 Stat. 85, 908, 15 U.S.C. 77a(a); sec. 23(a), 48 Stat. 901, sec. 8, 49 Stat. 1379, 15 U.S.C. 78w(a); sec. 20(a), 49 Stat. 833, 15 U.S.C. 79t(a); sec. 319(a), 53 Stat. 1173, 15 U.S.C. 77ses(a); secs. 38(a), 211(a), 54 Stat. 841, 855, 15 U.S.C. 80a-37(a), 80b-11)

By the Commission, September 24, 1970.

[SEAL] ORVAL L. DuBois, Secretary.

[F.R. Doc. 70–13232; Filed, Oct. 2, 1970; 8:46 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development
SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows: § 1914.4 List of designated areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area

California	Los Angeles	. Burbank	E 06 087 0450 01	Department of Water Resources, Box 388, Sacramento, Calif. 98892. Csiffornia Insurance Department, 107 South Broadway, Lee Angeles, Calif. 90012, and 1407 Market St., San Francisco, Calif. 94108.	City Hall, 275 East Olive Ave., Burbank, Calif. 91592.	Oct. 2, 1970.
Now Jorsey	Mercer	. Ewing Township.	E 34 021 0035 01	Department of Environmental Pro- tection, Division of Water Policy and Supply, Post Office Box 1390, Trenton, N.J. 08025. Department of Banking and Insur- ance, State House Annex, Trenton, N.J. 08023.	Office of the Township Clerk, Town- ship Municipal Bidg., 1872 Penning- ton Road, Trenton, N.J. 08618.	Dø.
Do	Passale	Bloomingdate Berough.	E 34 031 0330 01	do	Office of the Borough Clerk, Municipa Bldg., Bloomingdale, N.J. 07403.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: October 2, 1970.

George K. Bernstein, Federal Insurance Administrator.

[F.R. Doc. 70-13217; Filed, Oct. 2, 1970; 8:45 a.m.]

PART 1915-IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows: § 1915.3 List of flood hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
California 1	os Angeles	Burbank	T 06 087 0480 01	188, Sacramento, Callf. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Callf. 90012, and 1407 Market St.,	City Hall, 275 East Olive Ave., Burbank, Calif. 91502.	Oct. 2, 1970.
New Jersey h	fercet	Ewing Township	T 34 021 0935 91	San Francisco, Calif. 94103. Department of Environmental Protection, Division of Water Policy and Supply, Peet Office Box 1200, Trenton, N.J. 68625. Department of Banking and Insurance, State House Annex, Trenton, N.J. 68625.	Office of the Township Clerk, Township Municipal Bidg., 1872 Pennington Road, Trenton, N.J. 09618.	Do.
Do I Virginia	'assale	Bloomingdale Borough, Virginia Beach	T 34 031 0330 01 H 51 810 2540 01 through H 51 810 2540 29	Department of Conservation and Economic Development, Division of Water Resources, 911 East Broad St., Richmond, Va. 23219. Virginia Insurance Department, 709 Blanton Bidg., Post Office Box 1157, Richmond, Va. 23209.	Office of the Borough Clerk, Municipal Hidg., Bloomingdale, N.J. 07403. Office of the City Clerk, City Hall, Virginia Beach, Va. 23456.	

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: October 2, 1970.

George K. Bernstein, Federal Insurance Administrator.

[F.R. Doc. 70-13218; Filed, Oct. 2, 1970; 8:45 a.m.]

Title 32-NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER A-ADMINISTRATION

PART 805—LIFE INSURANCE SOLICITATION

PART 808-MOTOR VEHICLE LIABILITY INSURANCE

SUBCHAPTER C-PUBLIC RELATIONS

PART 822—UNIDENTIFIED FLYING OBJECTS (UFO)

Parts 805, 808, and 822 of Title 32 are hereby deleted from the Code of Federal Regulations.

> ALEXANDER J. PALENSCAR, Jr., Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 70-13226; Filed, Oct. 2, 1970; 8:45 a.m.]

Chapter XVI—Selective Service System

PART 1631—QUOTAS AND CALLS

Action by Local Board Upon Receipt of Notice of Call

Cross Reference: For a document amending the Selective Service Regulations concerning action by local board upon receipt of notice of call, see Title 3, Executive Order 11563, F.R. Doc. 70–13343, supra.

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER I-ANCHORAGES [CGFR 69-137A]

PART 110—ANCHORAGE REGULATIONS

Subpart A—Special Anchorage Areas

NIAGARA RIVER, YOUNGSTOWN, N.Y.

1. The Commander, Ninth Coast Guard District, Cleveland, Ohio, by letter dated October 28, 1969, recommended the enlargement of the Special Anchorage Area presently located on the Niagara River at Youngstown, N.Y., as described in 33 CFR 110.85. A public notice was issued by the Commander, Ninth Coast Guard District on October 10, 1969, describing the proposed change. In addition, a notice of proposed rule making was published in the Federal Register of December 23, 1969 (34 F.R. 20063). In response to objections received to the original proposal, the area has been redefined to the satisfaction of all concerned. Two fairways have been excepted from the special anchorage area to permit the free movement of vessels to and from docking facilities located on the easterly bank of the river. Therefore, the request to enlarge the special anchorage area on the Niagara River at Youngstown, N.Y., is granted.

2. Section 110.85 of Part 110 is revised to read as follows:

§ 110.85 Niagara River, Youngstown,

Beginning at the intersection of the north line of Jackson Street extended with the east shoreline of the Niagara River; thence westerly along the north line of Jackson Street extended 700 feet; thence southerly along lines parallel to Main Street approximately 4,035 feet to the south line of Swain Street extended; thence easterly along the south line of Swain Street extended to the shoreline; thence northerly along the shoreline, 1,855 feet to the south end of the Pierce Marine Co. pier; thence west 260 feet; thence northerly along a line parallel to Main Street for 1,525 feet to the north line of William Street extended; thence easterly along this line to the shoreline; thence northerly 775 feet along the shoreline to the point of beginning, excepting therefrom, a 100-foot-wide area extending through the special anchorage area, southerly of a line bearing 300° from the southwesterly corner of the Pierce Marine Co. pier at 555 Water Street, and a 150-foot-wide area extending through the special anchorage area from the Old Fort Niagara Yacht Club dock, whose centerline describes a line bearing 296.5° to the Niagara-on-the-Lake Front Range light (latitude 43°15.3' N., longitude 79°-03.7' W.). These fairways will be maintained in order to permit the free movement of vessels to and from the above named organizations' docking facilities. This area is designated a special anchorage area subject to the condition that such buoys as may be prescribed by the U.S. Coast Guard to mark the area shall be provided and maintained by and at the expense of local interests.

(Rule 9, sec. 1, 28 Stat. 647, as amended, sec. 6(g) (1) (C), 80 Stat. 937; 33 U.S.C. 258, 49 U.S.C. 1655(g) (1) (C); 49 CFR 1.46(c) (3) (35 F.R. 4959), 33 CFR 1.05-1(c) (1) (35 F.R. 8279))

Effective date. This amendment shall become effective 30 days following the date of publication in the Federal Register.

Dated: September 29, 1970.

R. E. HAMMOND. Chief, Office of Operations.

[F.R. Doc. 70-13256; Filed, Oct. 2, 1970; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32-HUNTING

Pungo National Wildlife Refuge, N.C.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH CAROLINA

PUNGO NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer on the Pungo National Wildlife Refuge, N.C., is permitted on all areas not designated by signs as closed to hunting. This open area, comprising 7,000 acres, is delineated on maps available at the refuge head-quarters, Plymouth, N.C., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of white-tailed deer, subject to the following special conditions:

 Deer may be taken from sunrise to sunset during the following open seasons: Bow and arrow hunt: October 5-10, 1970.

Shotgun hunt: October 12, 17, and 21, 1970.

- (2) Bag limit; One (1) deer per day; two (2) per season, Either sex.
- (3) Weapons: Archery equipment—same as provided for in State regulations, Shotguns may be used with rifled slugs or shot not smaller than No. 4 buckshot.
 - (4) Dogs and rifles are prohibited.
- (5) All deer harvested must be checked in at the refuge subheadquarters on Coulbourn Road the day they are killed and prior to leaving the any-sex hunting area.
 - (6) Camping and fires are prohibited.
- (7) No hunting permitted within 200 yards of the refuge subheadquarters.
- (8) Motor vehicular traffic will be confined to established roads.
- (9) Guns must be unloaded and bows unstrung while being transported in a motor vehicle.
- (10) Unauthorized entry into any building or designated "Closed Area" is prohibited.
- (11) Hunters under 18 years of age must be accompanied by an adult.
- (12) Hunters shall not disturb, damage or destroy unharvested crops.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through October 21, 1970.

> C. EDWARD CARLSON, Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 22, 1970.

[F.R. Doc. 70-13288; Filed, Oct. 2, 1970; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 105-General Services Administration

SUBCHAPTER B-ARCHIVES AND RECORDS

PART 105-61-PUBLIC USE OF REC-ORDS, DONATED HISTORICAL MA-TERIALS, AND FACILITIES IN THE NATIONAL ARCHIVES AND REC-ORDS SERVICE

Exhibition Hall Hours

This amendment provides for closing the National Archives Exhibition Hall during the evenings of winter months.

Subpart 105-61.3-Public Use of Facilities of the National Archives and Records Service

Section 105-61,302 is revised to read as follows:

§ 105-61.302 The National Archives Exhibition Hall.

Unless otherwise directed by the Archivist of the United States, visitors are admitted to the Exhibition Hall on Sundays from 1 p.m. to 10 p.m.; and from 9 a.m. to 10 p.m., Monday through Saturday and holidays, except during winter months (first Monday in October through the first Sunday in March) when the Exhibition Hall is closed at 6 p.m. The Building is closed on Christmas Day and New Year's Day. On Saturdays, Sundays, and holidays, and after 5:15 p.m., Monday through Friday, visitors are admitted only through the Constitution Avenue entrance. However, during these times the guards are authorized to admit handicapped visitors to the Exhibition Hall through the Pennsylvania Avenue entrance and the Main Floor gates.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This revision shall become effective upon publication in the FEDERAL REGISTER.

Dated: September 29, 1970.

ROBERT L. KUNZIG. Administrator of General Services.

[F.R. Doc. 70-13229; Filed, Oct. 2, 1970; 8:45 a.m.

Title 49—TRANSPORTATION

Chapter X-Interstate Commerce Commission

[Ex Parte No. 261; Special Permission No. 70-275]

PART 1300-FREIGHT SCHEDULES-RAILROADS

Miscellaneous Amendments

In the matter of tariffs containing joint rates and through routes for the transportation of property between points in or imported from a foreign country by

the United States and points in foreign countries.

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 4th day of September 1970.

It appearing, that a full investigation of the matters involved herein having been made, and the Commission on this date, having entered its report setting forth its findings, conclusions, and amended rules, which report is hereby referred to and made a part hereof;

It is ordered, That, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. § 553), and sections 1(1)(a), 6(5), 6(6), 6(12), 202(a), 203(a) (11), 216(c), 217(a), 220(a), 302, 303, 305(b), 306, and 313 of the Interstate Commerce Act, rule 67 of Tariff Circular No. 20 (§ 1300.67 of chapter X of title 49 of the Code of Federal Regulations (49 CFR § 1300.67)), be, and it is hereby, revised to read as follows:

§ 1300.67 Export and import trafficocean carriers.

Common carriers by water, or conferences of such carriers, engaged in the foreign commerce of the United States, as defined in the Shipping Act, 1916, that operate between ports of the United States and foreign countries are not subject to the terms of the Interstate Commerce Act or to the jurisdiction of the Interstate Commerce Commission.

(a) Through routes and joint rates. When a common carrier by railroad, by motor vehicle, or by water, subject to the Interstate Commerce Act, establishes a through route and joint rate with a vessel-operating common carrier by water, or a conference of such carriers, engaged in the foreign commerce of the United States, as defined in the Shipping Act, 1916, for the transportation of property between any place in the United States and any place in a foreign country, tariffs naming all such through routes and joint rates shall be filed with this Commission. Such tariffs shall be published, filed, and posted in conformity with the provisions of the Interstate Commerce Act and the rules of this tariff circular, and shall include the names of all participating carriers, a description of the services to be performed by each participating carrier, and a statement of the division to be received by the participating carrier which is subject to the act for its share of the single charge (the joint rate) covering a through shipment.

(b) Port combination basis. When the several carriers do not establish a joint rate as provided in paragraph (a) above (even if a through route is so established), and such carriers desire instead to handle the traffic on the basis of a combination of their separate rates applying to and from the ports, which rates are fixed independently by each of the carriers, then in that event the following will apply:

(1) The rail, motor, or water carriers subject to the Interstate Commerce Act and transporting property exported to

water shall file their rates to the ports and from the ports, and such rates must be the same for all, regardless of which ocean carrier may be designated by the shipper, except as otherwise provided by section 28 of the Merchant Marine Act (41 Stat. 999, 46 U.S.C. 884)

(2) When rates are published to apply on export or import traffic, the tariffs containing such rates shall specify by inclusion or exclusion the countries to or from which traffic subject to such rates shall move, whether such countries are or are not adjacent to the United

(3) In the interest of clarity, the tariffs should also specify whether or not property destined to or coming from Cuba, the Philippine Islands, Puerto Rico, the Hawaiian Islands, or the Canal Zone are included. For convenience, and without regard to the political status and relation of the Philippines, Puerto Rico, the Hawaiian Islands, and the Canal Zone to the United States, they, together with Cuba, are for these purposes, to be classed with foreign countries, and in the absence of a statement in tariffs limiting the application of export and import rates, export and import rates will apply on traffic destined to or originating at the above-named territories.

(4) As a matter of convenience to the public, the rail, motor, or water carriers subject to the act may also publish as information in their tariffs the steamship charges that will apply to or from a foreign country in connection with the domestic rates. When this is done, the steamship charges are in no manner subject to the jurisdiction of this Commission, but the rates of the domestic carriers applying to or from the ports are subject to all provisions of the Interstate Commerce Act and to this Commission's rules with respect to notice and form of

publication.

(c) Through export and import billing. Export and import shipments may be forwarded under through billing, but through bills of lading must clearly separate the liability of the carriers included therein, where different, and must show (1) the tariff rates of the rail, motor, or water carriers subject to the Interstate Commerce Act to or from the port, or (2) joint rates or charges when such rates are established and are named in tariffs on file with the Commission as provided in paragraph (a) of this section.

It is further ordered, That § 1307.22 of chapter X of title 49 of the Code of Federal Regulations, 49 CFR § 1307.22, be. and it is hereby, revised to read as follows:

§ 1307.22 Application of regulations.

(a) The regulations in subpart B will also apply to tariffs containing joint rates of common carriers of property by motor vehicle and common carriers by water subject to part III of the Interstate Commerce Act, other than railroad-owned or railroad-controlled water carriers.

(b) The regulations in subpart B will not apply (i) to tariffs containing joint rates between motor carriers and common carriers by rail or by water when

such water carriers are railroad-owned or railroad-controlled and operate under the provisions of section 5(16) of the Interstate Commerce Act; or (ii) to tariffs containing joint motor-rail-water rates whether or not the water carrier is railroad-owned or controlled.

(c) The regulations in subpart B will not apply to export and import traffic moving via common carriers by motor vehicle subject to part II of the Interstate Commerce Act, and vessel-operating common carriers by water, or conferences of such water carriers, engaged in

the foreign commerce of the United States, as defined in the Shipping Act, 1916, for the transportation of property between any place in the United States and any place in a foreign country. For the applicable regulations pertaining to that traffic see rule 67 of Tariff Circular No. 20 (§ 1300.67 of this chapter).

It is further ordered. That this order shall become effective on October 26, 1970:

It is further ordered, That notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register;

And it is further ordered, That this proceeding be, and it is hereby, discontinued.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON, Acting Secretary.

[F.R. Doc. 70-13253; Filed, Oct. 2, 1970; 8:47 a.m.]

Proposed Rule Making

FEDERAL POWER COMMISSION

[18 CFR Part 157]

[Docket No. R-377]

TRANSPORT AND/OR SALES OF LIQUEFIED NATURAL GAS

Notice of Conference

SEPTEMBER 29, 1970.

Take notice that on November 3, 1970, a conference will be held pursuant to the provisions of paragraph 7 of the notice of proposed rulemaking in Docket No. R-377, in response to the request of certain parties. The conference will be held at 10 a.m. in a Hearing Room (to be posted) in the Federal Power Commission, 441 G Street NW., Washington, D.C. The Commission staff proposes an agenda consisting of discussion of: (1) Transportation exemption problems; (2) incidental sales problems; (3) volumetric limitations; (4) reporting problems; and (5) any other relevant matters.

GORDON M. GRANT, Secretary.

[F.R. Doc. 70-13239; Filed, Oct. 2, 1970; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service [7 CFR Part 982]

FILBERTS GROWN IN OREGON AND WASHINGTON

Notice of Proposed Free and Restricted Percentages for 1970–71 Fiscal Year

Notice is hereby given of a proposal to establish, for the 1970-71 fiscal year, beginning August 1, 1970, free and restricted percentages of 78 and 22 percent, respectively, applicable to filberts grown in Oregon and Washington. The proposed percentages would be established in accordance with the provisions of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal was recommended by the Filbert Control Board.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 9 days after the publication of this notice in the Federal Register. All written submissions made pursuant to this notice should be in quadruplicate and will be made avaliable for public inspec-

tion at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)).

The proposed percentages are based upon the following estimates for the 1970-71 fiscal year:

(1) Production of 8,600 tons;

(2) Total requirements for 1970 crop merchantable filberts of 5,747 tons, which is the sum of an inshell trade demand of 5,750 tons and provision for inshell handler carryover on July 31, 1971, of 500 tons, less the inshell handler carryover on August 1, 1970, of 503 tons not subject to regulation; and

(3) A total supply of merchantable filberts subject to regulation of 7,388 tons which is the estimated production of 8,600 tons, less 1,300 tons nonmerchantable production, plus 88 tons of carryin subject to regulation.

On the basis of the foregoing estimates, free and restricted percentages of 78 percent and 22 percent, respectively, appear to be appropriate for the 1970-71 season.

The proposal is as follows:

§ 982.220 Free and restricted percentages for merchantable filberts during the 1970–71 fiscal year.

The following percentages are established for merchantable filberts for the fiscal year beginning August 1, 1970:

Free percentage 78
Restricted percentage 22

Dated: September 29, 1970.

PAUL A. NICHOLSON, Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 70-13231; Filed, Oct. 2, 1970; 8:46 a.m.]

[7 CFR Part 982]

FILBERTS GROWN IN OREGON AND WASHINGTON

Proposed Expenses of Filbert Control Board and Rate of Assessment for 1970—71 Fiscal Year

Notice is hereby given of a proposal regarding expenses of the Filbert Control Board for the 1970-71 fiscal year and rate of assessment for that fiscal year, pursuant to §§ 982.60 and 982.61 of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington. The marketing agreement and order are effective under the Agriculture Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The Board has recommended for the 1970-71 fiscal year beginning August 1, 1970, a budget of expenses in the total amount of \$25,339. Based on the volume

of filberts estimated to be subject to this regulatory program during the 1970-71 fiscal year, an assessment rate of 0.20 cent per pound of assessable filberts is expected to provide sufficient funds to meet the estimated expenses of the Board.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administrative Building, Washington, D.C. 20250, not later than the 9th day after the publication of this notice in the Federal Register. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1,27(b)).

The proposal is as follows:

§ 982.315 Expenses of the Filhert Control Board and rate of assessment for the 1970-71 fiscal year.

(a) Expenses. Expenses in the amount of \$25,339 are reasonable and likely to be incurred by the Filbert Control Board during the fiscal year beginning August 1, 1970, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.
(b) Rate of assessment. The rate of

(b) Rate of assessment. The rate of assessment for said fiscal year, payable by each handler in accordance with § 982.61, is fixed at 0.20 cent per pound of filberts.

Dated: September 30, 1970.

PAUL A. NICHOLSON,
Deputy Director, Fruit and
Vegetable Division, Consumer
and Marketing Service.

[P.R. Doc. 70-13261; Piled, Oct. 2, 1970; 8:48 a.m.]

[7 CFR Parts 1063, 1070, 1079]

[Dockets Nos. AO-105-A33, AO-229-A24. AO-295-A22]

MILK IN QUAD CITIES-DUBUQUE, CEDAR RAPIDS-IOWA CITY, AND DES MOINES MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Notice is hereby given of a public hearing to be held at the National Motor Inn. 921 Sixth Avenue, Des Moines, Iowa, beginning at 9:30 a.m., local time, on October 8, 1970, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Quad Cities-Dubuque, Cedar Rapids-Iowa City, and Des Moines marketing areas.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

Evidence also will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR Part 900.12(d)) with respect to proposals set forth below.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Mid-America Dairymen,

Inc.:

Proposal No. 1. Revise § 1063.52(a) of the Quad Cities-Dubuque order to provide that a pool plant located in the Iowa counties of Dallas, Polk, Jasper, Madison, Warren, and Marion shall have a Class I price equal to the price specified

in § 1063.50(b) plus 15 cents.

Proposal No. 2. Revise § 1079.61(a) of the Des Moines order with respect to a distributing plant that would be subject to the classification and pricing provisions of another order to include route disposition in unregulated areas along with route disposition in the marketing area where the plant is located in computing total sales from the plant in the marketing area where located.

Proposed by Borden, Inc.:

Proposal No. 3. Revise the Class I price provisions of the Des Moines order to provide appropriate alignment of the Des Moines Class I price with other Class I milk prices in the Iowa and Minnesota markets.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 4. Consider any appropriate modifications of the Class I price differential and location differential provisions of the Quad Cities-Dubuque, Cedar Rapids-Iowa City and Des Moines orders. Such provisions are found in §§ 1063.50(b), 1063.52, and 1063.82 of the Quad Cities order; §§ 1070.50(b), 1070.52, and 1070.82 of the Cedar Rapids-Iowa City order; and §§ 1079.17, 1079.50(b), 1079.52, and 1079.52 of the Des Moines order.

Proposal No. 5. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrator, E. H. McGuire, Post Office Box 691, Rock Island, Ill., or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on September 30, 1970.

JOHN C. BLUM, Deputy Administrator, Regulatory Programs.

[F.R. Doc. 70-13260; Filed, Oct. 2, 1970; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGFR 70-112]

HUDSON RIVER AT HYDE PARK, N.Y.

Proposed Special Anchorage Area

1. Notice is hereby given that the Chief, Office of Operations, U.S. Coast Guard Headquarters, under authority of section 1, 30 Stat. 98, as amended (33 U.S.C. 180), section 6(g) (1) (B) of the Department of Transportation Act (80 Stat. 937, 49 U.S.C. 1655(g) (1) (B)), 49 CFR 1.46(c) (2) (35 F.R. 4959), and 33 CFR 1.05-1(c) (1) (35 F.R. 8279), is considering the addition of paragraph (p-2) to § 110.60, Part 110, Subpart A of Title 33, Code of Federal Regulations.

2. The proposed new paragraph would establish and describe a Special Anchorage Area on the Hudson River at Hyde Park, N.Y. In this special anchorage area, vessels not more than 65 feet in length, when at anchor, would not be required to carry or exhibit anchor lights. The area would be for public use, principally for vessels used for a recreational

purpose.
3. It is proposed to amend § 110.60 of Part 110, by adding a new paragraph (p-2) to read as follows:

§ 110.60 Port of New York and vicinity.

(p-2) Hudson River, at Hyde Park, N.Y. Beginning at a point on the shoreline at latitude 41°49°06.5" N., longitude 73°56′35.3" W.; thence west to a point at latitude 41°49′06.5" N., longitude 73°56′42.5" W.; thence north northeasterly to a point at latitude 41°49′12.5" N., longitude 73°56′40.7" W.; thence due east to a point on the shoreline at latitude 41°49′12.5" N., longitude 73°56′-37.7" W.; thence along the shoreline to the point of beginning.

4. Interested persons may participate in this proposed rule making by submitting written data, views, arguments, or comments as they may desire on or before November 5, 1970. All submissions should be made in writing to the Commander, Third Coast Guard District, Governors Island, New York, N.Y. 10004.

5. To expedite the handling of submissions regarding this proposal, it is requested that each subsmission be submitted in triplicate and state the subject to which it is directed; the specific wording recommended; the reason for the recommended change, and the name,

address and firm or organization, if any, of the person making the submission.

6. Each communication received within the time specified will be fully considered and evaluated before final action is taken on the proposal in this document. This proposal may be changed in light of the comments received. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Third Coast Guard District, Governors Island, New York, N.Y. 10004.

7. After all interested persons have expressed their views, the Commander, Third Coast Guard District will forward the record, including the original of all written submissions, and his recommendations with respect to the proposals and submissions received to the Commandant (OLE), U.S. Coast Guard, Washington, D.C. 20591. The Commandant will thereafter make a final determination with respect to this proposal.

Dated: September 29, 1970.

R. E. HAMMOND, Chief, Office of Operations.

[F.R. Doc. 70-13255; Filed, Oct. 2, 1970; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

[Release No. 33-5087]

SECURITIES ACT OF 1933

Persons Presumed Not To Be Underwriters

Proposed rule defining term "underwriter" in section 2(11) and "brokers' transactions" in section 4(4) of Securities Act of 1933, and proposed rescission of §§ 230.154 and 230.155 of this chapter.

Notice is hereby given that the Securities and Exchange Commission is considering a proposed rule relating to the definition of the terms "underwriter" in section 2(11) and "brokers' transactions" in section 4(4) of the Securities Act of 1933 (Act). The term "underwriter" appears in various sections of the Act, including section 4(1). Section 4(1) provides that the registration provisions of the Act shall not apply to transactions by "any person other than an issuer, underwriter or dealer." Thus, a person who is an underwriter with respect to particular securities cannot offer or sell those securities unless they are registered under the Act, are exempt under Regulation A (17 CFR 230.251-,263) or are otherwise exempt from such registration. As discussed later in this release, proposed Rule 144 (17 CFR 230.144) is being considered as an alternative to the "160 series" rules previously proposed by the Commission (see 34 F.R. 14228-34).

The staff of the Commission is often requested to indicate whether, based on the facts stated in the request, the staff would recommend that the Commission take any action, if the securities in question were sold without registration under the Act. A substantial number of these "no action" requests are based upon the exemption provided by section 4(1) of the Act and frequently involve a factual determination as to whether a person is an underwriter, i.e., did the person acquire the securities from the issuer with a view to distribution, or did he acquire such securities for investment, Satisfactory objective standards have not been developed to determine when a person acquires securities with a view to distribution. As a result there has been uncertainty in the application of the registration provisions of the Act,

Accordingly, the Commission is considering proposed Rule 144 to provide a greater degree of certainty with respect to the availability of the exemption from registration under section 4(1) of the Act by establishing more objective standards for determining when a person may be presumed not to be an underwriter or not to be engaged in a distribution. Proposed Rule 144 is also consistent with the purposes of the Act to provide full and fair disclosure and to prevent fraud in connection with the offer and sale of securities.

The proposed rule would provide that any affiliate of an issuer (i.e., any person in a control relationship with the issuer) who offers or sells securities of the issuer in accordance with the terms and conditions of the rule is presumed not to be an underwriter of the securities within the meaning of section 2(11) of the Act, and is further presumed not to be an "issuer," within the meaning of the last sentence of that section, so as to make his selling broker an underwriter. There would also be a presumption, where any other person offers or sells, in accordance with the terms and conditions of the rule, securities which he acquired from the issuer or from an affiliate of such issuer in a nonpublic transaction, that such person is not an underwriter of the securities within the meaning of section 2(11) of the Act.

Under the proposed rule the person making the offering must have owned the securities at least 18 months. The estate of a deceased owner of securities, other than an affiliate of the issuer, need not conform to any holding period. The proposed rule also provides for situations where securities are acquired by reason of conversions, stock splits, or stock dividends. The retention of securities for 18 months after their acquisition is presumptive evidence that they were not acquired with a view to distribution.

The Commission's staff has applied the principal of fungibility to securities purchased at different times in considering requests for "no action" letters. The concept of fungibility, however, bears little relationship to the needs of investors for disclosure. It has never been formalized as a Commission rule or interpretative release, and hence introduces an additional element of uncertainty. Accordingly, fungibility will no longer be considered in determining when a person

is an underwriter, except as provided in paragraph (a)(1)(C) of the proposed

The proposed rule also provides that there must be publicly available current financial and other information concerning the issuer. In SEC v. Ralston Purina Co., 346 U.S. 119 (1952), the Supreme Court, in determining whether the exemption from registration provided by section 4(2) of the Act was available, considered, among other factors, the information available to the persons to whom the securities were offered. The Commission believes that, in light of the purposes of the Act to provide full and fair disclosure to public investors, similar considerations apply in determining whether an exemption under section 4(1) of the Act is available, since the persons to be protected are the same whether the sale is by an underwriter or an issuer. There is a presumption under the proposed rule that the required information is available with respect to an issuer which is required to and does file reports pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934. With respect to other issuers the seller of the securities and the brokers involved in the transaction will have the obligation to determine whether adequate current information is publicly available. Factors that should be considered in making such determination are whether a reasonably current balance sheet and a profit and loss statement and current material information about the issuer's business and management have been published or furnished to security holders.

Also, under the proposed rule after the requisite holding period the securities may be sold only in broker's transactions and only in limited quantities in any 12-month period. The quantity limitations are related to the amount of the class of securities outstanding or to recent trading volume, if the security is traded on a securities exchange. Sales by members of a person's family and other associates are considered sales by that person for purposes of determining the quantity he may sell during the relevant period.

While proposed Rule 144 is designed to provide objective standards for applying the registration provisions of the Act in connection with certain transactions, it does not provide any exemption from the anti-fraud provisions of the securities laws or the civil liabilities provisions of section 12(2) of the Act or other provisions of the securities laws. The rule would not operate to exempt securities of "shell corporations" and such securities would require registration in accordance with Securities Act Release No. 4982 (34 F.R. 11581). Brokers would be under an obligation to make a reasonable inquiry to determine whether the transaction would be in compliance with Rule 144.

Proposed Rule 144 is being considered in lieu of a series of proposed rules (the "160 series") relating to underwriters, nonpublic offerings and brokers' transactions published for comment by the Commission on September 15, 1969 in Securities Act Release 4997 (34 F.R. 14228). The Commission has carefully

reviewed the many helpful comments received from interested persons in regard to those rules, has considered the proposed rules in the light of those comments and the staff's recommendation in regard thereto, and has determined, for the reasons set forth below, not to adopt those rules at this time.

The "160 series" rules previously proposed by the Commission would permit the sale of limited amount of securities held for 1 year provided the issuer was a "qualified issuer" i.e., an issuer which files reports with the Commission pursuant to the Securities Exchange Act of 1934. The Commission feels that a holding period of 1 year is too short and would result in the sale of large amounts of unregistered securities to the public. Moreover, the requirement that the issuer must be a qualified issuer would necessitate the preparation and maintenance of a list of such issuers on a reasonably current basis and the Commission does not at this time have sufficient staff available for this purpose. The proposed rules would require that securities of an issuer acquired in a nonpublic transaction could not be freely sold unless the issuer had substantial annual gross revenues for each of the past 5 years. The Commission feels that this requirement is unduly restrictive and would adversely affect the ability of small companies to raise capital. Moreover, it might give the impression that the Commission is permitting the sale of securities on the basis of their investment merit.

In addition, the proposed rules pre-sume certain improvements in the quantity, quality, timeliness, and dis-semination of disclosure concerning qualified issuers and sufficient manpower to administer such requirements. While the Commission has under consideration certain proposals relating to improvement in disclosure of such nature, it does not believe that rules such as those proposed should be adopted unless or until the Commission has gained more experience with the new disclosure requirements and has adequate manpower to examine the material to assure that it meets the applicable requirements. In view of the foregoing, the Commission believes that proposed Rule 144 may be an appropriate alternative to the rules proposed in Securities Act Release 4997.

Should proposed Rule 144 be adopted, the staff of the Commission will not thereafter issue "no action" letters with respect to matters covered by the provisions of the rule. The burden will be on the sellers of securities to ascertain that an exemption is available. Furthermore, the staff will not issue either "no action" or interpretative letters with respect to "changes in circumstances" which might warrant the sale of securities sooner than the rule provides. It should be noted, however, that if a person is to rely upon a "change in circumstances," other than death, he must sustain the burden of showing that such change is legally sufficient to justify sale of the securities. A person may, of course, consult his attorney as to such

matters. It should be further noted that "changes in circumstances" relate only to the holding period and not to the other provisions of the rule. The staff will continue to render interpretations relating generally to the Act and the rules thereunder.

If proposed Rule 144 is adopted, Rules 154 (17 CFR 230.154) and 155 (17 CFR 230.155) would no longer be necessary

and would be rescinded.

I. The text of the proposed § 230.144 is as follows:

§ 230.144 Persons presumed not to be underwriters.

Nore: For the purposes of this section the definitions of the terms "affiliate" and "associate" in § 230.405 and of "person" in section 2(2) of the Act shall apply.

(a) Any affiliate of an issuer who offers or sells securities of such issuer which the affiliate has acquired directly or indirectly from such issuer or otherwise, or any other person who offers or sells securities of an issuer which such person has acquired directly or indirectly from such issuer or from an affiliate of such issuer in a transaction not involving any public offering, shall be presumed not to be an underwriter of such securities and not to be engaged in a distribution thereof within the meaning of section 2(11) of the Act if all of the following conditions are met:

(1) Holding period. (i) The person making the offering has owned the securities for a period of at least 18 months

prior to the offering.

(ii) The full purchase price or other consideration for the securities was paid or given at least 18 months prior to the offering.

offering.

- (iii) During such 18 months the person making the offering has not acquired or agreed to acquire directly or indirectly from the issuer or from an affiliate of the issuer, in a transaction not involving any public offering, any other securities of the same class as those offered, any securities convertible into securities of such class, or any options, warrants or rights to purchase securities of such class.
- (iv) For the purpose of this subparagraph (1), (a) securities acquired directly from the issuer by reason of a dividend, stock split or recapitalization shall be deemed to have been acquired at the same time as the securities on which the dividend was paid, the securities which were split or the securities surrendered in connection with the recapitalization; (b) where the person acquired the securities directly from the issuer for a consideration consisting solely of other securities of the same issuer surrendered for conversion, or through the exercise of warrants by the surrender of debt securities so acquired, the securities offered shall be deemed to have been acquired at the same time as the securities surrendered for conversion or upon the exercise of the warrants; and (c) if the securities are offered on behalf of the estate of a deceased person who was not

an affiliate of the issuer, the provisions of this subparagraph (1) shall not apply.

(2) Limitation on amount of securities. (i) The amount of securities involved in the transaction or transactions, together with all other sales of securities of the same class within the preceding 12 months by or on behalf of the person and all associates of such person shall not exceed the following:

(a) If the security is traded only otherwise than on a securities exchange, approximately 1 percent of the shares or units of such security outstanding at the time of receipt by the broker of the order to execute such transactions; or

(b) If the security is admitted to trading on a securities exchange the lesser of approximately 1 percent of the shares or units of such security outstanding at the time of receipt by the broker of the order to execute such transactions or the largest aggregate reported volume of trading on securities exchanges during any 1 week within the 4 calendar weeks preceding the receipt of such letter.

(ii) Notwithstanding subdivision (i) of this subparagraph, the aggregate amount of securities of the issuer which may be sold under this section during any period of 12 months by all directors, officers and affiliates of the issuer and their associates shall not exceed twice the maximum amount permitted by subdivision

(1) of this subparagraph.

- (3) Current public information. There is publicly available reasonably current and informative information about the financial condition, results of operations, business and management of the issuer of the securities. This requirement will be presumed to be satisfied if the issuer is required to file and does file reports with the Commission pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934. If the issuer is not required to file such reports, this requirement will be presumed to be satisfied if the issuer has published or furnished to security holders (i) financial statements including a balance sheet as of a date within 12 months prior to the offering, a profit and loss statement for a period of at least 12 months prior to the date of the balance sheet and, if such balance sheet is not as of a date within 6 months prior to the offering, an additional profit and loss statement for the period from the date of the balance sheet to a date within 6 months prior to the offering, all prepared in accordance with generally accepted accounting principles and practices and certified by a public accountant or attested to by the chief financial or accounting officer of the issuer, and (ii) material information as of a date within 12 months in regard to the issuer's business and management, unless there has been a material change in the information, in which case more recent information has been published or furnished to security holder.
- (4) Manner of offering. (1) The person making the offering does not (a) solicit or arrange for the solicitation of orders to buy the securities in anticipation of or in connection with the transaction;

(b) make any payment in connection with the execution of the transaction to any person other than the broker who executes the order; and (c) have any material nonpublic information about the issuer which he has not disclosed to the broker.

(ii) The offering is made through a broker acting as agent for the person and the broker (a) does no more than execute an order or orders to sell as a broker and receives no more than the usual or customary broker's commission; (b) neither solicits nor arranges for the solicitation of customers' orders to buy the securities in anticipation of or in connection with the transaction, provided that the foregoing shall not preclude inquiries by the broker of other dealers as to their interest in the securities, or the publication by the broker of bid and offer quotations for the securities in an interdealer quotation service; and (c) the broker after reasonable inquiry is not aware of circumstances indicating that his principal is an underwriter with respect to the securities or that the transaction is a part of a distribution of securities on behalf of his principal.1

(b) The term "brokers' transactions" in section 4(4) of the Act shall be deemed to include transactions by a broker acting as agent for visions of this rule.

All interested persons are invited to submit their views and comments on the proposed rule, in writing, to Orval L. DuBois, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before October 30, 1970. All such communications will be considered available for public inspection.

By the Commission, September 22, 1970.

[SEAL] ORVAL L. DUBOIS, Secretary.

[F.R. Doc. 70-13233; Filed, Oct. 2, 1970; 8:46 a.m.]

¹ Reasonable inquiry in this context should include inquiry as to the following: 1. The length of time the seller has held

 The length of time the seller has held the securities (if practicable the inquiry should include physical inspection of the securities);

Sales of securities by the seller and his associates in the past 12 months;

3. Whether the seller and his associates intend to sell securities of the same class through any other means;

4. Whether the seller is an officer, director, or affiliate of the issuer, and if so, the total sales by such persons and their associates in the past 12 months;

Whether the seller has solicited or made any arrangements for the solicitation of buy orders in connection with the proposed transaction;

Whether the seller has made any payment to any other person in connection with the transaction;

7. The number of shares of the class outstanding or the relevant trading volume; 8. Whether there is current information

concerning the issuer publicly available; and 9. Whether the seller has knowledge of any nonpublic material information about the issuer.

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 70-210]

C & L SCRAP IRON AND METAL CO.

Instruments of International Traffic

Certain metal containers designed to be lifted onto and carried by specially designed trucks used to hold scrap metal designated as instruments of international traffic.

It has been established to the satisfaction of the Bureau of Customs that large irregularly shaped metal containers, specially designed to be lifted onto and carried by specially designed trucks operated by the C & L Scrap Iron and Metal Co. of Montreal, Quebec, and used for the transportation of scrap metal from the United States to Canada are substantial, designed for and capable of repeated use in transportation, and used in substantial numbers in international traffic.

Under the authority of § 10.41(a), Cus toms Regulations, I hereby designate the above-described containers as "instruments of international traffic" within the meaning of section 322(a), Tariff Act of 1930, as amended. These containers may be released under the procedures provided for in section 10.41a.

EDWIN F. RAINS, [SEAL] Acting Commissioner of Customs.

[F.R. Doc. 70-13228; Filed, Oct. 2, 1970; 8:45 a.m.]

[T.D. 70-207]

"MONTEREY" CHEESE

Tariff Classification; Change of Practice Ruling

Pursuant to section 16.10a(d), Customs Regulations (19 CFR 16.10a(d)) the Bureau gave notice in the FEDERAL REGISTER on September 11, 1970 (35 F.R. 14329), that it was reviewing the existing established and uniform practice of classifying "Monterey" cheese from New Zealand under the provision for other cheese and substitutes for cheese in item 117.85, Tariff Schedules of the United States (TSUS), with duty at 14 percent ad valorem and subject to the quota limitations for other cheese in item 950.10D, TSUS

The Bureau has reviewed this practice thoroughly, including the comments submitted in response to the above notice, and concluded that cheese imported from New Zealand labeled "Monterey" but which does not meet the requirements of the Food and Drug Administration for Monterey cheese but which does meet the requirements for, and must be labeled as, Cheddar cheese is classifiable under the provision for Cheddar cheese in item 117.15, TSUS, with duty at 15

percent ad valorem and subject to the quota limitations for such cheese in item 950.08A, TSUS

Since this ruling results in a higher duty on the merchandise than has heretofore been charged, it shall, pursuant to section 16.10a(d), Customs Regulations (19 CFR 16.10a(d)), be applicable only to merchandise entered, or withdrawn from warehouse, for consumption on and after the 91st day following publication of this ruling in the weekly Customs

> EDWIN F. RAINS. Acting Commissioner of Customs.

Approved: September 29, 1970.

EUGENE T. ROSSIDES, Assistant Secretary of the Treasury.

[F.R. Doc. 70-13291; Filed, Oct. 2, 1970; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 824]

NEW MEXICO

Notice of Classification of Public Lands for Transfer Out of Federal Ownership

SEPTEMBER 25, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1412), the public lands described below are hereby classified for transfer out of Federal ownership for educational purposes under the Recreation and Public Purposes Act of June 14, 1926 (44 Stat. 741), as amended. Publication of this notice has the effect of segregating the described lands from all other forms of disposal under the public land laws, including the general mining laws but not the mineral leasing laws, except the form of disposal prescribed above. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. No adverse comments were received following publication of a notice of proposed classification (35 F.R. 11419). The public lands affected by this classification are shown on maps on file and available for inspection in the Las Cruces District Office, 1705 North Seventh Street, Post Office Box 1420, Las Cruces, N. Mex. 88001 and at the Land Office of the Bureau of Land Management, U.S. Post Office and Federal Building (Post Office Box 1449), Santa Fe, N. Mex. 87501. The lands are located in Grant County

and are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 18 S., R. 14 W. Sec. 4, lots 12, 15, 24, 25, 26, and 27.

The area described aggregates 111.87 acres, more or less

3. For a period of 30 days from the date of publication in the FEDERAL REGISTER. this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR § 2461.3. For a period of 30 days interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington. D.C. 20240.

> W. J. ANDERSON. State Director.

[F.R. Doc. 70-13236; Flied, Oct. 2, 1970; 8:46 a.m.]

|New Mexico 0557669|

NEW MEXICO

Notice of Classification of Public Lands for Transfer Out of Federal Ownership

SEPTEMBER 25, 1970.

 Pursuant to the Act of September 19. 1964 (43 U.S.C. 1412), the public lands described below are hereby classified for transfer out of Federal ownership by public sale under section 2455 of Revised Statutes (43 U.S.C. 1171). Publication of this notice has the effect of segregating the described lands from all other forms of disposal under the public land laws, including the general mining laws but not the mineral leasing laws, except the form of disposal prescribed above. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934. as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. No adverse comments were received following publication of a notice of proposed classification (35 F.R. 11419). The public lands affected by this classification are shown on maps on file and available for inspection in the Las Cruces District Office, 1705 North Seventh Street, Post Office Box 1420, Las Cruces, N. Mex. 88001 and at the Land Office of the Bureau of Land Management, U.S. Post Office and Federal Building (Post Office Box 1449) Santa Fe, N. Mex. 87501, The lands are located in Grant County and are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T.17 S., R. 14 W., Sec. 33, lots 2, 3, 5, 6, 7, 8, 9, 10, and NE¼ NW¼. T.18 S., R. 14 W.,

Sec. 4, lot 18;

Sec. 21, NE ¼ NE ¼. T. 18 S., R. 15 W., Sec. 1, lots 3, 4, S½ NW ¼, and S½.

acres, more or less.

3. For a period of 30 days from the date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR § 2461.3. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240.

W. J. ANDERSON, State Director.

F.R. Doc. 70-13237; Filed, Oct. 2, 1970; 8:46 a.m.]

Office of the Secretary JOHN F. ENGLISH

Report of Appointment and Statement of Financial Interests

SEPTEMBER 28, 1970.

Pursuant to section 302(a) of Executive Order 10467, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: John F. English. Name of employing agency: Department of the Interior, Defense Electric Power Administration.

The title of the appointee's position: Deputy Director, DEPA Area 2.

The name of the appointee's private employer or employers: Consolidated Edison Company of New York, Inc.
The statement of "financial interests"

for the above appointee is enclosed.

September 9, 1970.

WALTER J. HICKEL, Secretary of the Interior.

APPOINTEES' STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements section 302(b) of Executive Order 10647, I am filing the following statement for publication in the Federal Register:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on September 9, 1970, as Deputy Director, Area 2, Defense Electric Power Administration, an officer or director:

Assistant Vice President, Consolidated Edison Company of New York, Inc.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

American Home Products. Campbell Soup. Cincinnati Gas & Electric. Consolidated Edison. International Harvester. Olin Mathleson Chemical Corp. Pepsico. SCM Corp. Sears Roebuck & Co. Southern Pacific Co. Standard Oil of New Jersey. Texaco, Inc. Westinghouse Electric Co. Putman Growth Fund.

(3) Names of any partnerships in

The areas described aggregate 713.05 associated within 60 days preceding my appointment:

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

JOHN F. ENGLISH.

SEPTEMBER 21, 1970.

[F.R. Doc. 70-13238; Filed, Oct. 2, 1970; 8:46 a.m.]

E. A. VAUGHEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) Sold: Old Line Life Insurance Company of America, Nationwide Corp., Life Insurance Investors, Gulf Western Industry, Purchased: GAC Corp.

(3) V-B-V Properties, The Daniel Cos.

(4) None.

This statement is made as of September 15, 1970.

Dated: September 18, 1970.

E. A. VAUGHEY.

[F.R. Doc. 70-13224; Filed, Oct. 2, 1970; 8:45 a.m.]

D. N. KEATON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None,

(2) None.

(3) None.

(4) None.

This statement is made as of September 14, 1970.

Dated: September 8, 1970.

D. N. KEATON.

[F.R. Doc. 70-13225; Filed, Oct. 2, 1970; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service [PPD 639, Amdt.]

CERTAIN SOIL-INHABITING PESTS

List of Approved Laboratories Authorized To Receive Interstate Shipments of Soil Samples for Processing, Testing, or Analysis

Pursuant to the Japanese Beetle,

Soybean Cyst Nematode, Witchweed, Imported Fire Ant, and Golden Nematode Quarantines (Notices of Quarantine Nos. 48, 72, 77, 79, 80, 81, and 85; 7 CFR 301.48, 301.72, 301.77, 301.79, 301.80, 301.81, and 301.85), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the list of laboratories (35 F.R. 14153) operating under a compliance agreement and approved under said quarantines to receive interstate shipments of soil samples for processing, testing, or analysis is hereby amended by adding thereto, deleting therefrom, and correcting certain listings as follows:

ADDITIONS

Arizona Testing Laboratory, Phoenix, Ariz. Associated Laboratories, Orange, Calif. Babcock, Edward S., and Sons, Riverside, Calif.

Beckman, Inc., Microbics Operations, La Habra. Calif

Chevron Oil Field Research Co., La Habra, Calif.

Cook Research Laboratories, Inc., Menlo Park, Calif.

Core Laboratories, Inc., Aurora, Colo. Core Laboratories, Inc., Casper, Wyo. Dames and Moore, Redwood City, Calif.

Ellerbe Architect, St. Paul, Minn. Engineers Testing Laboratories, Phoenix, Ariz.

McGaughy, Marshall, and McMillan, Norfolk, Va.

Milwaukee, City of, Sewage Commission, Milwaukee, Wis.

Southwestern Materials Laboratory, Phoenix, Ariz.

Stanford Research Institute, Irvine, Calif. Stanford Research Institute, Menlo Park,

Texas Testing Laboratories, Dallas, Tex Union Oil Company of California, Brea, Calif. USDA, ARS, Plant Protection Division, Cyst

Nematode Laboratory, Franklin, Va.
USDA, ARS, Plant Protection Division,
Golden Nematode Laboratory, Hicksville,

USDA. ARS, Plant Protection Gypsy Moth Laboratory, Otis AFB, Mass U.S. Borax Research Corp., Anaheim, Calif.

DELETIONS

North Carolina Highway and Public Works Commission, Raleigh, N.C.

Department Laboratory, Texas Highway Yoakum, Tex.

Texas Instruments, Inc., Dallas, Tex.

CORRECTIONS

Change "USDA, FS, Division of Forest In-sect and Disease Research, Washington, D.C." to read: "USDA, Forest Service, Washington, D.C."

Change "U.S. Salinity Laboratory, Riverside, Calif." * to read: "USDA, ARS, U.S. Salinity Laboratory, Riverside, Calif."

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended, 33 F.R. 15485)

This amendment to the list of approved laboratories, PPD 639, shall become effective upon publication in the Federal REGISTER.

Under the provisions of the regulations supplemental to the notices of quarantine cited herein, soil samples for processing, testing, or analysis may be moved interstate from any regulated area specified in the regulations to laboratories approved which I am associated, or had been White-Fringed Beetle, European Chafer, by the Director and so listed by him. A laboratory may be approved if a compliance agreement is signed; samples are packaged to prevent spillage of soil; and soil residues, hazardous water residues, and shipping containers are treated in accordance with specified procedures.

The Director of the Plant Protection Division has approved the above-listed additions to the list of laboratories as establishments which meet the qualifications required under the regulations. These laboratories listed as additions are, therefore, authorized to receive soil samples from the regulated areas specified in the regulations without certificates or permits attached. The Director has information available that the Texas Instruments, Inc., of Dallas, Tex., is no longer in the business of analyzing soil, the Texas Highway Department Laboratory of Yoakum, Tex., had not applied for approval to ship soil samples interstate but was inadvertently included on the list, and the North Carolina High-way and Public Works Commission of Raleigh, N.C., is not now prepared to meet the requirements for interstate shipments of soil; therefore, these three establishments are being deleted from the listing of approved laboratories.

With respect to the establishments added to the list of approved labora-tories, this amendment relieves certain restrictions presently imposed should be made effective promptly in order to be of maximum benefit to persons subject to the restrictions that are being relieved. The deletion of laboratories from such list imposes certain restrictions that are necessary to prevent the spread of the above-named pests and should be made effective promptly to prevent the interstate spread of such dangerous pests. The corrections of previously listed establishments are nonsubstantive in nature and notice and other public procedure with respect thereto would serve no useful purpose. Accordingly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to this amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the Federal Register.

Done at Hyattsville, Md., this 30th day of September 1970.

D. R. SHEPHERD, Director, Plant Protection Division.

[F.R. Doc. 70-13259; Filed, Oct. 2, 1970; 8:48 a.m.]

Agricultural Stabilization and Conservation Service

WHEAT

Referendum Period for 1971 Crop

The time for conducting the marketing quota referendum on the 1971 crop of wheat was extended by legislation enacted July 23, 1970, Public Law 91-348, to not later than October 15, 1970, or 30 days after the adjournment sine

die of the 91st Congress, whichever comes first. Pursuant to said legislation, it is hereby determined that such referendum shall be held during the referendum period October 12 to 15, 1970, each inclusive, by mail ballot in accordance with Part 717 of Chapter VII (33 F.R. 18345).

Signed at Washington, D.C., on October 1, 1970.

CLIFFORD M. HARDIN, Secretary.

[F.R. Doc. 70-13326; Filed, Oct 1, 1970; 4:14 p.m.]

Forest Service

DIRECTOR, DIVISION OF LANDS

Delegations of Authority

Pursuant to (a) the Delegation of Authority and Assignment of Functions by the Secretary of Agriculture dated November 27, 1964 (29 FR. 16210), and (b) the Delegation of Authority by the Chief, Forest Service, dated June 5, 1968 (33 F.R. 8552), the Delegation of Authority by the Deputy Chief, Forest Service, dated July 5, 1968 (33 F.R. 10115) to the Director, Division of Lands, Forest Service, is hereby amended as follows:

- 10. Approve settlement of condemnation cases where amount does not exceed \$250,000.
- Approve acquisition of scenic easements and related interests in land and to accept titles thereto.

Effective date. This delegation of authority shall be effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of September 1970.

M. M. NELSON, Deputy Chief, Forest Service.

[F.R. Doc. 70-13263; Filed, Oct. 2, 1970; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration
PRUDENTIAL-GRACE LINES, INC.
Notice of Application

Notice is hereby given that Prudential-Grace Lines, Inc., has applied for permission for its vessels in the following services to call as indicated at ports in Jamaica for the purpose of discharging and/or loading cargo and/or passengers:

Service	Trade route	Direction
	No. 2	Southbound and northbound.
Line A freight	No. 2	Southbound and
Line C freight	No. 4	

Line A Combination passenger-cargo ships are currently permitted to call only at Kingston, Jamaica, southbound, and Line C freight ships are permitted to call at Jamaica, northbound.

Any person, firm or corporation having any interest in such application and

desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), should, by the close of business on October 13, 1970, notify the Secretary, Maritime Subsidy Board in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure (46 CFR Part 201).

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to
(1) whether the application is one with
respect to a vessel to be operated on a
service, route, or line served by citizens
of the United States which would be in
addition to the existing service, or services, and if so, whether the service already provided by vessels of United
States registry in such service, route, or
line is inadequate, and (2) whether in
the accomplishment of the purpose and
policy of the Act additional vessels should
be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

By Order of the Maritime Subsidy Board/Maritime Administration.

Dated: September 30, 1970.

JAMES S. DAWSON, Jr., Secretary.

[F.R. Doc. 70-13297; Filed, Oct. 2, 1970; 8:49 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PITTSBURGH AREA COORDINATOR FOR RENEWAL ASSISTANCE, PHIL-ADELPHIA REGIONAL OFFICE

Redelegation of Authority With Respect to Rehabilitation Loan Program

Section A. Authority redelegated to Pittsburgh Area Coordinator for Renewal Assistance. The Pittsburgh Area Coordinator for Renewal Assistance, Philadelphia Regional Office, is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority of the Assistant Secretary for Renewal and Housing Management effective July 1. 1966 (31 F.R. 8966-8967, June 29, 1966). as amended, with respect to the rehabilitation loans authorized under section 312 of the Housing Act of 1964 (42 U.S.C. 1452b), except the power and authority to authorize loans, grants and advances and to amend or modify the terms thereof.

(Redelegations of authority by Assistant Secretary for Renewal and Housing Management effective July 1, 1966 (31 F.R. 8966-8967, June 29, 1966))

This redelegation of authority is effective only for the day of July 24, 1970.

Douglas E. Chappin, Acting Regional Administrator, Philadelphia Regional Office.

[F.R. Doc. 70–13264; Filed, Oct. 2, 1970; 8:48 a.m.]

ACTING AREA ADMINISTRATOR, COMMONWEALTH AREA OFFICE (PUERTO RICO)

Designation

Jose E. Febres-Silva is designated to serve as Acting Area Administrator, Commonwealth Area Office (Puerto Rico), Department of Housing and Urban Development, during the present vacancy in the position of Area Administrator, with all the powers, functions, and duties redelegated or assigned to that position.

(Secretary's delegation effective May 4, 1969)

Effective date. This designation shall be effective as of September 30, 1970.

LESTER P. CONDON, Assistant Secretary for Administration.

[F.R. Doc. 70-13265; Filed, Oct. 2, 1970; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

SEABOARD COAST LINE RAILROAD BRIDGES, COOPER AND STONO RIVERS

Notice of Public Hearing of Proposed Bridge Alterations

Notice is hereby given that a public hearing will be held on November 10, 1970, regarding the Seaboard Coast Line Railroad Co. drawbridge across the Cooper River at Strawberry Landing near Cordesville, S.C., and the Seaboard Coast Line Co. drawbridge across the Stono River (Atlantic Intracoastal Waterway-Johns Island) near Charleston, S.C., by the authority of section 3 of the Act of June 21, 1940 (Truman-Hobbs Act), 54 Stat. 498, 33 U.S.C. 513; section 6(g) (3), 80 Stat. 937, 49 U.S.C. 1655(g) (3); 33 CFR 116.20 and 49 CFR 1.46 (c) (6). The hearing will be held in Room 400 of the Federal Building, 334 Meeting Street, Charleston, S.C., beginning at 10 a.m. on November 10, 1970. A number of complaints have been received alleging that these bridges are obstructive. The purpose of the hearing is to determine whether alterations are needed and if so what alterations are needed, having due regard for the necessity of free and unobstructed water navigation and that of rail traffic.

The existing bridges at Strawberry Landing and near Charleston provide for horizontal clearances of 33 and 68 feet respectively, when measured normal to the axis of the channel.

The purpose of the public hearing is to obtain information so the Commander, Seventh Coast Guard District, may sub-mit to the Commandant of the Coast Guard a full report as to whether these bridges unreasonably obstruct navigation; whether watercraft have difficulty in passing the draw openings or drawspans; the changes necessary to render navigation through or under the bridges reasonably free, easy and unobstructed; the character and the approximate amount of commerce affected by the obstructive features of the bridges; and whether the commerce affected is sufficient to justify changes in one or both bridges.

A chart section showing the location of each drawbridge is on file in the office of the Commander, Seventh Coast Guard District, 1018 Federal Building, 51 Southwest First Avenue, Miami, Fla. 33130.

All interested parties are invited to be present or to be represented at the hearing. They will be given an opportunity to express their views concerning the alteration of the bridges and to suggest any changes that may be considered desirable.

Each person who wishes to make an oral statement should notify the Commander, Seventh Coast Guard District, 1018 Federal Building, 51 Southwest First Avenue, Miami, Fla. 33130, not later than November 6, 1970, indicating the amount of time required for initial statement. Depending on the number of scheduled statements, it may be necessary to limit the amount of time allocated to each speaker. Persons requesting time to present oral statements will be notified if such allocation is necessary. Written statements and exhibits may be submitted in place of or in addition to oral statements and will be made a part of the record of hearing. Such statements and exhibits may be delivered at the hearing on November 10, 1970, or mailed prior to that date to the Commander, Seventh Coast Guard District, 1018 Federal Building, 51 Southwest First Avenue, Federal Miami, Fla. 33130.

Dated: September 28, 1970.

C. R. BENDER, Admiral, U.S. Coast Guard, Commandant.

[P.R. Doc. 70-13257; Filed, Oct. 2, 1970; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20993; Order 70-9-1501

INTERNATIONAL AIR TRANSPORT
ASSOCIATION

Order Regarding Cargo Terminal Charges

Issued under delegated authority September 29, 1970.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA) and adopted subsequent to the second meeting of the Cargo Traffic Procedures Committee.

The agreement amends IATA provisions governing terminal charges which are agreed locally and generally apply alike within a country. The amendments propose a degree of flexibility in the determination of terminal charges by permitting different charges at different airports within a country. A new provision permits the local carriers, in the event of the establishment of an off-airport location, to define and agree on an area adjacent to the airport within which airport-to-airport rates shall apply. An added provision provides that charges for services or increases in existing charges agreed to by a majority of carriers serving a country may be imple-mented pending the final determination of the Assistant Director General-Traffic.

Pursuant to authority July delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the following resolutions, incorporated in Agreement CAB 21807. R-2, are adverse to the public interest or in violation of the Act:

IATA Resolutions

102(CTPC)512b. JT23(2/CTPC)512b. 202(CTPC)512b. JT31(2/CTPC)512b. JT123(2/CTPC)512b. JT12(2/CTPC)512b.

Accordingly, it is ordered, That:
Action on Agreement CAB 21807, R-2,
be and hereby is deferred with a view
toward eventual approval.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the Federal Register.

[SEAL]

HARRY J. ZINK, Secretary.

[F.R. Doc. 70-13268; Filed, Oct. 2, 1970; 8:48 a.m.]

[Docket No. 20993; Order 70-9-151]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority September 29, 1970.

By Order 70-9-76, dated September 15, 1970, action was deferred, with a view toward eventual approval, on an agreement adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring

action on the agreement 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 70-9-76 will herein be

made final.

Accordingly, it is ordered, That:

Agreement CAB 21753, R-25 through R-27, be and it hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the

FEDERAL REGISTER.

[SEAL]

HARRY J. ZINK, Secretary.

[F.R. Doc. 70-13269; Filed, Oct. 2, 1970; 8:48 a.m.]

[Docket No. 19923, etc.; Order 70-9-159]

FURS AND FUR PRODUCTS

Order Expanding Issues Order Dismissing Complaints

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of September 1970.

By tariff filed September 1, 1970, and marked for effectiveness October 1, 1970, the air carriers serving New York City propose to set aside the normal general commodity cartage rates now applicable to furs and raw, semifinished, dressed or dyed skins, fur garments, and furtrimmed garments (furs, etc.)1 and to establish new rates, namely, \$17.50 per 100 pounds (cwt.), subject to a minimum charge of \$35 per shipment. In addition (with one carrier exception), when such shipments are declared by the shipper in excess of \$0.50 per pound, or \$50, which-ever is greater, a second valuation charge in such cartage service will be assessed, in addition to the "line-haul" valuation charge now assessed under existing tariffs." The proposed additional

Only Air Canada, Airlift, Mohawk, North-New York Airways, Pan American, Southern, and United now offer such service

^{*}The existing liability limits and excess valuation rates (system application) of the carriers are as follows:

	Assume	Excess valua-	
Carrier -	Per pound	Per shipment	rate
Alr West	\$0.50	\$50, 00	1 \$1,00
Wien	7,52	50, 00	12.00
All others	, 50	80,00	1.10

¹ Per \$100, or fraction thereof, on the amount in excess of assumed Hability limits. ² Per \$100, or fraction thereof, on the total declared value when in excess of Hability limit.

valuation charge for cartage service on furs, etc., at New York City is \$0.50 per \$1,000, or fraction thereof. To obviate the foregoing double valuation charge, to which United Air Lines, Inc. (United) is not a party, United has filed, also for effectiveness October 1, 1970, an increase in its existing system excess valuation charge on general commodities from 10 cents to 20 cents, applicable only to furs, etc., and only when also receiving cartage service at New York or Newark

Except for United, the foregoing concerns only Terminal Area A of New York City, i.e., generally Manhattan and the other Boroughs. For outlying Terminal Areas B, C, D, E, and F, as well as all terminal area points at Newark, N.J., the carriers further propose to provide cartage service on furs, etc., only when such shipments do not have a declared value in excess of \$5,000, Normal general commodity cartage rates would apply, ranging from \$0.75 to \$2.20 per cwt., subject to minimum charges ranging from \$2.85 to \$4.95, and with no additional valuation charge.

The Associated Fur Manufacturers, Inc., Newark, N.J., protests the foregoing filings and requests suspension and investigation thereof on the grounds that the tariff discriminates against furs, etc. and shippers thereof in the New York area, that such products are not among the commodities incurring the highest loss ratios, that the proposed rates are excessive and exorbitant and that no economic data has been submitted in justification of the proposed tariff.

In answer to the complaints, the airlines state that every effort has been made to secure cartage service at New York and Newark on fur traffic, that only Brinks, Inc., is willing to undertake the New York Area A service at the proposed rates, that the insurance, underwriter on the remaining cartage service at New York and Newark will continue to insure the cartage operators only if a maximum limitation of \$5,000 declared valuation per shipment is imposed, and that the tariff proposal in question is not unjustly discriminatory for the reason that the air carriers are not obligated under their operating certificates issued by the Board to provide cartage service. The carriers also note that no person has protested the cited \$5,000 limitation.

With respect to the \$17.50 cwt. rate and the \$35 minimum charge, for cartage service at New York City, the Board finds that the complaint does not state facts sufficient to warrant investigation, and the request therefore, as well as the request for suspension, will be denied. On the basis of the facts before us, the Board cannot conclude that a substantial question is presented as to their reasonableness in their relationship to the cost of providing the service. There

is little doubt that serious losses are occurring in air transportation and that normal truckers will not handle valuable goods. A superior security-type service therefore appears to be warranted, and at above-normal cartage rates." The Board further finds that the proposed additional pickup and delivery valuation charge at New York City, and the proposed \$5,000 maximum declared valuation at other New York points and Newark may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated.

With respect to the double valuation charge for cartage service, we would permit these provisions to become effective on the consideration that \$0.50 per \$1,000 is equivalent to 5 cents per \$100 as compared to current valuation rates of 10 cents, 40 cents, \$1 and \$2 (footnote 3, supra), and may or may not be excessive depending upon both the weight of the shipment and the declared value." We do not consider the resulting charges sufficiently excessive to warrant suspension.

Notwithstanding the foregoing, the principle of a double valuation charge, one in line-haul and one in cartage service, presents a significant issue. For this reason, as well as the level of the cartage valuation rate, per se, we will order an

* At the time of the earlier suspension of the cancellation of cartage service on furs (Order 70-3-160) the Board stated:

"We recognize the security problems as-sociated with the handling of furs but we see no valid reason why the airlines should not provide special service for these articles involving whatever security precautions may be necessary at charges covering the cost of such service. In fact, the airlines state that, if they are successful in obtaining the necessary insurance coverage, pickup and delivery of furs will require special service, similar to the armored car service for highly valuable commodities."

* E.g.,

Ship- ment	Line-haul valuation charge (at \$100) on declared valuation of					
weight (Pounds)	\$100	\$500	\$1,000	85,000	\$10,000	
10	\$0.10	\$0.50	\$1,00	\$5,00	\$10,00	
100	.10	.50	1.00	5,00 5,00 4,80	10, 00 10, 00 -9, 80	
1,000	None	None	,50	4.50	9, 50	

Note: Carriers charging value rates of \$1 and \$2 (footnote 2) would result in multiples of 10 and 20 times each of the above; United, at its proposed 20e rate, would be double each of the above.

Using the same matrix as above, the proposed additional cartage valuation charge of \$0.50 per \$1,000 or fraction thereof would result in the following additional charges (except for United) :

Ship-		Declar	red valu	ation.	
weight (pounds)	\$100	\$500	\$1,000	\$5,000	\$10,000
10 50 100 500 T,000	80, 50 . 50 . 50 None None	\$0,50 .50 .50 .50 None	\$0.50 .50 .50 .50 .50	\$2,50 2,50 2,50 2,50 2,50 2,50	\$3.00 5.00 5.00 5.00

^{*}The filing did not clearly indicate that such additional pickup and delivery valuation charge would be applicable to only that amount in excess of the normal 50 cents/\$50 liability limits. A special tariff permission application by the carriers' tariff agent is now pending wherein this application will be corrected and clarified.

^{*}The cartage service was negotiated on behalf of the airlines by Air Cargo, Inc., an airline subsidiary corporation, and is being performed by Brinks, Inc. No other surface carrier appears willing and able to perform the service at or below the proposed rates.

investigation thereof, and that such investigation be consolidated with that

pending in Docket 19923.7

Finally, we turn to the proposed restriction of cartage service at all New York City points other than Area A, and all Newark points for shipments declared in excess of \$5,000, which we will also permit to become effective. This restriction will not exclude fur traffic at normal cartage rates when declared at less than \$5,000. This service, new for most major carriers serving New York and Newark. is a distinct relaxation of and a gain over their existing total cartage service prohibition, and would be lost should suspension be invoked. Concurrently, the over-\$5,000 limitation on service is but a continuation of the status quo for such carriers on such traffic. Only a minority of the New York carriers (footnote 1) are therefore limiting their existing tariff, and it would not be practicable to suspend only this portion of the filing. We will, however, order an investigation of this matter and will include it in the expansion of Docket 19923 previously cited.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof.

It is ordered, That:

- 1. An investigation is instituted to determine whether the rates, charges and provisions described in Appendix A hereto," including subsequent revisions or reissues thereof, are, or will be, unjust, unreasonable, unjustly discriminatory, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates. charges and provisions;
- 2. The foregoing investigation be consolidated into the investigation instituted in Docket 19923:
- 3. Except to the extent granted herein, the complaints by Associated Fur Manufacturers, Inc., in Dockets 22558 and 22559 are dismissed;
- 4. The petitions for leave to intervene in Docket 19923 filed by the Department of Defense, The National Industrial Traffic League, Emery Air Freight Corp., and Aquarium Supply Co. are hereby granted, and a copy of this order shall be served upon such intervenors and upon all other parties of record in Docket 19923.

This order will be published in the FEDERAL REGISTER.

Air carrier agreements on air freight tariff liability and claim rules and practices, Order 70-7-121 dated July 24, 1970. This proceeding now includes the 50¢/\$50/10¢ valuation rule of the carriers, and would now be expanded to include the pickup and delivery tariff rules. United's new 20¢ rule is auto-matically embraced in pending Docket 19923 and we will therefore permit it to also become effective.

Pursuant to footnote 18 of Order 70-7-121, supra, petitions for leave to intervene in Docket 19923 have been filed by the Department of Defense, The National Industrial Traffic League, the Aquarium Supply Co., and Emery Air Freight Corp. The Board will grant

* Filed as part of the original document.

By the Civil Aeronautics Board. [SEAL]

HARRY J. ZINK. Secretary.

[F.R. Doc. 70-13270; Filed, Oct. 2, 1970; 8:49 a.m.1

FEDERAL POWER COMMISSION

[Docket No. E-75491

ORANGE AND ROCKLAND UTILITIES. INC.

Notice of Application; Correction

SEPTEMBER 28, 1970.

In the first paragraph of the notice of application published in the FEDERAL REGISTER on August 18, 1970 (35 F.R. 13230), change the date July 31, 1970 to August 3, 1970.

> GORDON M. GRANT, Secretary.

[F.R. Doc. 70-13240; Filed, Oct. 2, 1970; 8:46 a.m.]

[Docket No. CP71-64]

CITIES SERVICE GAS CO. Notice of Application

SEPTEMBER 28, 1970.

Take notice that on September 18, 1970, Cities Service Gas Co. (Applicant), Post Office Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP71-64 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act and §§ 157.7(c) and 157.7(e) of the regulations thereunder for a certificate of public convenience and necessity authorizing the construction during the calendar year 1971 and operation of gas sales and transportation facilities and the cessation of service and removal of direct sales measuring, regulating, and related minor facilities no longer required for deliveries to Applicant's customers, all as more fully set forth in the application which is on file with the open to public Commission and inspection.

Applicant states that the purpose of this budget-type application is to enable Applicant to act with reasonable dispatch during the calendar year 1971 in establishing new delivery points for direct sales of natural gas, to make miscellaneous rearrangements on its system, and to cease service and remove direct sales measuring, regulating and related minor facilities no longer required for deliveries to Applicant's customers, without the delay incident to the filing and processing of numerous indi-

vidual certificates applications. Applicant states that deliveries to any one customer through facilities proposed in this application will not exceed 100,000 Mcf annually and that the gas so delivered will not be used by these customers for boiler fuel purposes. Applicant states that the total estimated cost of the proposed gas sales and transportation facilities does not exceed \$300,000. Applicant further states that under this application it will not abandon any direct sale service unless it has received a written request, or written permission. from the customer to terminate service, and that deliveries to any one direct sales customer through sales measuring facilities to be abandoned will not have exceeded 100,000 Mcf annually during the last year of service.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 19, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the

Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and/or permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

> GORDON M. GRANT, Secretary.

[F.R. Doc. 70-13241; Filed, Oct. 2, 1970; 8:46 a.m.]

[Docket No. CP71-63]

NORTHERN NATURAL GAS CO. Notice of Application

SEPTEMBER 28, 1970.

Take notice that on September 18. 1970, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP71-63 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon and remove certain facilities previously used to effectuate redelivery of exchange volumes of natural gas to Transwestern Pipeline Co. (Transwestern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to abandon and remove for salvage 6.4 miles of 10-inch pipeline extending from Applicant's Hobbs, N. Mex., Compressor Station to a point on Transwestern's 10inch Monument Lateral and a 10-inch orifice measuring station, which facilities were used to redeliver natural gas to

Transwestern under an exchange agreement previously authorized by the Commission in Docket No. CP63-219.

Applicant states that in accordance with the above-mentioned Gas Exchange Agreement, Applicant redelivered natural gas to Transwestern until June 30, 1970. The exchange between Applicant and Transwestern has been completed, and the subject facilities are no longer needed for Applicant's operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 19, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10), All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public con-venience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

> GORDON M. GRANT, Secretary.

[F.R. Doc. 70-13242; Filed, Oct. 2, 1970; 8:46 a.m.]

[Docket No. E-7563]

MONONGAHELA POWER CO. ET AL. Proposed Rate Schedule Changes

SEPTEMBER 29, 1970.

Take notice that on June 29, 1970, Monongahela Power Co. (Monongahela), Potomac Edison Co. (Potomac), and West Penn Power Co. (West Penn), filed a supplemental rate schedule to change certain provisions of Monongahela's Rate Schedule FPC No. 27 and Supplement No. 1 thereto, Potomac Edison's Rate Schedule FPC No. 29 and Supplement No. 1 thereto, and West Penn's Rate Schedule FPC No. 25 and Supplement No. 1 thereto.

The new rate schedule supplement contains certain language changes and increases in capacity equalization charges as a result of a proposed increase in the rate of return component. The companies cite as justification that the new filing will result in clarification and simplification and takes into consideration the increases in the cost of money.

Any person desiring to be heard or to make protest with reference to said application should on or before October 19, 1970 file with the Federal Power Commission, Washington, D.C. 20426 petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10), All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

> GORDON M. GRANT, Secretary,

[F.R. Doc. 70-13243; Filed, Oct. 2, 1970; 8:47 a.m.]

[Project No. 2685]

POWER AUTHORITY OF THE STATE OF NEW YORK

Notice of Application for Approval of Revised Exhibit R for Unconstructed Project

SEPTEMBER 28, 1970.

Public notice is hereby given that application for approval of a Revised Exhibit R has been filed under the regulations under the Federal Power Act (16 U.S.C. 791a-825r) by Power Authority of the State of New York (correspondence to: W. S. Chapin, General Manager, Power Authority of the State of New York, 10 Columbus Circle, New York, N.Y. 10019) for unconstructed Project No. 2685, known as the Blenheim-Gilboa Pumped Storage Project, to be located on Schoharie Creek, tributary of the Mohawk River, in the towns of Blenheim and Gilboa, in Schoharie County, N.Y., and in the vicinity of Middleburg and Schoharie.

The Revised Exhibit R, consisting, among other things, of a revised written description of the recreational plans for the project and a revised Map, is filed to supersede the original Exhibit R approved as part of the license for the project issued by the Commission on June 6, 1969.

Under the revised plan, (1) the State Park facilities originally proposed would be relocated and the State Park enlarged, (2) the Visitor Information Center would be relocated and incorporated into the Park, (3) the project area would be extended farther downstream from the project spillway to provide additional fishing opportunities, and (4) the project area between upper and lower reservoirs

would be enlarged to include more of the precipitous area on the side of Brown Mountain to protect natural environment and scenic values which result from the fact that the mountainside area will be in close view of the members of the public using the recreational areas in the State Park and traveling along State Highway 30, and to assure continued use of the area for wildlife habitat. Under the revised plans additional lands are included in the project area (1) between the two reservoirs, (2) in the area west of the lower reservoir, (3) on both sides of State Highway 30, and (4) along Schoharle Creek below the spillway.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 3, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

> GORDON M. GRANT, Secretary.

[F.R. Doc. 70-13244; Filed, Oct. 2, 1970; 8:47 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

PRODUCED OR MANUFACTURED IN ROMANIA

Entry or Withdrawal From Warehouse for Consumption

SEPTEMBER 30, 1970.

On July 31, 1970, the U.S. Government requested the Government of the Socialist Republic of Romania to enter into consultations concerning exports to the United States of cotton textile products in Categories 19 and 47 produced or manufactured in the Socialist Republic of Romania. In that request the U.S. Government indicated the specific levels at which it considered that exports in these categories from the Socialist Republic of Romania should be restrained for the 12-month period beginning July 31, 1970 and extending through July 30, 1971. Since no solution has been mutually agreed upon the U.S. Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 3, paragraph 3 and Article 6(c) which relates to nonparticipants, is establishing

restraints at the levels indicated in that request for the 12-month period beginning July 31, 1970 and extending through July 30, 1971. These restraints do not apply to cotton textile products in Categories 19 and 47 produced or manufactured in the Socialist Republic of Romania and exported to the United States prior to the beginning of the designated 12-month period.

There is published below a letter of September 25, 1970, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textile products in Categories 19 and 47 produced or manufactured in the Socialist Republic of Romania, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning July 31, 1970, be limited to the designated levels.

> STANLEY NEHMER. Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CAHINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS, Department of the Treasury, Washington, D.C. 20226.

SEPTEMBER 25, 1970.

DEAR Ms. COMMISSIONES: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the 12-month period beginning July 31, 1970, and extending through July 30, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Categories 19 and 47, produced or manufactured in the Socialist Republic of Romania, in excess of the following levels of restraint:

1	2-month
	level of
Category Te	straint !
19square yards_	500,000
47dozen	

1 These levels have not been adjusted to reflect any entries made on or after July 31,

In carrying out this directive, entries of cotton textile products in Categories 19 and 47, produced or manufactured in the Socialist Republic of Romania and which have been exported to the United States from the Socialist Republic of Romania prior to July 31, 1970, shall not be subject to this directive.

Cotton textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of Categories 19 and 47, in terms of T.S.U.S.A. numbers, was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of cotton textile products from the Socialist Republic of Romania have been determined by President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V. 1985-69). This letter will be published in the FEDERAL REGISTER.

Sincerely.

MAURICE H. STANS, Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 70-13266; Filed, Oct. 2, 1970; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[811-1083]

A.N.C. CORP.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Com-

SEPTEMBER 28, 1970.

Notice is hereby given that A.N.C.-Corp., 420 Lexington Avenue, New York, N.Y. 10017 (Applicant), a Massachusetts corporation registered as a closedend nondiversified management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant was organized in 1961 as a small business investment company licensed under the Small Business Investment Act of 1958, as amended, and registered as an investment company under the Investment Company Act of 1940 on July 27, 1961.

At the annual meeting held on May 17, 1968 the stockholders of Applicant approved a plan to (a) surrender Applicant's license as a small business investment company: (b) restate Applicant's fundamental policies under the Act to authorize investments other than those permissible for small business investment companies; (c) amend Applicant's Articles of Organization and Bylaws to delete all references to the Small Business Investment Act of 1958 and the Small Business Administration, grant the directors authority to amend the bylaws, and permit Applicant to change its business from that of an investment company to that of an operating or holding

company; (d) authorize the directors to seek deregistration under the Act after procedures had been taken to change the nature of Applicant so that it was no longer an investment company as defined in the Act.

On July 11, 1968 the Small Business Administration approved the surrender of Applicant's license as a small business investment company and permitted it to withdraw in good standing from the small business investment company program.

Applicant later entered into an agreement, dated March 27, 1969, with Mahon Technology Group, Inc. (Technology), RCM Corp. (RCM) and the R. C. Mahon Co. (Mahon) wherein, subject to approval of Applicant's stockholders, the parties agreed that:

(1) Applicant would transfer substantially all its assets and liabilities to Technology in exchange for 198,450 shares of Technology common stock. Applicant would then distribute the Technology stock to its stockholders in exchange for their shares of Ap-plicant's stock on a share-for-share basis, and dissolve after completion of the distribution;

(2) RCM would transfer all of the issued and outstanding stock of two of its wholly owned subsidiaries to Technology in exchange for 600,000 shares of Tech-

nology common stock;

(3) Mahon would transfer all of the assets and liabilities of an unincorporated division to Technology in exchange for 50,000 shares of Technology common stock.

At a special meeting of stockholders held on June 3, 1969, the foregoing agreement was approved by the affirmative vote of two-thirds of the outstanding voting shares of Applicant. The transaction was consummated on June 10, 1969,

Applicant and Technology appointed New England Merchants National Bank of Boston, Boston, Mass., to act as Exchange Agent for the purpose of carrying out the exchange of Technology stock for Applicant's stock held by Applicant's stockholders. As of June 30, 1970, 91 stockholders had not yet exchanged the 5,536 shares of Applicant's stock held by them for Technology stock. The Exchange Agent has advised Applicant that, apart from the laws of escheatment applicable to disposition of unclaimed property in the hands of banks, there is no deadline by which the shares must be exchanged, and New England Merchants National Bank of Boston will continue to act as Exchange Agent so that those persons still retaining Applicant's stock will be able to effectuate an exchange. Two written communications have been made to all the exchanging stockholders of Applicant, and phone calls have been made to several of them, urging prompt exchange of their securities. An annual report for Applicant's fiscal year ended March 31, 1970, has been sent to Applicant's remaining stockholders which again has urged them to exchange their shares. In addition, Applicant represents that Technology will

circularize the remaining persons retaining Applicant's shares at not more than annual intervals, if necessary, to urge

the exchange of their shares.

Applicant's only asset as of July 17. 1970 (other than Technology shares held by the Exchange Agent for distribution to Applicant's stockholders on exchange) is approximately \$15,000 cash retained for the purpose of paying debts, expenses of sale, taxes, and expenses of winding up, pursuant to the aforementioned agreement dated March 27, 1969 with Technology.

When all of Applicant's final taxes and other obligations have been paid, any unexpended portion of the sum will be turned over to Technology pursuant to that Agreement. When the winding up process has been completed, Applicant will institute formal dissolution proceedings in the State of Massachusetts.

Applicant contends it is no longer engaged in the business of an investment company, is not presently engaged in any business or activity except limited activities in connection with liquidation and dissolution pursuant to the vote of its stockholders, and has no intention of resuming the business of an investment company or carrying on any other business in the future.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person, may not later than October 20, 1970 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL]

ORVAL L. DUBOIS, Secretary.

(F.R. Doc. 70-13234; Filed, Oct. 2, 1970; 8:46 a.m.1

[812-2810]

EQUITABLE LIFE INSURANCE COMPANY OF IOWA, ET AL.

Notice of Application for Exemptions

SEPTEMBER 28, 1970.

Notice is hereby given that Equitable Life Insurance Company of Iowa (Equitable), Equity of Iowa Variable Annuity Account A (to be known as Equitable of Iowa Variable Annuity Account A) (Separate Account) and E. I. Sales, Inc. (E. I. Sales), 604 Locust Street, Des Moines, Iowa 50305 (hereinafter collectively called Applicants), have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act), for an order exempting Applicants from sections 22(c), 22(d), and 27 (c) (2) of the Act and Rule 22c-1 thereunder to the extent specified therein. Equitable is a stock life insurance company organized on January 25, 1867, under the laws of the State of Iowa. On July 11, 1968, Equitable organized, under the laws of the State of Iowa, a wholly owned subsidiary stock life insurance company, Equity Insurance Company of Iowa (Equity). The Separate Account, an open-end diversified management investment company registered under the Act, was established by Equity in connection with the proposed offering to the public of individual variable annuity contracts (contracts), E. I. Sales, a wholly owned subsidiary of Equity, is the principal underwriter for the Separate Account. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below

Equity's Board of Directors and Equitable's Executive Committee approved an agreement of transfer and assumption and a plan of reinsurance whereby the name of the Separate Account will be changed to "Equitable of Iowa Variable Annuity Account A" and Equity will transfer to Equitable (1) all of Equity's assets, including the Separate Account, (2) all of Equity's obligations under the contracts funded in the Separate Account, and (3) all of Equity's duties under its agreement involving the Separate including the underwriting agreement between the Separate Account and E. I. Sales to which Equity is a party. The Agreement and Plan will take effect on the date an amendment to the Separate Account's registration statement under the Securities Act of 1933 reflecting these changes is ordered effective by the Commission, or December 31, 1970, whichever is earlier. At a special meeting on July 24, 1970, the Separate Account's contract owners approved, among other things, the change in the Separate

Account's name and a new Underwriting Agreement between the Separate Account and E. I. Sales to which Equitable is a party, both to go into effect as of the effective date. The new Underwriting Agreement contains the same terms and conditions as the existing Underwriting Agreement. After the reorganization becomes effective, E. I. Sales will be a wholly-owned subsidiary of Equitable.

Under the laws of Iowa and regulations of the Iowa Insurance Commissioner the assets of the Separate Account attributable to variable annuity contracts will not be chargeable with liabilities arising out of any other business Equitable may conduct.

Rule 22c-1 enacted pursuant to section 22(c) provides, in pertinent part, that a redeemable security shall not be sold, redeemed, or repurchased except at a price based on the current net asset value of such security next computed after receipt of a tender of such security for redemption or cf an order to purchase or sell such security. Applicants request an exemption from Rule 22c-1 so as to permit the application of purchase payments received, and the determination of death benefits and redemption values, to be based on valuations as of the close of the New York Stock Exchange on the date the purchase payment, notice of death, or request for redemption is received, regardless of the time of receipt, except when such payment is made to the payee in person or such notice or request is delivered in person at Equitable's home office. Applicants represent that the requested exemption is sought for ease of administration and that in almost all instances purchase payments, death notices, and surrender requests will be received by mail.

Section 22(d) provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the

prospectus.

In connection with the sale of the contracts, a sales charge of 81/2 percent is deducted from each purchase payment. A portion of the balance will be placed in the Separate Account for accumulation on a variable basis, and a portion may be allocated to Equitable for accumulation on a fixed-dollar basis. The contracts permit a contract owner at the beginning of the annuity payment period to apply amounts accumulated in Equitable on a fixed-dollar basis to provide a variable annuity without any additional sales charge. The contracts further provide that, on the death during the accumulation period of the person on whose life a contract is issued, amounts accumulated under the contract (whether on a variable or fixed-dollar basis) may be applied to effect a variable annuity for the decedent's beneficiary without an additional sales charge. The variable annuity option may be elected by the beneficiary within 6 months after the decedent's death if the contract owner has not indicated another form of payment.

Applicants assert that since the same sales charge is deducted with respect to the amounts accumulated under the contracts on a variable and fixed-dollar basis, elimination of an additional sales charge in the manner proposed would not involve unfair discrimination.

Applicants also request exemption from section 22(d) to permit the application of amounts payable under insurance policies and fixed-dollar annuity contracts issued by Equitable to the purchase of the variable annuity contracts at a reduced sales charge of 3 percent.

Applicants assert that from the point of view of equitable treatment of contract owners, no unfair discrimination would exist if the sales charge is reduced in the manner proposed. A sales charge will have been paid on the premiums under Equitable's life insurance policies and fixed-dollar annuity contracts, and reduction of the sales charge in the manner proposed will avoid duplication of charges already made.

Section 27(c) (2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a bank as trustee or custodian and held under an indenture or agreement containing, in substance, the provisions required by sections 26(a) (2) and (3) for a unit investment trust. Section 26 (a) (2) requires that the trustee or custodian shall segregate and hold in trust all securities and cash of the trust, and places certain restrictions on charges which may be made against the trust income and corpus and excludes from expenses which the trustee or custodian may charge against the trust any payments to the depositor or principal underwriter, other than a fee not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to them by the trustee or custodian. Section 26(a)(3) governs the circumstances under which the trustee or custodian may charge against the trust any payments to the depositor or principal underwriter, other than a fee not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to them by the trustee or custodian. Section 26(a)(3) governs the circumstances under which the trustee or custodian may resign. Applicants request an exemption from these requirements to permit the proceeds of all payments under the contracts to be held by Equitable on the grounds that its status as a regulated insurance company and its obligations as an insurance company to the contract owners provide substantially the protection contemplated by these requirements.

Applicants have consented that the requested exemption may be made subject to the conditions (1) that the charges to variable annuity contract

owners for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose, and (2) that the payment of sums and charges out of the assets of the Account shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that the Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payments of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payment of such other sums or charges.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any persons or transactions from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 13, 1970 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549, A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

(SEAL) ORVAL L. DUBOIS, Secretary,

[F.R. Doc. 79-13235; Filed, Oct. 2, 1970; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 994; ICC Order No. 16; Amdt. 6]

PENN CENTRAL TRANSPORTATION CO.

Car Distribution

Upon further consideration of ICC Order No. 16 (Penn Central) and good cause appearing therefor:

It is ordered. That:

ICC Order No. 16 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date. This order shall expire at 11:59 p.m., December 31, 1970, unless otherwise modified, changed, or

suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., September 30, 1970, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 29, 1970.

INTERSTATE COMMERCE COMMISSION, LEWIS R. TEEPLE,

[SEAL]

LEWIS R. TEEPLE, Agent.

[F.R. Doc. 70–13251; Filed, Oct. 2, 1970; 8:47 a.m.]

[Rev. S.O. 994; ICC Order No. 49]

PENN CENTRAL TRANSPORTATION CO.

Rerouting or Diversion of Traffic

In the opinion of Lewis R. Teeple, agent, the Penn Central Transportation Co. is unable to transport traffic over its line between Ogdensburg, N.Y., and Prescott, Ontario, Canada, because of damage, caused by fire, to its ferry slip at Ogdensburg, N.Y.

It is ordered, That:

(a) The Penn Central Transportation Co., being unable to transport traffic over its line between Ogdensburg, N.Y., and Prescott, Ontario, Canada, because of damage, caused by fire, to its ferry slip at Ogdensburg, N.Y., that line is hereby authorized to reroute and divert such traffic via any available route, to expedite the movement.

(b) Concurrence of receiving road to be obtained. The railroad diverting the traffic shall receive the concurrence of the lines over which the traffic is rerouted or diverted before the rerouting or diversion is ordered.

(c) Notification to shippers. Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date. This order shall become effective at 11 a.m., September 29,

1970.

(g) Expiration date. This order shall expire at 11:59 p.m., December 31, 1970, unless otherwise modified, changed or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 29, 1970.

INTERSTATE COMMERCE COMMISSION,

[SEAL]

COMMISSION, LEWIS R. TEEPLE, Agent.

[F.R. Doc. 70-13252; Filed, Oct. 2, 1970; 8:47 a.m.] [No. 35270]

SOAPSTONE, TEXAS TO FLORIDA

Petition of Southern Freight Association for Declaratory Order

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 22d day of September 1970.

It appearing, That by petition filed May 15, 1970, Southern Freight Association seeks a declaratory order pursuant to section 554(e) of the Administrative Procedure Act, 5 U.S.C. 554(e), to terminate a controversy concerning the exact nature for transportation purposes of an article billed as soapstone, but alleged to be talc, forwarded from Allamore, Tex., to Gonzales, Tex., for processing in transit and reshipped as ground soapstone to Lakeland, Fla.; and to determine the legally applicable rates to be applied on such articles to and from the transit point of Gonzales, Tex.;

It further appearing, that replies to the said petition were filed June 3, 1970, by Southern Pacific Transportation Co. who participates in the transportation to and from the transit point of Gonzales, Tex., and on June 8, 1970, by Southern Clay Products, Inc., the shipper and transit operator, supporting the granting of the said petition and the billed descriptions of the article shipped in controversy;

It further appearing, that the Montana Lines Committee and the Traffic Executive Association—Eastern Railroads by petitions filed on June 22, 1970, and August 6, 1970, respectively request leave to intervene:

It is ordered, That an investigation be, and it is hereby, instituted into the matters and things involved in the said petition.

It is further ordered, That other persons who wish actively to participate in this proceeding and to file and to receive copies of pleadings shall make known that fact by notifying the Commission in writing on or before October 28, 1970. To conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentation to the greatest extent possible. Individual participation is not precluded; however, mere casual interest does not justify participation. The Commission desires participation only of those who intend to take an active part in the proceeding.

It is further ordered. That as soon as practicable after the date for indicating a desire to participate in the proceeding has passed, the Secretary will serve a list of the names and addresses of all persons upon whom service of all pleadings must be made.

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of this Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C., for publication in the Federal Register.

It is further ordered, That Montana Lines Committee and Traffic Executive Association—Eastern Railroads be, and they are hereby, permitted to intervene and actively participate in the proceeding, provided, within the time hereinbefore specified they inform the Commission the position they propose to take in the matter under investigation.

And it is further ordered, That this proceeding be assigned for such hearing as may hereafter be designated.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD, Acting Secretary.

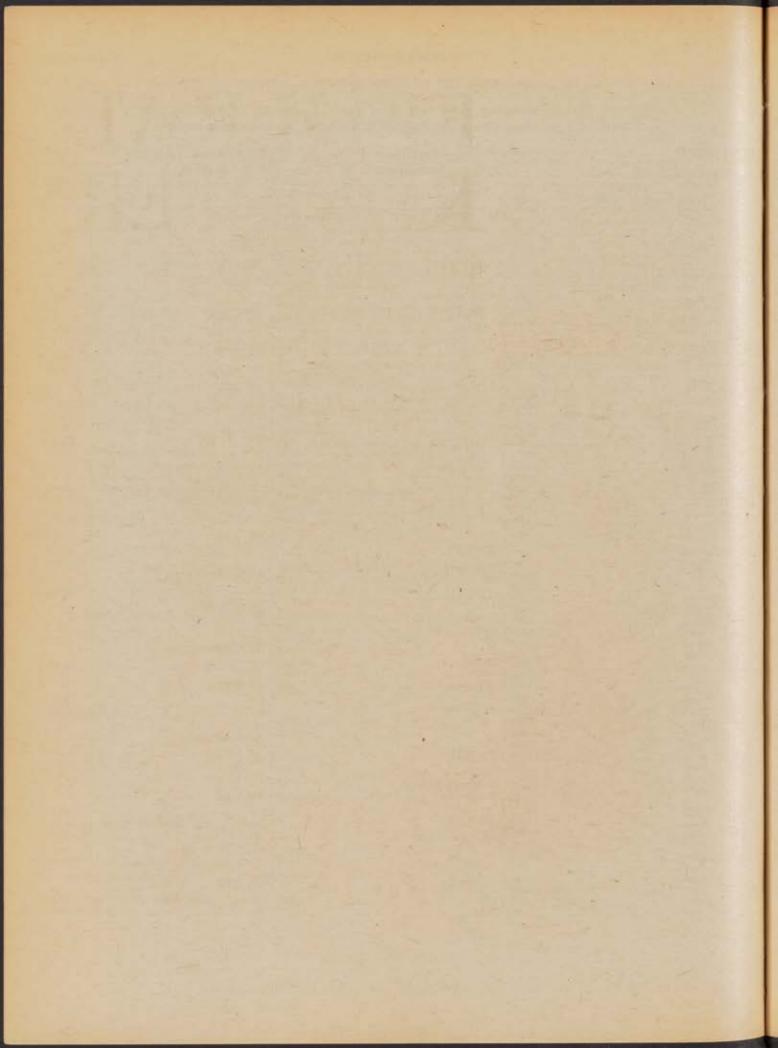
[F.R. Doc. 70-13254; Filed, Oct. 2, 1970; 8:47 a.m.]

FEDERAL REGISTER

CUMULATIVE LIST OF PARTS AFFECTED-OCTOBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during October.

3 CFR Page	7 CFR—Continued Page	21 CFR—Continued Page
EXECUTIVE ORDER:	Proposed Rules—Continued	PROPOSED RULES:
10001 (see EO 11563) 15435	107515396	315402
10202 (see EO 11563) 15435	107615396 107815396	3015403
10292 (see EO 11563) 15435	107915396, 15644	24 CFR
10659 (see EO 11563) 15435	109015396	191415442
10735 (see EO 11563) 15435 10984 (see EO 11563) 15435	1094 15396	191515442
11098 (see EO 11563) 15435	1096	VIZO LAND
11119 (see EO 11563) 15435	109715396	26 CFR
11241 (see EO 11563) 15435	109815396 109915396	PROPOSED RULES:
11360 (see EO 11563) 15435	110115396	5315302
11497 (see EO 11563) 15435 11537 (see EO 11563) 15435	1102 15396	00 000
1156315435	110315396	28 CFR
***************************************	110415396	2
5 CFR	110615396 110815396	20 CED
213 15370, 15439	112015396	29 CFR
213 15370, 15439	112115396	785 15288
7 CFR	112415396	32 CFR
30115285	1125 15396	Think books a
711 15355	112615396	80515443
892 15361	112715396	808
90815286	1128	88415382
91015439	113015396	163115443
91215287 100415287	113115396	00 000
100415439	113215396	33 CFR
101215439	1133	11015443
101315439	1134	PROPOSED RULES:
1062 15362	113615396 113715396	11015447
1134 15363	113815396	0.4
1136 15365	THE RESIDENCE OF THE PARTY OF T	36 CFR
PROPOSED RULES:	9 CFR	50
97115302	Subchapter A	41 CFR
98215446	7615370	
1001 15396 1002 15395	14 CFD	105-6115444
100415396	14 CFR	42 CFR
1006 15396	2115288	
100715396	3715288 7115371	3415239
1011 15396	97 15440	45 CFR
101215396	12115288	17715290
101315396 101515396	12715288	4.11
103015396	13515288	47 CFR
103215396	145	015386
103315396	PROPOSED RULES:	1 15289, 15387
103615396	71 15303, 15404, 15405	74 15383
1040 15396	7315405	PROPOSED RULES:
104315396	17 CFR	115304
1044	171.70c	2
104915396		7315304
1050 15396	PROPOSED RULES:	49 CFR
1060 15396	23015447	
106115396	18 CFR	57115290, 15293
1062 15396		103315294, 15295, 15394, 15395 130015444
106315396, 15446 106415396	PROPOSED RULES:	Proposed Rules:
106515396	2	
106815396	137 13440	57115304
1069 15396	21 CFR	50 CFR
1070 15396, 15446		3215296, 15299-15301, 15301, 15443
107115396	121	
	11250	
1073	135g	3315300, 15301



FEDERAL REGISTER

VOLUME 35 • NUMBER 193

Saturday, October 3, 1970 • Washington, D.C.

PART II

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

MEAT INSPECTION REGULATIONS

Revision Pursuant to Wholesome Meat Act





Title 9-ANIMALS AND ANIMAL PRODUCTS

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

> SUBCHAPTER A-MEAT INSPECTION REGULATIONS

REVISION PURSUANT TO WHOLESOME MEAT ACT

Statement of considerations. The Federal Meat Inspection Act (34 Stat. 1260) was extensively revised by the Wholesome Meat Act (81 Stat. 584). Such revision of the legislation necessitates or makes appropriate numerous changes in, and additions to, the Federal meat

inspection regulations.

On August 14, 1969, a notice was published in the FEDERAL REGISTER (34 F.R. 13194-13255) in accordance with the administrative procedure provisions in 5 U.S.C., sec. 553, that pursuant to the Federal Meat Inspection Act as amended by the Wholesome Meat Act (21 U.S.C. supp., sec. 601 et seq.), and other laws, the Consumer and Marketing Service proposed to revise the Federal meat inspection regulations in 9 CFR Parts 301-329.

Comments on the proposal were received from 347 persons. Consumers, consumer organizations, the affected industries, trade organizations, Federal, State, and Municipal Governments, members of Congress, governments of foreign countries, labor unions, and educational and research organizations were represented

in the responses received.

The opinions expressed related predominantly to (1) the definitions and operations of exempted retail stores and restaurants, (2 custom operator exemptions, (3) procedures for prior approval of labeling and marking devices, (4) procedures for prior approval of packaging and other containers and authorization to make certain types of labeling and marking devices, (5) plant quality control system requirements, (6) record maintenance and retention requirements, (7) denaturing procedures, and (8) the provisions for marking of imported products.

In light of such comments, alternative proposals with respect to the exempted retail establishments and other exempted establishments were published in the Federal Register (35 F.R. 9290).

The comments received on the proposed definition for a retail store originally published in the FEDERAL REGISTER on August 14, 1969, and the revised proposed revealed that most objections originated from specialized meat companies preparing products for restaurants and institutions. They felt that the 25 percent of total sales of meat products permitted under the revised proposal to be made by an exempted retail store to consumers other than household consumers was too great and might result in circumventing the basic intent of consumer protection in the amended Federal meat inspection

law. However, in reviewing those operations of a retail store that are considered to be traditional and usual, it is apparent that a significant part of many retail store operations included sales to consumers other than household consumers. This is particularly important in rural and isolated areas. Therefore, it is deemed reasonable to retain the limitation of 25 percent of sales of meat products to consumers other than household consumers for an exempted retail store. However, it is also deemed reasonable to set an overall dollar limit on the volume of such sales that might be made in any 1 year at an exempted retail store. The limit of \$10,000 per year in sales of meat products to nonhousehold consumers as provided in the revised regulations reflects the traditional and usual activities of large retail stores without allowing the exempted establishments to engage in institutional supply activities not historically conducted by retail stores. According to the "Progressive Grocer," a grocery trade publication, a retail grocery store is considered to be a "supermarket" if it has total yearly sales of \$500,000 or more. The normal value of sales of meat products of a supermarket having \$500,000 total yearly sales is about \$100,000 per year. Therefore the \$10,000 limit is about 10 percent of the normal annual sales of meat products by a supermarket.

According to the annual report of the "Progressive Grocer," there were 219,330 grocery stores in the United States in 1969, of which 37,180 were classified as supermarkets. These supermarkets accounted for 76 percent of the total sales.

The \$10,000 limitation will exclude from the exemption on the average any supermarket if its sales of meat products to consumers other than household consumers exceed 10 percent of its total meat products sales. Furthermore, the effect of this \$10,000 limitation is that larger sucounted for 76 percent of the total sales. of a million dollars or more annually will be eligible for the exemption only if their sales of meat products to consumers other than household consumers are limited to 1 percent or less of their total meat product sales.

No recordkeeping requirements are established for the exempted retail stores generally. It would be unduly burdensome and costly to require that all retail stores maintain records of their sales to other than household consumers when the large majority of them will not be affected by the 25 percent of \$10,000 limitation. It is believed that meat purveyors who specialize in selling to restaurants and institutions are well acquainted with their competitors and can be relied upon to bring to the attention of the Department the operation of any retailer who they believe is exceeding the prescribed limitations or otherwise violating the requirements for exemption. Special record requirements are provided for retail stores when there is reason to believe that they have violated the requirements.

Consideration is still being given to the proposals relating to the procedures for approval of labeling, marking devices, and containers, and authorization to make labeling and marking devices, and until a final decision is made thereon, the relevant provisions of the regulations in effect prior to this promulgation are retained herein as §§ 317.3 and 317.4 of the revised regulations.

The regulations as set forth herein reflect changes made from the notice of August 14, 1969, pursuant to the comments received with respect to requirements for plant quality control systems, records, denaturing procedures and marking of imported products. Changes were also made with respect to the exemptions for custom operations pursuant to comments received and the provisions of Public Law 91-342 which amended the exemption provisions in section 23 of the

Federal Meat Inspection Act.

There were some objections to the proposed provisions requiring approval of plant facilities as a condition of the grant of inspection. Such provisions are necessary to assure that inspected plants will be sanitary and able to produce unadulterated products, and are authorized by sections 8 and 21 and other sections of the act. Similar provisions have been in the regulations for many years, Some concern was expressed regarding the application of plant constructions guidelines such as those set forth in Agricultural Handbook 191, that are not set forth as a part of the regulations. These guidelines are not mandatory but are intended merely as advisory information.

A scientific committee in the Department reviewed the prior regulation regarding disposal of cattle with epithelioma of the eye and recommended it be changed to require condemnation of all animals showing gross evidence of metastasis, such as lesions in the paratoid lymph node. This change is reflected in the revised regulations and assures that no animal will be passed for human food purposes where visible lesions of systemic involvement of epithelioma of the eye are evident. This makes the provisions for disposal of animals with this condition consistent with the provisions for animals found to have other malignancies.

The regulations set forth herein contain provisions relevant to litigation instituted by certain federally inspected packers and other persons in the U.S. District Court for the Northern District of California, wherein the plaintiffs challenged the policy of the Department of Agriculture to refuse to permit the use of potassium sorbate, calcium sorbate, sodium sorbate and sorbic acid in cooked sausages.

The litigation also challenged the Department's policy prohibiting paprika in fresh meat products but this aspect of the case is now moot since the regulations were amended previously to restrict specifically the use of paprika (34 F.R. 20386) and such restrictions are retained in the revised regulations.

Plaintiffs in the above-mentioned litigation question the authority of the Secretary of Agriculture to prohibit the use in meat products of substances that are generally recognized as safe or are food additives approved under the Federal

Food, Drug, and Cosmetic Act. Paragraph (m) of section 1 of the Federal Meat Inspection Act provides, in clauses (B), (C), and (D) of subparagraphs (2), that any carcass, part thereof, meat or meat food product is adulterated if it bears or contains any food additive or color additive deemed unsafe under section 409 or 706 of the Federal Food, Drug, and Cosmetic Act, and any such article is deemed adulterated if it is a raw agricultural commodity and bears or contains a pesticide chemical deemed unsafe under section 408 of the Federal Food, Drug, and Cosmetic Act. Further the proviso following clause (D) in subparagraph (2) states that an article not classed as adulterated under those clauses shall nevertheless be deemed adulterated if use of the substance is prohibited by regulation of the Secretary of Agriculture at federally inspected establishments. Therefore it is clear that the Secretary has authority to prohibit, by regulation, the use in or on any carcass, part thereof, meat or meat food products in federally inspected establishments of any food additive, color additive, or pesticide chemical not barred under said sections of the Federal Food, Drug, and Cosmetic Act. It is also clear from clause (A) of subparagraph (2) in paragraph (m) in section 1 the Federal Meat Inspection Act that the Secretary of Agriculture has dis-cretionary authority to decide whether "in his judgment" any added poisonous or deleterious substance (other than a pesticide chemical, in or on a raw agricultural commodity, or a food additive or color additive) borne by or contained in any carcass, part thereof, meat or meat food product renders such article unfit for human food and therefore adulterated. Also, articles subject to the Act are classed as adulterated under subparagraph (1) of paragraph (m) of section 1 of the Act if they bear or contain any added poisonous or deleterious substance which may render them injurious to health. Paragraph (m) specifies numerous other conditions that render articles adulterated, e.g. they are adulterated if any valuable constituent has been in whole or in part omitted or abstracted therefrom, or any substance has been substituted, wholly or in part therefor, or damage or inferiority has been concealed in any manner, or 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. The Act makes the Department responsible for ascertaining that products to which the official inspection legend is applied are not adulterated (e.g., sections 4 and 6). The Department is also responsible for enforcing the prohibitions in the Act (e.g. section 10) against the distribution of adulterated meat products.

Further the Department is responsible for enforcing the provisions of the Act relating to misbranding. For example, section 7 of the Act requires that products bear all information required by the definition of "misbranded" in paragraph (n) of section 1 of the Act when they leave official establishments, includ-

ing an appropriate product name, and the Act (e.g. paragraph 1(n) and section 10) forbids the distribution under the Act of products that have false or misleading labeling or are otherwise misbranded.

It would be impossible to fulfill these responsibilities without effective control over the use of all substances in the preparation of meat products at federally inspected plants, and such control can only be maintained by a general prohibition on the use of any substance at such plants unless it is specifically permitted. Such permission may, of course, be given in a published regulation, but it is also deemed appropriate to provide for determining in certain specific cases whether a particular substance may be used, in order to enable a decision to be made on a temporary basis with respect to a particular applicant while more extended general rulemaking procedure is in progress. There is no requirement in the Federal Meat Inspection Act that any procedures prescribed in the Federal Food, Drug, and Cosmetic Act be followed in issuing regulations or taking other actions under the Federal Meat Inspection Act.

The Secretary of Agriculture is au-thorized by section 21 of the Federal Meat Inspection Act to make such regulations as are necessary for the efficient execution of the provisions of the Act. Clearly, this authorizes him to issue regulations prohibiting the use in federally inspected establishments of any pesticide chemical, food additive, color additive or other added poisonous or deleterious substance or any other substance in or on carcasses, parts thereof, meat or meat food products that would cause such articles to be adulterated or misbranded under any provision in the definitions of "adulterated" and "misbranded," e.g., any substance that would render an article adulterated by concealing damage of inferiority or making the article appear better than it is. Accordingly, the revised regulations (§ 318.7 (a)) broadly prohibit the use of any substance in products subject to the Act unless such use has been approved by the responsible official in the Department either in the regulations or in specific cases. The revised regulations (§ 318.7 (d) (2)) also specifically prohibit the use of potassium sorbate and other specified sorbates in certain products. This prohibition is based on the following considerations:

Mold and bacterial slime develop on the surface of cooked sausages and similar products held for long periods under good refrigeration or for shorter periods at higher temperatures. The appearance of mold and other surface growth serves to alert consumers to the condition of the product. Sorbates are most effective as moldicides and bactericides for products with high acidity; i.e., a pH of 5 or below. These chemicals are not effective in products such as cooked sausages since their pH ranges from 5.9 to 6.2. The presence of sorbates in subsurface sausage tissues results in changes in bacterial flora of the products. Sorbates have been demonstrated to inhibit selectively the development of aerobic bacteria and simultaneously permit the luxuriant growth of clostridium perfringes and clostridium botulinum which are organisms associated with serious health hazards. The use of sorbates for such products therefore conceals damage and inferiority, i.e., the fact that the products are decaying because of bacterial action, and makes the products appear better and of greater value than they are in view of their decomposing condition.

The revised regulations (§ 319.15) also set forth the Department's policy with respect to the maximum 30 percent fat content for "steaks" formed from chopped or ground meat (and similar products). Under the Federal Meat Inspection Act there has been a standard for "hamburger" for about 40 years, which requires hamburger to consist of fresh chopped beef, with not more than 30 percent fat. This standard has been published in the Code of Federal Regulations for many years (9 CFR 317.8(c) (35)). About 30 years ago, there began the large volume production of products made in the same way as, and otherwise resem-bling, "hamburger" but which consisted of other meats as well as beef. These products were labeled for example as "Chopped veal." During World War II, the term "Steak" became associated with similar products that were made from chopped meat in patty form. Under Federal inspection, these products were labeled for example as "Veal Steaks, Chopped, Molded, Cubed, Frozen" to distinguish them from "Steaks" consisting of solid pieces of meat. Due to the close similarity in appearance of these chopped meat products to "hamburger" and since they were intended for the same usage by individual consumers and food service outlets as "hamburger," the fat limit of 30 percent was applied to

The effect of this policy has been that for about 30 years, products prepared by federally inspected establishments and distributed with labels bearing names, such as "Veal Steaks, Chopped, Molded, Cubed, Frozen," have contained no more than 30 percent fat, and the approved product names have become the common or usual names for products with not more than 30 percent fat. Therefore, such products with more than 30 percent fat are deemed to be adulterated and misbranded. A standard reflecting this policy is set forth in the revised regulations (§ 319.15) and such standard and the other standards in Part 319 of the regulations are deemed necessary for the protection of the public.

The regulations as set forth herein differ in various aspects from the provisions in the above-cited notices of rule-making. The differences are due to changes made pursuant to comments received from interested persons, or to reflect heretofore unpublished policies and interpretations of the provisions of Public Law 91–342 and Public Law 91–224, or to incorporate separate amendments made in the prior regulations that were not included in the above-cited notices of rulemaking and a proposal

made in another rulemaking notice (34 F.R. 2506), and to improve the format of

the regulations.

These regulations will implement the amendments made in the Federal Meat Inspection Act by the Wholesome Meat Act. It is essential that implementing regulations be adopted and published as soon as possible in order to afford sufficient time for the affected States and members of the affected industries to adjust their programs and operations to comply with the revised requirements when they become effective. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and other public rulemaking procedure on the regulations are impracticable and unnecessary.

After due consideration of all comments received with respect to the notices of rulemaking and all other relevant information in the Department, the regulations in 9 CFR Subchapter A are hereby revised as follows, pursuant to section 21 of the Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. Supp. sec. 601 et seq.) and Public Law 91-342; the Talmadge-Aiken Act of September 28, 1962 (7 U.S.C. 450); the Act of July 24, 1919 (7 U.S.C. 394); and subsection 21(b) of the Federal Water Pollution Control Act, as amended by Public Law 91-224 and by other laws.

- (1) The regulations in Part 340 of Title 9 of the Code of Federal Regulations for special services relating to meat and other products are transferred to a new Part 350 in Subchapter B of Title 9 of the Code of Federal Regulations.
- (2) The provisions in Parts 301 through 329 in Title 9 of the Code of Federal Regulations are revised to read as set forth below.

This revision of the regulations set forth in Parts 301 through 329 of Title 9. CFR, shall not affect any violations that occurred or liabilities that were incurred prior to the effective date of such revision.

Note: The reporting and recordkeeping requirements of the revised regulations have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

foregoing regulations shall The become effective December 1, 1970.

Done at Washington, D.C., September 23, 1970.

G. R. GRANGE, Acting Administrator.

Definitions 301

Application of Inspection and other Requirements

Exemptions

Applications for Inspection; Grant or 304 Refusal of Inspection

Official Numbers; Inauguration of Inspection; Withdrawal of Inspection; Reports of Violations

Assignment and Authorities of Program Employees

Pacilities for Inspection

Sanitation 308

Ante-Mortem Inspection 309 Post-Mortem Inspection

Disposal of Diseased or Otherwise Adulterated Carcasses and Parts

Official Marks, Devices and Certificates Handling and Disposal of Condemned or Other Inedible Products at Official Establishments

Rendering or Other Disposal of Carcasses and Parts Passed for Cooking

Marking Products and Their Containers Labeling, Marking Devices, and Con-317 tainers

Entry into Official Establishments; Reinspection and Preparation of Products

Definitions and Standards of Identity 319 or Composition.

Records, Registration, and Reports. Cooperation with States and Territories. 321

Exports. 322

Transportation. 327 Imported Products.

Detention; Seizure and Condemnation; 329 Criminal Offenses.

330 |Reserved| 331 Reserved

[Reserved]

PART 301-DEFINITIONS

301.1 Meaning of terms.

301.2 Definitions.

AUTHORITY: The provisions of this Part 301 issued under sec. 21, Pederal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. Supp., sec. 601 et seq.), and Public Law 91-342; Talmadge-Aiken Act of Sept. 28, 1962 (7 U.S.C. 450); Act of July 24, 1919 (7 U.S.C. 394); subsection 21(b), Federal Water Pollution Control Act, as amended by Public Law 91-224 and by other laws.

§ 301.1 Meaning of terms.

As used in this subchapter, 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.

§ 301.2 Definitions.

As used in this subchapter, unless otherwise required by the context, the following terms shall be construed, respectively, to mean:

(a) The Act. The Federal Meat Inspection Act of March 4, 1907, 34 Stat. 1260, as amended by the Wholesome Meat Act of 1967, 81 Stat. 584 (21 U.S.C., sec.

601 et seq.).
(b) The Department. The United States Department of Agriculture.

(c) Secretary, The Secretary of Agriculture of the United States or his delegate.

(d) Consumer and Marketing Service. The Consumer and Marketing Service of the Department.

(e) Administrator, The Administrator of the Consumer and Marketing Service or any officer or employee of the Department to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(f) Program. The Meat Inspection Program of the Consumer and Marketing Service.

(g) Inspector. An inspector of the Program.

(h) Program employee. Any inspector or other individual employed by the Department or any cooperating agency who is authorized by the Secretary 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 subchapter except as otherwise provided in Part 330 of this subchapter.

(j) Officer in charge. The officer in

charge of a circuit.

(k) Circuit. One or more official establishments included under the supervision of an officer in charge.

(1) Person. Any individual, firm, or corporation.

(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 of the carcasses of any livestock except rendering conducted under inspection or exemption under

Title I of 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 meat meal 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 the Commonwealth of Puerto

(s) Territory. Guam, the Virgin Islands of the United States, American Samoa, and any other territory or possession of the United States, excluding the Canal Zone.

(t) Commerce. Commerce between any State, any Territory, or the District of Columbia, and any place outside thereof; or within any Territory not organized with a legislative body, or the District of Columbia.

(u) United States. The States, the District of Columbia, and the Territories

of the United States.

(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 §§ 314.3, 314.10, 325.11, and 325.13 of this subchapter 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.

(2) 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) (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 substance (other than one which is (a) a pesticide chemical in or on a raw agricultural commodity; (b) a food additive; or (c) a color additive) which may, in the judgement of the Administrator, 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 (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 subchapter in official establishments;
- (3) If it consists in whole or in part of any flithy, 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 insanitary 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 del-

eterious substance which may render the contents injurious to health;

(7) If it has been intentionally subjected 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 "U.S. Inspected and Passed" or "U.S. 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 reguations in this subchapter, and at the time it was inspected, passed, and identified, it was found to be not adulterated.

(cc) U.S. Passed for Cooking. This term means that the meat or meat by-product so identified has been inspected and passed on condition that it be rendered into lard, rendered pork fat, or tallow, as prescribed by the regulations in Part 315 of this subchapter.

(dd) U.S. 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 Part 311 of this subchapter.

(ee) U.S. 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 subchapter.

(ff) U.S. Retained. This term means that the carcass, viscera, other part of carcass, or other product, or article so identified is held for further examination by an inspector to determine its disposal.

- (gg) U.S. 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) U.S. 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:

 If its 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 Part 317 of this subchapter 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 Part 319 of this subchapter 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 Part 319 of this subchapter, 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 Part 317 of this subchapter:

(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 Part 317 of this subchapter.

(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 Part 317 of this subchapter; or

or on its containers, when required by the regulations in Part 316 or 317 of this subchapter, the inspection legend and, unrestricted by any of the foregoing, such other information as the Administrator 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 incuding 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) Accompanying such article.

(II) 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 subchapter 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 subchapter to identify the status of any article or animal under the Act.

(00) Official inspection legend. Any symbol prescribed by the regulations in this subchapter showing that an article was inspected and passed in accordance

with the Act.

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

(qq) Official device, Any device prescribed by the regulations in Part 312 of this subchapter for use in applying any official mark.

(rr) Livestock. Cattle, sheep, swine, 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 Administrator in specific cases or by the regulations in Part 317 of this subchapter, 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 receptacle or other covering in which any product is directly contained or wholly or partially enclosed.

(yy) Shipping container. The outside container (box, bag, barrel, crate, or other receptacle or covering) containing or wholly or partly enclosing any product packed in one or more immediate containers.

(zz) Biological residue. Any substance, including metabolites, remaining in livestock at time of slaughter or in any of its tissues after slaughter as the result of treatment or exposure of the livestock 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 conditions for which livestock is required to be condemned on ante-mortem inspection in accordance with the regulations in Part 309 of this subchapter. (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 subchapter.

(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 subchapter, are set forth in such part.

PART 302—APPLICATION OF INSPEC-TION AND OTHER REQUIREMENTS

Sec.

302.1 Establishments requiring inspection.
302.2 Application of requirements in the
District of Columbia or in designated States or Territories; and to
designated plants endangering
public health.
302.3 Linestender.

302.3 Livestock and products entering official establishments.

AUTHORITY: The provisions of this Part 302 issued under sec. 21, Federal Meat Inspection Act, as amended by the Wholesome Meat Act (24 U.S.C. Supp., sec. 601 et seq.), and Public Law 91-342; Talmadge-Aiken Act of Sept. 28, 1962 (7 U.S.C. 450); Act of July 24, 1919 (7 U.S.C. 394); subsection 21(b), Federal Water Poliution Control Act, as amended by Public Law 91-224 and by other laws.

§ 302.1 Establishments requiring inspection.

(a) Inspection under the regulations in this subchapter is required at:

(1) Every establishment, except as provided in § 303.1 (a) or (b) of this subchapter, 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 § 303.1 (a) or (d) of this subchapter, within any State or organized Territory which is designated pursuant to paragraph 301(c) of the Act, 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 Administrator pursuant to paragraph 301(c) of the Act as one producing adulterated products which would clearly endanger the public health.

§ 302.2 Application of requirements in the District of Columbia or in designated States or Territories; and to designated plants endangering public leads.

(a) Special provisions, with respect to certain retail stores and restaurants in the District of Columbia, appear in Part 330 of this subchapter and apply to such establishments and their operations in lieu of the regulations elsewhere in this subchapter, except insofar as such regulations are made applicable by the provisions in Part 330 of this subchapter.

(b) Special provisions with respect to establishments and their operations and transactions by any persons in designated States and Territories and with respect to establishments designated as producing adulterated products which clearly endanger public health, and the operators thereof, in any State or Territory appear in Part 331 of this subchapter, and apply to such establishments, operations and transactions in lieu of the regulations elsewhere in this subchapter except insofar as such regulations are made applicable by the provisions in Part 331 of this subchapter.

§ 302.3 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 subchapter.

PART 303-EXEMPTIONS

§ 303.1 Exemptions.

(a) The requirements of the Act and the regulations in this subchapter 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, 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 non-paying guests and employees; nor to the custom preparation by any person of car-

casses, parts thereof, meat or meat food products derived from the slaughter by any individual of cattle, sheep, swine, 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 §§ 308.3 through 308.14 of this subchapter;

(ii) If the custom operator prepares 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 § 316.16 of this subchapter, 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.

(b) (1) The exempted custom prepared products shall be prepared and handled in accordance with §§ 318.5, 318.6, 318.7, 318.10, and 318.11 and Part 319 of this subchapter and shall not be adulterated as defined in paragraph 1(m) of the Act.

(2) The exempted custom prepared products shall comply with the requirements of §§ 316.16 and 317.16 of this subchapter.

(3) The custom operators claiming exemption under paragraph (a) (2) of this section shall keep records, in addition to records otherwise required by Part 320 of this subchapter, 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 \$325.13 of this subchapter 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) It has been determined that it is impracticable to provide inspection of the preparation of products at establishments in any unorganized Territory at which livestock are slaughtered or their products are prepared for distribution solely within such jurisdiction and that exempting such establishments from requirements of the Act for such inspections under the conditions stated in this

section will otherwise facilitate enforcement of the Act. Therefore, such inspection requirements of the Act and of the regulations in this subchapter shall not apply at such establishments if they are operated in accordance with the regulations in Part 308 of this subchapter, except §§ 308.1, 308.2, and 308.15. However, the Administrator may refuse, withdraw, or modify any exemption under this paragraph when he determines in any specific case in accordance with the applicable rules of practice that such action is necessary to effectuate the purposes of this Act.

(d) (1) The requirements of the Act and the regulations in this subchapter 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 any State or organized Territory, for sale in normal retail quantities or service of such articles to consumers at such establishments, if such establishments would be subject to such inspection provisions only because the State or Territory is designated under paragraph 301(c) of the Act.

(2) For purposes of subparagraph (1)

of this paragraph:

(i) Operations of types traditionally and usually conducted at retail stores and restaurants are the following:

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

(b) Grinding and freezing products made from meat:

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

(d) Breaking bulk shipments of products:

(e) Wrapping or rewrapping products.

(ii) 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	
300	
 37.5	
 27.5	
 100	

(iii) 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 household consumers and the total dollar value of sales of product to consumers other than household consumers does not exceed \$10,000 per year; only federally or State inspected and passed product is handled or used in the preparation of any product, except that product resulting

from the custom slaughter or custom preparation of product may be handled or used in accordance with paragraph (a) (2) of this subchapter but not for sale; no sale of product is made in excess of a normal retail quantity as defined in subdivision (ii) of this subparagraph; the preparation of products for sale to household consumers is limited to traditional and usual operations as defined in subdivision (i) 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 (a), (b), (d), and (e)of subdivision (i) of this subparagraph. (A retail store at which custom slaughtering or preparation of products is conducted is not thereby disqualified from exemption as a retail store under this paragraph (d).)

(iv) 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 (iii) of this 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 (ii) of this subparagraph; and the preparation of product is limited to traditional and usual operations as defined in subdivision (i) 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.

(v) 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 (iii) or (iv) of this subparagraph; or other establishment as determined by the Administrator in

specific cases.

(vi) Consumer: Any household consumer, hotel, restaurant, or similar institution as determined by the Administrator in specific cases.

(3) Whenever any complaint is received by the Administrator from any person alleging that any retail store claiming exemption under this paragraph (d), in any designated State or organized Territory that is identified under section 205 of the Act (as one that does not have or is not exercising adequate authority with respect to recordkeeping requirements) has been operated in violation of the conditions prescribed in this section for exemption, and the Administrator, 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 Administrator still has reason to believe that such a violation has occurred, and that a requirement that the operator keep records concern-ing the operations of the retail store would effectuate the purposes of the Act,

the Administrator 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 § 320.3 of this subchapter. If the operator maintains copies of bills of lading, receiving and shipping invoices, warehouse receipts, or similar documents which give the information required herein, additional records are not required by this subparagraph.

(e) The adulteration and misbranding provisions of the Act and the regulations in this subchapter, 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 § 318.10 of this

(f) The Administrator may extend the inspection requirements to any establishment in any State or organized Territory

at which products are prepared for distribution solely within such jurisdiction, if he determines in accordance with the provisions of paragraph (c) (1) of the

Act that it is producing adulterated products which would clearly endanger

the public health.

subchapter.

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

(Sec. 21, Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. Supp., sec. 601 et seq.), and Public Law 91-342; Talmadge-Aiken Act of Sept. 28, 1962 (7 U.S.C. 450); Act of July 24, 1919 (7 U.S.C. 394); subsection 21(b), Federal Water Pollution Control Act, as amended by Public Law 91-224 and by other laws)

PART 304-APPLICATION FOR IN-SPECTION; GRANT OR REFUSAL OF INSPECTION

Application for inspection; tenants; subsidiaries.

304.2 Drawings, information to be furnished; grant or refusal of inspection.

AUTHORITY: The provisions of this Part 304 issued under sec. 21, Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. Supp., sec. 601 et seq.), and Public Law 91-342; Talmadge-Aiken Act of Sept. 28, 1962 (7 U.S.C. 450); Act of July 24, 1919 (7 U.S.C. 394); subsection 21(b), Federal Water Pollution Control Act, as amended by Public Law 91-224 and by other laws,

§ 304.1 Application for inspection; tenants; subsidiaries.

(a) Before the inspection is granted, the operator of each establishment of the kind required by § 302.1 of this sub-

chapter to have inspection shall make application therefor to the Administrator

as provided in this part.

(b) Every application under this section shall be made on a form furnished by the Program, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C., 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 Act and the regulations in this subchapter at such establishment if inspection is granted. Such tenants and subsidiaries will also be held responsible for compliance with the Act and regulations in this subchapter. 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.

§ 304.2 Drawings, information to be furnished; grant or refusal of inspection.

(a) Each applicant for inspection shall submit to the Program, four copies

(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 cleanup 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 related to sanitation and proper performance of inspection. Applicants for inspection may request information from the Administrator concerning the requirements before submitting drawings and other documents required by this paragraph.

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

grant applies.

(c) The Administrator 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 or the regulations in Parts 305, 307, and 308 of this subchapter or that the applicant has not

received approval of labeling and containers to be used at the establishment as required by the regulations in Parts 316 and 317 of this subchapter. When inspection is refused for any reason, the applicant shall be informed of the action and the reasons therefor and afforded an opportunity to present his views.

(d) Inspection may also be refused in accordance with section 401 of the Act and the applicable rules of practice.

(e) (1) Any applicant for inspection at an establishment where the operations thereof may result in any discharge into the navigable waters in the United States is required by subsection 21(b) of the Federal Water Pollution Control Act, as amended (84 Stat. 91), to provide the Administrator with a certification as prescribed in said subsection that there is reasonable assurance that such activity will be conducted in a manner which will not violate the applicable water quality standards. No grant of inspection can be issued after April 3, 1970 (the date of enactment of the Water Quality Improvement Act), unless such certification has been obtained, or is waived because of failure or refusal of the State, interstate agency or the Secretary of the Interior to act on a request for certification within a reasonable period (which shall not exceed 1 year after receipt of such request).

(2) However, certification is not initially required in connection with an application for inspection granted after April 3, 1970, for facilities existing or under construction on April 3, 1970, although certification for such facilities is required to be obtained within the 3-year period immediately following April 3, 1970. Failure to obtain such certification and meet the other requirements of subsection 21(b) prior to April 3, 1973, will result in the termination of inspection at such facilities on that date.

Further, any application for inspection pending on April 3, 1970, and granted within 1 year thereafter shall not require certification for 1 year following the grant of inspection but such grant of inspection shall terminate at the end of 1 year after its issuance unless prior thereto such certification has been obtained and the other requirements of subsection 21(b) are met.

PART 305-OFFICIAL NUMBERS; IN-AUGURATION OF INSPECTION; WITHDRAWAL OF INSPECTION; RE-PORTS OF VIOLATION

- 305.1 Official numbers; subsidiaries and ten-
- 305.2 Separation of official establishments.
- 305.3
- Sanitation and adequate facilities. Inauguration of inspection.
- Withdrawal of inspection; statement 305.5 of policy.
- 305.6 Reports of violations.

AUTHORITY: The provisions of this Part 305 issued under sec. 21, Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. Supp., sec. 601 et seq.), and Public Law 91-342; Talmadge-Aiken Act of Sept. 28, 1962 (7 U.S.C. 450); Act of July 24, 1919 (7 U.S.C. 394); subsection 21(b), Federal Water Pollution Control Act, as amended by Public Law 91-224 and by other laws.

§ 305.1 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 applicant at an establishment, it shall not be 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.

§ 305.2 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 subchapter 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, wood, or similar material, and the floors, walls, and cellings are without openings that directly or indirectly communicate with any part of the building used as living quarters.

§ 305.3 Sanitation and adequate facilities.

Inspection shall not be inaugurated if an establishment is not in a sanitary condition nor unless the establishment agrees to maintain a sanitary condition and provides adequate facilities for conducting such inspection.

§ 305.4 Inauguration of inspection.

When 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 subchapter. 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 subchapter, the identity of the same shall be maintained, and it shall not be distributed in commerce, or otherwise subject to the requirements of such regulations, 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.

§ 305.5 Withdrawal of inspection; statement of policy.

(a) The Administrator is authorized to withdraw inspection from an official establishment where the sanitary conditions are such that its products are rendered adulterated, or for fallure of the operator to destroy condemned products as required by the Act and the regulations in this subchapter. Inspection may be withdrawn in accordance with section 401 of the Act and the applicable rules of practice.

(b) Inspection service may be withheld when the operator of any official establishment or tenant therein, or any officer, employee, or agent of any such operator or any subsidiary or tenant therein, acting within the scope of his office, employment or agency forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any Program employee while engaged in or on account of the performance of his official duties under the Act. This withholding of inspection will continue in effect until assurances acceptable to the Administrator are received that there cannot be any recurrences.

§ 305.6 Reports of violations,

Program employees shall report, in a manner prescribed by the Administrator, all violations of the Act or regulations in this subchapter of which they have information.

PART 306-ASSIGNMENT AND AU-THORITIES OF PROGRAM EMPLOYEES

Designation of officer in charge and assistants.

306.2 Program employees to have access to establishments.

306.3 Badge as identification of inspectors. 306.4 Assignment of Program employees where members of family employed; soliciting employment; procuring product from official establishments.

306.5 Appeals.

AUTHORITY: The provisions of this Part 306 issued under sec. 21, Federal Meat Inspecrich as amended by the Wholesome Meat Act (21 U.S.C. Supp., sec. 601 et seq.), and Public Law 91-342; Talmadge-Alken Act of Sept. 28, 1962 (7 U.S.C. 450); Act of July 24, 1919 (7 U.S.C. 394); subsection 21(b), Federal Water Pollution Control Act, as amended by Public Law 91-224 and by other laws.

§ 306.1 Designation of officer in charge and assistants.

The Administrator shall designate an officer in charge of the inspection in each circuit, and assign to said inspector such assistants as may be necessary.

§ 306.2 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. Access to establishments is also authorized in accordance with section 202 of the Act and the regulations in Part 320 of this subchapter.

§ 306.3 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 Administrator 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.

- § 306.4 Assignment of Program employees where members of family employed; soliciting employment; procuring product from official establishments.
- (a) Except as specifically authorized by the Administrator, no Program employee shall be detailed for duty at an establishment where any member of his family is employed by the operator of the establishment, or any tenant or subsidiary of such operator 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 so employed at any establishment under his jurisdiction. Program employees are forbidden to solicit, for any person, employment at any official establishment, or by any 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 Poultry Products Inspection Act or the Agricultural Marketing Act of 1946, as amended, 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 supervisory employees or other authorized Department employees.

§ 306.5 Appeals.

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.

PART 307—FACILITIES FOR INSPECTION

307.1 Facilities for Program employees.
307.2 Other facilities and conditions to be provided by establishment.

- Sec.
 307.3 Inspectors to furnish implements and
 maintain hands and implements in
 sanitary condition.
- 307.4 Hours of operation of official establishments.
- 307.5 Designation of days and hours of operation by officer in charge.
- 307.6 Overtime work of Program Inspectors.

AUTHORITY: The provisions of this Part 307 issued under sec. 21, Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. Supp., sec. 601 et seq.), and Public Law 91-342; Talmadge-Aiken Act of Sept. 28, 1962 (7 U.S.C. 450); Act of July 24, 1919 (7 U.S.C. 394); subsection 21(b), Federal Water Pollution Control Act, as amended by Public Law 91-224 and by other laws.

§ 307.1 Facilities for Program employees,

Office space, including necessary furnishings, light, heat, and janitor service, shall be provided by official establishments, rent free, for the exclusive use for official purposes of the inspector and other Program employees assigned thereto. The space set aside for this purpose shall meet with approval of the officer in charge and shall be conveniently located, properly ventilated and provided with lockers suitable for the protection and storage of Program supplies and with facilities suitable for Program employees to change clothing if such clothes changing facilities are deemed necessary by the officer in charge. At the discretion of the Administrator, small plants requiring the services of less than one full time inspector need not furnish facilities for Program employees as prescribed in this section, where adequate facilities exist in a nearby convenient location. Laundry service for inspectors' outer work clothing shall be provided by each establishment.

§ 307.2 Other facilities and conditions to be provided by establishment.

When required by the officer in charge, the following facilities and conditions, and such others as may be found to be essential to efficient conduct of inspection and maintenance of sanitary conditions, shall be provided by each official establishment:

- (a) Satisfactory pens, equipment, and assistants for conducting ante-mortem inspection and for separating, marking and holding apart from passed livestock those marked "U.S. suspect" and those marked "U.S. condemned" (pens, alleys, and runways shall be paved, drained, and supplied with adequate hose connections for cleanup purposes);
- (b) Sufficient light to be adequate for proper conduct of inspection;
- (c) Racks, receptacles, or other suitable devices for retaining such parts as the head, tongue, tail, thymus gland, and viscera, and all parts and blood to be used in the preparation of meat food products or medical products, until after the post-mortem examination is completed, in order that they may be identified in case of condemnation of the carcass; equipment, trucks, and receptacles for the handling of viscera of slaughtered

animals so as to prevent contact with the floor; and trucks, racks, marked receptacles, tables, and other necessary equipment for the separate and sanitary handling of carcasses or parts passed for cooking:

(d) Tables, benches, and other equipment on which inspection is to be performed, of such design, material, and construction as to enable Program employees to conduct their inspection in a ready, efficient and clean manner;

- (e) Watertight metal trucks or receptacles for holding and handling diseased carcasses and parts, so constructed as to be readily cleaned; such trucks or receptacles to be marked in a conspicuous manner with the phrase "U.S. condemned" in letters not less than 2 inches high, and, when required by the officer in charge, to be equipped with facilities for locking or sealing;
- (f) Adequate arrangements, including liquid soap and cleansers, for cleansing and disinfecting hands, for sterilizing all implements used in dressing diseased carcasses, floors, and such other articles and places as may be contaminated by diseased carcasses or otherwise;
- (g) In establishments in which slaughtering is done, rooms, compartments, or specially prepared open places, to be known as "final inspection places," at which the final inspection of retained carcasses may be conducted (competent assistants for handling retained carcasses and parts shall be provided by the establishment; final inspection places shall be adequate in size and their rail arrangement and other equipment shall be sufficient to prevent carcasses and parts passed for food or cooking, from being contaminated by contact with condemned carcasses or parts; they shall be equipped with hot water, lavatory, sterilizer, tables, and other equipment required for ready, efficient, and sanitary conduct of the inspection; the floors shall be of such construction as to facilitate the maintenance of sanitary conditions and shall have proper drainage connections, and when the final inspection place is part of a larger floor, it shall be separated from the rest of the floor by a curb, railing, or otherwise);
- (h) Retention rooms, cages, or other compartments, and receptacles in which carcasses and product may be held for further inspection (these shall be in such number and in such locations as the needs of the inspection in the establishment may require; they shall be equipped for secure locking or sealing and shall be held under locks or official seals furnished by the Department; the keys of such locks shall not leave the custody of Program employees. Every such room, compartment, or receptacle shall be marked conspicuously with the phrase "U.S. retained" in letters not less than 2 inches high; rooms or compartments for these purposes shall be secure and susceptible of being kept clean, including a sanitary disposal of the floor liquids: establishment employees shall not enter any retention rooms or compartments or open any retention receptacles unless authorized by Program employees);

- (i) Adequate facilities, including denaturing materials, for the proper disposal of condemned articles in accordance with the regulations in this subchapter (tanks or other rendering equipment which, under the regulations in this subchapter, must be sealed, shall be properly equipped for sealing as specified by the regulations in Part 314 of this subchapter or by the officer in charge in specific cases):
- (j) Docks and receiving rooms, to be designated by the operator of the official establishment, with the officer in charge, for the receipt and inspection of all products as provided in § 318.3 of this sub-
- (k) Suitable lockers in which brands bearing the official inspection legend and other official devices (excluding labels) and official certificates shall be kept when not in use (all such lockers shall be equipped for sealing or locking with locks or seals to be supplied by the Department; the keys of such locks shall not leave the custody of Program employees);
- (1) Sanitary facilities and accommodations as prescribed by § 308.4 of this subchapter.
- § 307.3 Inspectors to furnish implements and maintain hands and implements in sanitary condition.

Inspectors shall furnish their own work clothing and implements, such as flashlights and triers, for conducting inspection and shall cleanse their hands and implements as prescribed by § 308.8 of this subchapter.

\$ 307.4 Hours of operation of official establishments.

The operator of each official establishment shall inform the officer in charge, or his assistant, when work in each department has been concluded for the day, and of the day and hour when work will be resumed therein. Whenever any product is to be overhauled or otherwise handled in an official establishment during unusual hours, the establishment operator shall, a reasonable time in advance, notify the officer in charge or his assistant, of the day and hour when such work will be commenced and such products shall not be so handled prior to that time and except after such notice has been given. No department of an official establishment in which are conducted operations requiring inspection shall be operated except under the supervision of a Program employee. All slaughtering of livestock and preparation of products shall be done within reasonable hours, and with reasonable speed, the facilities of the establishment being considered.

§ 307.5 Designation of days and hours of operation by officer in charge.

When one inspector is detailed to conduct the work at two or more official establishments where few livestock are slaughtered or where but a small quantity of any product is prepared, the officer in charge may designate the hours of the day and the days of the week during which operations requiring inspection in such establishments may be conducted. inspectors.

(a) The management of an official establishment, an importer, or an exporter desiring to work under conditions which will require the services of a Program inspector on any Saturday, Sunday, or holiday, or for more than 8 hours on any other day, shall, sufficiently in advance of the period of overtime, request the officer in charge or his assistant to furnish inspection service during such overtime period, and shall pay the Administrator therefor \$8.40 per hour per Program inspector to reimburse the Program for the cost of the inspection services so furnished

(b) Holidays for Federal employees shall be the 1st day of January, 22d day of February, 30th day of May, 4th day of July, 1st Monday of September, 11th day of November, 4th Thursday of November, 25th day of December, and any other calendar day designated as a holiday by Federal statute or Executive order. When any of the above-listed holidays fall on a weekday, that day becomes a holiday. When a holiday falls on a Saturday, the preceding workday (Friday) will become a holiday. When a holiday falls on Sunday, the next workday (Monday) will become a holiday.

PART 308-SANITATION

Sec. Examination and specifications for 308.1 equipment and sanitation prior to granting inspection. Drawings and specifications to be 308.2 furnished in advance of construc-308.3

Establishments; sanitary condition; requirements. 308.4 Sanitary facilities and accommoda-

tions; specific requirements. 308.5 Equipment to be easily cleaned; that for inedible products to be so marked.

Scabbards for knives. 308.6

308.7 Rooms, compartments, etc., to be clean and sanitary.

208.8 Operations, procedures, rooms, clothing, utensils, etc., to be clean and sanitary.

Protective handling of products. 308.9 308.10 Slack barrels and similar containers and means of conveyance used for product; paper in contact with

308.11 Burlap wrapping for meat.

308.12 Secondhand tubs, barrels, other containers, and tank cars; inspection and cleaning.

308.13 Inedible operating and storage rooms; outer premises, docks, driveways, approaches, pens, al-leys, etc.; flybreeding material; other conditions.

308.14 Employment of diseased persons. Tagging insanitary equipment, uten-308.15 sils, rooms or compartments.

AUTHORITY: The provisions of this Part 308 issued under sec. 21, Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. Supp., sec. 601 et seq.), and Public Law 91-342; Talmadge-Alken Act of Sept. 28, 1962 (7 U.S.C. 450); Act of July 24, 1919 (7 U.S.C. 394); subsection 21(b), Federal Water Poliution Control Act, as amended by Public Law 91-224 and by other laws.

§ 307.6 Overtime work of Program § 308.1 Examination and specifications for equipment and sanitation prior to granting inspection.

> Prior to the inauguration of inspection, an examination of the establish-ment and premises shall be made by a Program employee and the requirements for sanitation and the necessary facilities for inspection shall be specified by him in accordance with the regulations in this part and Part 307 of this subchapter.

§ 308.2 Drawings and specifications to be furnished in advance of construc-

Four copies of drawings with specifications, plot plan and room schedule, as prescribed in § 304.2 of this subchapter, for remodeling any official establish-ment, or part thereof, and for new structures to be used in an official establishment or part thereof, shall be submitted to the Administrator and approval obtained for the plans in advance of construction.

§ 308.3 Establishments; sanitary condition; requirements.

(a) Official establishments shall be maintained in sanitary condition, and to this end the requirements of this section shall be complied with.

(b) There shall be abundant light, of good quality and well distributed, and sufficient ventilation for all rooms and compartments to insure sanitary

condition.

(c) There shall be an efficient drainage and plumbing system for the establishment and premises, and all drains and gutters shall be properly installed with traps and vents approved by the

officer in charge. (d)(1) The water supply shall be ample, clean, and potable, with adequate facilities for its distribution in the plant and its protection against contamination and pollution. Every establishment shall make known and, whenever required by the officer in charge, shall afford opportunity for inspection of the source of its water supply, the storage facilities, and the distribution system. Equipment using potable water shall be so installed as to prevent back-siphonage into the potable water system. Nonpotable water is permitted only in those parts of official establishments where no edible product is handled or prepared, and then only for limited purposes such as on ammonia condensers not connected with the potable water supply, in vapor lines serving inedible product rendering tanks, in connection with equipment used for hashing and washing inedible products preparatory to tanking, and in sewer lines for moving heavy solids in the sewage. Nonpotable water is not permitted for washing floors, areas, or equipment involved in trucking materials to and from edible product departments nor is it permitted in hog scalding vats, dehairing machines, or vapor lines serving edible product rendering equipment, or for cleanup of shackling pens, bleeding areas, or runways within the slaughtering department. In all cases, nonpotable waterlines shall be clearly identified and shall

not be cross-connected with the potable water supply unless this is necessary for fire protection and such connection is of a type with an adequate break to assure against accidental contamination, and is approved by local authorities and by the officer in charge.

(2) The officer in charge may permit the reuse of water in vapor lines leading from deodorizers used in the preparation of lard and similar edible product and in equipment used for the chilling of canned product after retorting, provided the reuse is for the identical original purpose and the following precautions are taken to protect the water that is reused:

(i) All pipelines, reservoirs, tanks, cooling towers, and like equipment employed in handling the reused water are so constructed and installed as to facilitate their cleaning and inspection.

(ii) Complete drainage and disposal of the reused water, effective cleaning of the equipment, and renewal with fresh potable water is accomplished at such intervals as may be necessary to assure an acceptable supply of water for the purpose intended.

(iii) Effective chlorination (not less than approximately 1 part per million of residual chlorine at any point within the cooling system) of the reused water utilized for cooling canned product is maintained but with the understanding that chlorination alone is not to be relied upon entirely or to be accepted in lieu of the requirements listed in subdivisions (1) and (ii) of this subparagraph.

(3) Approval for the reuse of water other than as specified in subparagraph (2) of this paragraph shall be obtained from the Administrator in specific cases.

(4) An ample supply of water at not less than 180° F, shall be furnished and used for the cleaning of inspection equipment and other equipment, floors, and walls which are subject to contamination by the dressing or handling of diseased carcasses, their viscera, and other parts. Whenever necessary to determine compliance with this requirement, conveniently located thermometers shall be installed by the operator of the official establishment to show the temperature of the water at the point of use.

(5) Hot water for cleaning rooms and equipment other than those mentioned in subparagraph (4) of this paragraph shall be delivered under pressure to sufficient convenient outlets and shall be of such temperature as to accomplish a thorough cleanup.

(e) The floors, walls, ceilings, partitions, posts, doors, and other parts of all structures shall be of such materials, construction, and finish as will make them susceptible of being readily and thoroughly cleaned. The floors shall be kept watertight, The rooms and compartments used for edible product shall be separate and distinct from those used for inedible product.

(f) Rails should be located and passageway space provided so that exposed product does not come in contact with posts, walls, and other fixed parts of the building, or with barrels, boxes, and other containers trafficked through holding and

operating areas. Exposed product shall not be placed or stored beneath carcasses in coolers or holding areas.

(g) The rooms and compartments in which any product is prepared or handled shall be free from dust and from odors from dressing and toilet rooms, catch basins, hide cellars, casing rooms, inedible tank and fertilizer rooms, and livestock pens.

(h) Every practicable precaution shall be taken to exclude flies, rats, mice, and other vermin from official establishments. The use of poisons for any purpose in rooms or compartments where any unpacked product is stored or handled is forbidden, except under such restrictions and precautions as are prescribed by the regulations in this part or by the officer in charge in specific cases. The use of insecticides, rodenticides, and similar pest control substances in hide cellars, inedible product departments, outbuildings, or similar places, or in storerooms containing canned or tierced products is not forbidden but only those approved by the Administrator may be used. So-called rat viruses shall not be used in any part of an establishment or the premises thereof.

 Dogs and cats shall be excluded from the interior of official establishments; however, dogs may be permitted on the outer premises for guard purposes.

§ 308.4 Sanitary facilities and accommodations; specific requirements.

Adequate sanitary facilities and accommodations shall be furnished by every official establishment. Of these, the following are specifically required:

(a) Dressing rooms, toilet rooms, and urinals shall be sufficient in number, ample in size, and conveniently located. The rooms shall be provided with facilities to provide abundant light of good quality and well distributed. They shall be properly ventilated, and meet all requirements of the regulations in this part as to sanitary construction and equipment. They shall be separate from the rooms and compartments in which products are prepared, stored, or handled. Where both sexes are employed, separate facilities shall be provided.

(b) Acceptable lavatories, including running hot and cold water, soap, and towels, shall be placed in or near toilet and urinal rooms and also at such other places in the establishment as may be essential to assure cleanliness of all persons handling any product.

(c) Toilet soil lines shall be separate from house drainage lines to a point outside the building and drainage from toilet bowls and urinals shall not be discharged into a grease catch basin.

(d) Properly located facilities shall be provided for cleansing and disinfecting utensils and hands of all persons handling any product.

§ 308.5 Equipment to be easily cleaned; that for inedible products to be so marked.

Equipment and utensils used for preparing and otherwise handling any product shall be of such materials and construction as will make them susceptible of being readily and thoroughly cleaned and such as will insure strict cleanliness in the preparation and handling of all products. So far as is practicable, such equipment shall be made of metal or other impervious material. Trucks and receptacles used for inedible material shall bear some conspicuous and distinctive mark identifying them as used for such material, and shall not be used for handling edible products.

§ 308.6 Scabbards for knives.

Scabbards and similar devices for the temporary retention of knives, steels, triers, etc., by workers and others at official establishments shall be constructed of rust-resisting metal or other impervious material, shall be of a type that may be readily cleaned, and shall be kept clean.

§ 308.7 Rooms, compartments, etc., to be clean and sanitary.

Rooms, compartments, places, equipment, and utensils used for preparing, storing, or otherwise handling any product, and all other parts of the establishment, shall be kept clean and in sanitary condition. There shall be no handling or storing of materials which create an objectionable condition in rooms, compartments, or places where any product is prepared, stored, or otherwise handled.

§ 308.8 Operations, procedures, rooms, clothing, utensils, etc., to be clean and sanitary.

(a) Operations and procedures involving the preparation, storing, or handling of any product shall be strictly in accord with clean and sanitary methods.

(b) Rooms and compartments in which inspections are made and those in which livestock are slaughtered or any product is prepared shall be kept sufficiently free of steam and vapors to enable Program employees to make inspections and to insure clean operations. The walls, ceilings, and overhead structure of rooms and compartments in which product is prepared, handled, or stored shall be kept reasonably free from moisture to prevent dripping and contamination of product.

(c) Butchers and others who dress or handle diseased carcasses or parts shall, before handling or dressing other carcasses or parts, cleanse their hands with liquid soap and hot water, and rinse them in clean water. Implements used in dressing diseased carcasses shall be thoroughly cleansed with hot water having a minimum temperature of 180° F. or in a disinfectant approved by the Administrator, followed by rinsing in clean

³ A list of approved pest control substances is available upon request to the Technical Services Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

^{*}A list of approved disinfectants is available upon request to the Technical Services Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

water. The employees of the establishment who handle any product shall keep their hands clean, and in all cases after visiting the toilet rooms or urinals shall wash their hands before handling any product or implements used in the preparation of product.

(d) Aprons, frocks, and other outer clothing worn by persons who handle any product shall be of material that is readily cleansed. Clean garments shall be worn at the start of each working day and the garments shall be changed during the day when required by the officer in charge.

(e) Such practices as spitting on whetstones; spitting on the floor; placing skewers, tags, or knives in the mouth; inflating lungs or casings with air from the mouth; or testing with air from the mouth such receptacles as tierces, kegs, or casks, containing or intended as containers of any product, are prohibited. Only mechanical means may be used for such testing. Care shall be taken to prevent the contamination of product with perspiration, hair, cosmetics, medications, and similar substances

(f) Equipment or substances which generate gases or odors shall not be used in official establishments except as permitted by the regulations in this part or by the officer in charge in specific cases in which he determines that such use will not result in adulteration of any product.

§ 308.9 Protective handling of products.

Products shall be protected from contamination from any source such as dust, dirt, or insects during storage, loading, or unloading at and transportation from official establishments.

- § 308.10 Slack barrels and similar containers and means of conveyance used for product; paper in contact with
- (a) When necessary to avoid contamination of product with wood splinters or similar contaminants, slack barrels and similar containers and the cargo space of trucks, railroad cars, or other means of conveyance shall be lined with suitable material of good quality before packing.

(b) Slack barrels and similar containers and trucks, railroad cars, and other means of conveyance in which any product is transported shall be kept in a clean and sanitary condition.

(c) Paper used for covering or lining slack barrels and similar containers and the cargo space of trucks, railroad cars, 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.

§ 308.11 Burlap wrapping for meat.

Since burlap used without any other material as a wrapping for meat deposits lint on the meat and does not sufficiently protect it from outside contamination, the use of burlap as a wrapping for meat will not be permitted unless the meat is first wrapped with a good grade of paper or cloth of a kind which will prevent contamination with lint or other foreign matter.

- § 308.12 Second-hand tubs, barrels, other containers, and tank cars; inspection and cleaning.
- (a) Secondhand tubs, barrels, and boxes intended for use as containers of any product shall be inspected when received at the official establishment and before they are cleaned. Those showing evidence of misuse rendering them unfit to serve as containers for food products shall be rejected. The use of those showing no evidence of previous misuse may be allowed after they have been thoroughly and properly cleaned. Steaming, after thorough scrubbing and rinsing, is essential to cleaning tubs and barrels.
- (b) Interiors of tank cars and tank trailers about to be used for the transportation of any product from an official establishment shall be carefully in-spected by a Program employee for cleanliness even though the last previous content was edible. Lye and soda solutions used in cleaning such cars and trailers must be thoroughly removed by rinsing with clean water. Whenever possible, Program employees shall enter tank cars or tank trailers with a light and examine all parts of the interior.
- § 308.13 Inedible operating and storage rooms; outer premises, docks, driveways, approaches, pens, alleys, etc.; flybreeding material; other condi-

All operating and storage rooms and departments of official establishments used for inedible materials shall be maintained in acceptably clean condition. The outer premises of every official establishment, including docks and areas where cars and vehicles are loaded, and the driveways, approaches, yards, pens, and alleys, shall be properly paved and drained and kept in clean and orderly condition. All catch basins on the premises shall be of such construction and location and shall be given such attention as will insure their being kept in acceptable condition as regards odors and cleanliness. Catch basins shall not be located in departments where any product is prepared, handled, or stored. The accumulation on the premises of official establishments of any material in which flies may breed, such as hog hair. bones, paunch contents, or manure, is forbidden. No other conditions that may result in adulteration of product or interfere with inspection shall be allowed in any official establishment or on its premises.

§ 308.14 Employment of diseased persons.

No operator of an official establishment or other person preparing product in an official establishment shall employ. in any department where any product is handled or prepared, any person showing evidence of a communicable disease in a transmissible stage, or known to be a carrier of such a disease, or while affected with boils, sores, infected wounds, or other abnormal sources of microbiological contaminants.

§ 308.15 Tagging insanitary equipment, utensils, rooms or compartments.

When, in the opinion of a Program employee, any equipment, utensil, room, or compartment at an official establishment is unclean or its use would be in violation of any of the regulations in this subchapter, he will attach a "U.S. Rejected" tag thereto. No equipment, utensil, room, or compartment so tagged shall again be used until made acceptable. Such tag so attached shall not be removed by anyone other than a Program employee.

PART 309-ANTE-MORTEM INSPECTION

- 309.1 Ante-mortem inspection in pens of official establishments.
- Livestock suspected of being diseased or affected with certain conditions; identifying suspects; disposition on post-mortem inspection or otherwise.
- Dead, lying, disabled, or diseased and similar livestock.
- Livestock showing symptoms of cer-tain metabolic, toxic, nervous, or circulatory disturbances, nutri-tional imbalances, or infectious or parasitic diseases.
- Swine; disposal because of hog cholera; swine injected with hog cholera virus.
- Epithelioma of the eye. Livestock affected with anthrax; cleaning and disinfection of in-309.6 309.7 fected livestock pens and drive-
- 309 B Cattle affected with anasarca and generalized edema.
- Swine erysipelas. 309.10 Onset of parturition.
- Vaccine livestock 309.11
- 309.12 Emergency slaughter; inspection prior to.
- Disposition of condemned livestock.
- 309.14 Brucellosis-reactor goats. Vesicular diseases.
- 309.16 Livestock suspected of having biological residues.
- 309.17
- Livestock used for research. Official marks and devices for pur-309.18 poses of ante-mortem inspection.

AUTHORITY: The provisions of this Part 309 issued under sec. 21, Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. Supp., sec. 601 et seq.), and Public Law 91-342; Talmadge-Aiken Act of Sept. 28, 1962 (7 U.S.C. 450); Act of July 24, 1919 (7 U.S.C. 394); subsection 21(b), Federal Water Pollution Control Act, as amended by Public Law 91-224 and by other laws.

Ante-mortem inspection in pens of official establishments.

- (a) All livestock offered for slaughter in an official establishment shall be examined and inspected on the day of and before slaughter unless, because of unusual circumstances, prior arrangements acceptable to the Administrator have been made in specific cases by the officer in charge for such examination and inspection to be made on a different day before slaughter.
- (b) Such ante-mortem inspection shall be made in pens on the premises of the establishment at which the livestock are offered for slaughter before the livestock shall be allowed to enter into any department of the establishment where

they are to be slaughtered or dressed or in which edible products are handled. When the holding pens of an official establishment are located in a public stockyard and are reserved for the exclusive use of the establishment, such pens shall be regarded as part of the premises of that establishment and the operator of the establishment shall be responsible for compliance with all requirements of the regulations in this subchapter with respect to such pens,

- § 309.2 Livestock suspected of being diseased or affected with certain conditions; identifying suspects; disposition on post-mortem inspection or otherwise.
- (a) Any livestock which, on antemortem inspection, do not clearly show, but are suspected of being affected with any disease or condition that, under Part 311 of this subchapter, may cause condemnation of the carcass on postmortem inspection, and any livestock which show, on ante-mortem inspection, any disease or condition that, under Part 311 of this subchapter would cause condemnation of only part of the carcass on post-mortem inspection, shall be so handled as to retain its identity as a suspect until it is given final post-mortem inspection, when the carcass shall be marked and disposed of as provided in Parts 310 and 311 of this subchapter, or until it is disposed of as otherwise provided in this part.

(b) All seriously crippled animals and animals commonly termed "downers," shall be identified as U.S. Suspects and disposed of as provided in § 311.1 of this subchapter unless they are required to be classed as condemned under § 309.3.

- (c) Livestock which have reacted to a test for leptospirosis, or anaplasmosis, but which show no symptoms of the disease, shall be identified as U.S. Suspects and disposed of as provided in § 311.10 of this subchapter.
- (d) Livestock which are known to have reacted to the tuberculin test shall be identified as U.S. Suspects and disposed of as provided in § 311.2 of this subchapter, except that livestock bearing an official "USDA Reactor" or similar State reactor tag shall not be tagged as U.S. Suspects.
- (e) Any cattle found on ante-mortem inspection to be affected with epithelioma of the eye or of the orbital region to a lesser extent than as described in \$ 309.6 shall be identified as a U.S. Suspect and disposed of as provided in \$ 311.12 of this subchapter.
- (f) Cattle found on ante-mortem inspection to be affected with anasarca to a lesser extent than as described in § 309.8 shall be identified as U.S. Suspects and disposed of as provided in § 311.8 of this subchapter or paragraph (g) of this section.
- (g) Any livestock suspected of being affected with anasarca may be set apart and held for treatment under Program or other responsible official supervision approved by the officer in charge. If at the expiration of the treatment period the livestock upon examination is found to be free from disease, it may be released

for any purpose. Otherwise, it shall be identified as U.S. Suspect and disposed of as provided in § 311.8 of this subchapter or condemned and disposed of as provided in § 309.8, whichever is appropriate.

- (h) All hogs suspected on antemortem inspection of being affected with swine erysipelas shall be identified as U.S. Suspects and disposed of as provided in § 311.5 of this subchapter or paragraph (i) of this section.
- (1) A hog suspected of being affected with swine erysipelas may be set apart and held for treatment under Program or other responsible official supervision approved by the officer in charge. If at the expiration of the treatment period the animal upon examination is found to be free from disease, it may be released for any purpose. Otherwise, it shall be identified as U.S. Suspect and disposed of as provided in §311.5 of this subchapter, or condemned and disposed of as provided in §309.13, whichever is appropriate.
- (j) Any livestock which is affected with vesicular exanthema or vesicular stomatitis, but which has recovered to the extent that the lesions are in process of healing, the temperature is within normal range, and the livestock shows a return to normal appetite and activity, shall be identified as U.S. Suspect and disposed of as provided in § 311.32 of this subchapter, except that if desired, such livestock may be set apart and held under supervision of a Program employee or other official designated by the officer in charge for treatment. If the livestock is set aside for treatment, the U.S. Suspect identification device will be removed by a Program employee, following such treatment, if the livestock is found to be free from any such disease. Such livestock found to be free from, any such disease may be released for slaughter or for purposes other than slaughter, provided that in the latter instance, the operator of the official establishment or the owner of the animal shall first obtain permission from the local, State, or Federal livestock sanitary official having jurisdiction over the movement of such livestock.
- (k) Livestock which are offered for ante-mortem inspection under this part, and which are regarded by the inspector as immature, shall be identified as U.S. Suspects and, if slaughtered, the disposition of their carcasses shall be determined by the post-mortem findings in connection with the ante-mortem conditions. If not slaughtered as suspects, such livestock shall be held under supervision of a Program employee or other official designated by the officer in charge, and after sufficient development may be released for slaughter or may be released for any other purpose, provided they have not been exposed to any infectious or contagious disease. If such exposure occurs, permission should be obtained from the nearest Animal Health Division authorities prior to release of such livestock.
- (1) Livestock previously condemned for listeriosis, if released for slaughter under § 309.13(b) shall be identified as

a U.S. Suspect in accordance with § 309.13(c).

(m) Each animal required by this part to be treated as a U.S. Suspect shall be identified as such by or under the supervision of a Program employee with an official device in accordance with § 309.18. No such device shall be removed except by a Program employee.

(n) Each animal identified as a U.S. Suspect on ante-mortem inspection shall be set apart and shall be slaughtered separately from other livestock at that establishment unless disposed of as other-

wise provided in this part.

- (o) Each animal identified as a U.S. Suspect on ante-mortem inspection, when presented for slaughter shall be accompanied with a form CP 402-2 on which the inspector at the establishment shall record the U.S. Suspect identification number and any other identifying tag numbers present and a brief description of the animal and of the disease or condition for which the animal was classed as a suspect, including its temperature when the temperature of such animal might have a bearing on the disposition of the carcass on post-mortem inspection.
- (p) When any animal identified as a U.S. Suspect is released for any purpose or reason, as provided in this part, the official identification device shall be removed only by a Program employee and he shall report his action to the officer in charge. When a suspect is to be released under the provisions of this part for a purpose other than slaughter, the operator of the official establishment or the owner of the animal shall first obtain permission for the removal of such animal from the local, State or Federal livestock sanitary official having jurisdiction.
- § 309.3 Dead, dying, disabled, or diseased and similar livestock.
- (a) Livestock found to be dead or in a dying condition on the premises of an official establishment shall be identified as U.S. Condemned and disposed of in accordance with § 309.13.
- (b) Livestock plainly showing on antemortem inspection any disease or condition that, under Part 311 of this subchapter, would cause condemnation of their carcasses on post-mortem inspection shall be identified as U.S. Condemned and disposed of in accordance with § 309.13.
- (c) Any swine having a temperature of 106° F, or higher and any cattle, sheep. goats, horses, mules, or other equines having a temperature of 105° F, or higher shall be identified as U.S. Condemned. In case of doubt as to the cause of the high temperature, or when for other reasons a Program employee deems such action warranted, any such livestock may be held for a reasonable time under the supervision of a Program employee for further observation and taking of temperature before final disposition of such livestock is determined. Any livestock so held shall be reinspected on the day it is slaughtered. If, upon such reinspection, or when not held for further observation and taking of temperature.

then on the original inspection, the animal has a temperature of 106° F. or higher in the case of swine, or 105° F. or higher in the case of other livestock, it shall be condemned and disposed of in

accordance with § 309.13.

(d) Any livestock found in a comatose or semicomatose condition or affected with any condition not otherwise covered in this part, which would preclude release of the animal for slaughter for human food, shall be identified "U.S. Condemned" and disposed of in accordance with § 309.13, except that such animal may be set apart and held for further observation or treatment under supervision of a Program employee or other official designated by the officer in charge and for final disposition in accordance with this part.

- § 309.4 Livestock showing symptoms of certain metabolic, toxic, nervous, or circulatory disturbances, nutritional imbalances, or infectious or parasitic diseases.
- (a) All livestock showing, on antemortem inspection, symptoms of anaplasmosis, ketosis, leptospirosis, listeriosis,
 parturient paresis, pseudorabies, rabies,
 scrapie, tetanus, grass tetany, transport
 tetany, strangles, purpura hemorrhagica,
 azoturia, infectious equine encephalomyelitis, toxic encephalomyelitis (forage
 poisoning), dourine, acute influenza,
 generalized osteoporosis, glanders
 (farcy), acute inflammatory lameness
 or extensive fistula shall be identified as
 U.S. Condemned and disposed of in
 accordance with § 309.13.
- (b) If any equine is suspected on ante-mortem inspection of being infected with glanders or dourine, the nearest Animal Health Division official shall be so informed by a Program employee. Tests shall be performed by that Division to determine whether the animal is, in fact, infected with such disease. If it is found on such tests to be infected, the animal shall be disposed of in accordance with paragraph (a) of this section. Otherwise, the animal shall be identified as a U.S. Suspect and disposed of as provided in § 311.10 of this subchapter.
- § 309.5 Swine; disposal because of hog cholera; swine injected with hog cholera virus.
- (a) All hogs plainly showing on antemortem inspection that they are affected with hog cholera shall be identified as U.S. Condemned and disposed of in accordance with § 309.13.
- (b) All hogs, even though not themselves identified as U.S. Suspects, which are of lots in which one or more animals have been condemned or identified as U.S. Suspects for hog cholera, shall, so far as possible; be slaughtered separately and apart from all other livestock passed on ante-mortem inspection.

(c) Swine, other than hyperimmune swine, shall be condemned on ante-

mortem inspection if offered for slaughter within 28 days after injection with virulent hog cholera virus, as defined in § 76.1 of this title, and within 21 days after injection with modified live hog cholera virus approved under § 76.16(c) of this title and within 14 days after injection with inactivated hog cholera virus.

(d) Swine, other than hyperimmune swine, offered for slaughter after 28 days following injection with virulent hog cholera virus as defined in § 76.1 of this title, 21 days after injection with modified live hog cholera virus approved under § 76.16(c) of this title, and 14 days after injection with inactivated hog cholera virus shall be given ante-mortem inspection in conformity with this part without reference to the injected virus.

(e) Hyperimmune swine shall be condemned on ante-mortem inspection if offered for slaughter within 10 days after

hyperimmunization.

(f) Hyperimmune swine offered for slaughter after 10 days following hyperimmunization shall be given antemortem inspection in conformity with this part without reference to the injected virus.

§ 309.6 Epithelioma of the eye.

Any animal found on ante-mortem inspection to be affected with epithelioma of the eye and the orbital region in which the eye has been destroyed or obscured by neoplastic tissue and which shows extensive infection, suppuration, and necrosis, usually accompanied with foul odor, or any animal affected with epithelioma of the eye or of the orbital region which, regardless of extent, is accompanied with cachexia shall be identified as U.S. Condemned and disposed of in accordance with § 309.13.

- § 309.7 Livestock affected with anthrax; cleaning and disinfection of infected livestock pens and driveways.
- (a) Any livestock found on antemortem inspection to be affected with anthrax shall be identified as U.S. Condemned and disposed of in accordance with § 309.13.
- (b) No other livestock of a lot in which anthrax is found on ante-mortem inspection shall be slaughtered and presented for post-mortem inspection until it has been determined by a careful antemortem inspection that no anthrax infected livestock remains in the lot.
- (c) Apparently healthy livestock (other than hogs) from a lot in which anthrax is detected, and any apparently healthy livestock which have been treated with anthrax biologicals which do not contain living anthrax organisms, may be slaughtered and presented for post-mortem inspection if they have been held not less than 21 days following the last treatment or the last death of any livestock in the lot. Alternatively, if desired, all apparently healthy livestock of the lot may be segregated and held for treatment by a State licensed veterinarian under supervision of a Program employee or other official designated by the officer in charge. No

anthrax vaccine (live organisms) shall be used on the premises of an official establishment.

- (d) Livestock which have been injected with anthrax vaccines (live organisms) within 6 weeks, and those bearing evidence of reaction to such treatment, such as inflammation, tumefaction, or edema at the site of the injection, shall be condemned on ante-mortem inspection, or such animals may be held under supervision of a Program employee or other official designated by the officer in charge until the expiration of the 6-week period and the disappearance of any evidence of reaction to the treatment.
- (e) When livestock are found on antemortem inspection to be affected with anthrax, all exposed livestock pens and driveways of the official establishment shall be cleaned and disinfected by promptly and thoroughly removing and burning all straw, litter, and manure. This shall be followed immediately by a thorough disinfection of the exposed premises by soaking the ground, fences, gates, and all exposed material with a 5 percent solution of sodium hydroxide or commercial lye prepared as outlined in § 310.9(e) (1) of this subchapter, or other disinfectant that may be approved in specific cases by the Administrator specifically for this purpose.

§ 309.8 Cattle affected with anasarca and generalized edema.

All cattle found on ante-mortem inspection to be affected with anasarca in advanced stages and characterized by an extensive and generalized edema shall be identified as U.S. Condemned and disposed of in accordance with § 309.13.

§ 309.9 Swine crysipelas.

All hogs plainly showing on antemortem inspection that they are affected with acute swine erysipelas shall be identified as U.S. Condemned and disposed of in accordance with § 309.13.

§ 309.10 Onset of parturition.

Any livestock showing signs of the onset of parturition shall be withheld from slaughter until after parturition and passage of the placenta. Slaughter or other disposition may then be permitted if the animal is otherwise acceptable.

§ 309.11 Vaccine livestock.

Vaccine livestock with unhealed lesions of vaccinia, accompanied with fever, which have not been exposed to any other infectious or contagious disease, are not required to be slaughtered and may be released for removal from the premises.

§ 309.12 Emergency slaughter; inspection prior to.

In all cases of emergency slaughter, except as provided in § 311.27 of this subchapter, the animals shall be inspected immediately before slaughter, whether theretofore inspected or not. When the necessity for emergency slaughter exists, the establishment shall notify the officer in charge or his assistant so that such inspection may be made.

¹The Animal Health Division, Agricultural Research Service, U.S. Department of Agriculture.

§ 309.13 Disposition of condemned livestock.

(a) Except as otherwise provided in this part, livestock identified as U.S. Condemned shall be killed by the official establishment, if not already dead. Such animals shall not be taken into the official establishment to be slaughtered or dressed; nor shall they be conveyed into any department of the establishment used for edible products; but they shall be disposed of in the manner provided for condemned carcasses in Part 314 of this subchapter. The official U.S. Condemned tag shall not be removed from, but shall remain on the carcass until it goes into the tank, or is otherwise disposed of as prescribed in Part 314 of this subchapter, at which time such tag may be removed by a Program employee only. The number of such tag shall be reported to the officer in charge by the inspector who affixed it, and also by the inspector who supervised the tanking of the car-Cass.

(b) Any livestock condemned on account of ketosis, swine erysipelas, vesicular diseases, grass tetany, transport tetany, parturient paresis, anasarca, anaplasmosis, leptospirosis, listeriosis, or inflammatory condition including pneumonia, enteritis, and peritonitis may be set apart and held for treatment under supervision of a Program employee or official designated by the officer in charge. The U.S. Condemned Identification tag will be removed by a Program employee following treatment under such supervision if the animal is found to be free from any such disease.

(c) Livestock previously affected with listeriosis, including those released for slaughter after treatment under paragraph (b) of this section, shall be iden-

tified as U.S. Suspect.

(d) When livestock under the provisions of this section is to be released for a purpose other than slaughter, the operator of the official establishment or the owner of the livestock shall first obtain permission for the movement of such livestock from the local, State, or Federal livestock sanitary official having jurisdiction.

§ 309.14 Brucellosis-reactor goats.

Goats which have reacted to a test for brucellosis shall not be slaughtered in an official establishment.

§ 309.15 Vesicular diseases.

- (a) Immediate notification shall be given by the inspector to the local, State, and Federal livestock sanitary officials having jurisdiction when any livestock is found to be affected with a vesicular disease.
- (b) No livestock under quarantine by State or Federal livestock sanitary officials on account of a vesicular disease will be given ante-mortem inspection. If no quarantine is invoked, or if quarantine is invoked and later removed, upon antemortem inspection, any animal found to be affected with vesicular exanthema or vesicular stomatitis in the acute stages, as evidenced by acute and active lesions or an elevated temperature, shall be identified as U.S. Condemned and disposed of in accordance with § 309.13.

§ 309.16 Livestock suspected of having biological residues.

Livestock suspected of having been treated with or exposed to any substance that may impart a biological residue which would make the edible tissues unfit for human food shall be identified as U.S. Condemned. These livestock may be held under the custody of a Program employee or other official designated by the officer in charge until metabolic processes have reduced the residue sufficiently to make the tissues fit for human food. When the required withdrawal time has elapsed, the livestock, if returned for slaughter, must be reexamined on antemortem inspection. To aid in determining the amount of residue present in the tissues, officials of the Program may permit the slaughter of any such livestock to collect tissues for analysis of the

§ 309.17 Livestock used for research.

- (a) No livestock used in any research investigation involving an experimental biological product, drug, or chemical shall be eligible for slaughter at an official establishment unless;
- (1) The operator of such establishment, the sponsor of the investigation, or the investigator has submitted to the Program, Veterinary Biologics Division, or Pesticides Regulation Division of the Department of Agriculture or to the Food and Drug Administration of the Department of Health, Education, and Welfare, data or a summary evaluation of the data which demonstrates that the use of such biological product, drug, or chemical will not result in the products of such livestock being adulterated, and a Program employee has approved such slaughter;
- (2) Written approval by the Director of the Slaughter Inspection Division is furnished the officer in charge prior to the time of slaughter;
- (3) In the case of an animal administered any unlicensed, experimental veterinary biologic product regulated under the Virus-Serum Toxin Act (21 U.S.C. 151 et seq.), the product was prepared and distributed in compliance with Part 103 of the regulations issued under said Act (Part 103 of this title), and used in accordance with the labeling approved under said regulations;
- (4) In the case of an animal administered any investigational drug regulated under the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 301 et seq.), the drug was prepared and distributed in compliance with the applicable provisions of Part 135 of the regulations issued under said Act (21 CFR Part 135), and used in accordance with the labeling approved under said regulations;
- (5) In the case of an animal subjected to any experimental economic poison under section 2(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135 et seq.), the product was prepared and distributed in accordance with \$ 362.17 of the regulations issued under said Act (7 CFR 362.17), and used in accordance with the labeling approved under said regulations.

- (6) In the case of an animal administered or subjected to any substance that is a food additive or pesticide chemical under the Federal Food, Drug, and Cosmetic Act, supra, there has been compliance with all tolerance limitations established by said Act and the regulations promulgated thereunder (21 CFR 1.1 et seq.), and all other restrictions and requirements imposed by said Act and said regulations will be complied with at the time of slaughter.
- (b) The officer in charge may deny or withdraw the approval for slaughter of any livestock subject to the provision of this section when he deems it necessary to assure that all products prepared at the official establishment are free from adulteration.

§ 309.18 Official marks and devices for purposes of ante-mortem inspection.

- (a) All livestock required by this Part to be identified as U.S. Suspects shall be tagged with a serially numbered metal ear tag bearing the term "U.S. Suspect," except as provided in § 309.2(d) and except that cattle affected with epithelioma of the eye, antinomycosis, or actinobacillosis to such an extent that the lesions would be readily detected on postmortem inspection, need not be individually tagged on ante-mortem inspection with the U.S. Suspect tag, provided that such cattle are segregated and otherwise handled as U.S. Suspects.
- (b) In addition, identification of U.S. Suspect swine must include the use of tattoos specified by the inspector to maintain the identity of the animals through the dehairing equipment when such equipment is used.
- (c) All livestock required by this part to be identified as U.S. Condemned shall be tagged with a serially numbered metal ear tag bearing the term "U.S. Condemned."
- (d) The devices described in paragraphs (a), (b), and (c) of this section shall be the official devices for identification of livestock required to be identified as U.S. Suspect or U.S. Condemned as provided in this part.

PART 310—POST-MORTEM INSPECTION

Sec. 310.1 Extent and time of post-mortem inspection.

310.2 Identification of carcass with certain severed parts thereof and with animal from which derived.

310.3 Carcasses and parts in certain instances to be retained. 310.4 Identification of carcasses and parts;

tagging.
310.5 Condemned carcasses and parts to be

so marked; tanking; separation.
310.6 Carcasses and parts passed for cooking; marking.

310.7 Removal of spermatic cords, pizzles and preputial diverticuli.

310.8 Passing and marking of carcasses and parts.

310.9 Anthrax; carcasses not to be eviscerated; disposition of affected carcasses; hides, hoofs, horns, hair, viscera and contents, and fat; handling of blood and scalding vat water; general cleanup and disinfection.

Sec.

310.10 Carcasses with skin or hide on; cleaning before evisceration; removal of larvae of Hypodermae, external parasites and other pathological skin conditions.

310.11 Cleaning of hog carcasses before inclsing.

310.12 Sternum to be split; abdominal and thoracic viscera to be removed.

310.13 Carcasses or parts thereof not to be inflated; transferring caul or other fat.

310.14 Handling of bruised parts.

310.15 Hyperimmune swine bled before entering official establishments.

310.16 Inspection of cattle, calf, sheep and equine lungs; hog lungs not to be saved as edible.

310.17 Inspection of mammary glands. 310.18 Contamination of carcasses, organs,

or other parts. 310.19 Inspection of kidneys.

Authority: The provisions of this Part 310 issued under sec. 21, Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. Supp., sec. 601 et seq.), and Public Law 91-342; Talmadge-Aiken Act of Sept. 28, 1962 (7 U.S.C. 450); Act of July 24, 1919 (7 U.S.C. 394); subsection 21(b), Federal Water Pollution Control Act, as amended by Public Law 91-224 and by other laws.

§ 310.1 Extent and time of post-mortem inspection.

A careful post-mortem examination and inspection shall be made of the carcasses and parts thereof of all livestock slaughtered at official establishments. Such inspection and examination shall be made at the time of slaughter unless, because of unusual circumstances, prior arrangements acceptable to the Administrator have been made in specific cases by the officer in charge for making such inspection and examination at a later time.

§ 310.2 Identification of carcass with certain severed parts thereof and with animal from which derived.

(a) The head, tail, tongue, thymus gland, and all viscera of each slaughtered animal, and all blood and other parts of such animal to be used in the preparation of meat food products or medical products, shall be handled in such a manner as to identify them with the rest of the carcass and as being derived from the particular animal involved, until the post-mortem examination of the carcass and parts thereof has been completed. Such handling shall include the retention of ear tags, back tags, implants, and other identifying devices affixed to the animal, in such a way to relate them to the earcass until the post-mortem examination has been completed.

(b) The official State-Federal Department backtag on any carcass shall:

(1) (i) Be removed from the hide of the animal by an establishment employee and placed in a clear plastic bag. The bag containing the tag shall be affixed to the corresponding carcass.

(ii) The bag containing the tag shall be removed from the carcass by an establishment employee and presented with the viscera to the Program inspector at the point where such inspector conducts the viscera inspection.

(2) (i) Brucellosis and tuberculosis ear tags, herd identification ear tags, sales tags, ear bangles, and similar identification devices shall be removed from the animal's hide or ear by an establishment employee and shall be placed in a clear plastic bag and affixed to the corresponding carcass.

(ii) The bag containing the tag shall be removed from the carcass by an establishment employee and presented with the viscera to the Program inspector at the point where such inspector conducts the viscera inspection.

(3) In cases where both types of devices described in subparagraphs (1) and (2) of this paragraph are present on the same animal, both types may be placed in the same plastic bag or in two separate

(4) The officer in charge may allow the use of any alternate method proposed by the operator of an official establishment for handling the type of devices described in subparagraph (2) of this paragraph if such alternate method would provide a ready means of identifying a specific carcass with the corresponding devices by a Program inspector during the post-mortem inspection.

(5) Disposition and use of identifying

devices.

(i) The official State-Federal Department backtags will be collected by a Program inspector and used to obtain traceback information necessary for proper disposition of the animal or carcass and otherwise handled according to instructions issued to the inspectors.

(ii) The devices described in subparagraph (2) of this paragraph shall be collected by the Program inspector when required to obtain traceback information necessary for proper disposition of the animal or carcass and for controlling the slaughter of reactor animals. Devices not collected for these purposes shall be discarded after the post-mortem examination is complete.

(6) Plastic bags used by the establishment for collecting identifying devices will be furnished by the Department.

§ 310.3 Carcasses and parts in certain instances to be retained.

Each carcass, including all detached organs and other parts, in which any lesion or other condition is found that might render the meat or any part unfit for food purposes, or otherwise adulterated, and which for that reason would require a subsequent inspection, shall be retained by the Program employee at the time of inspection. The identity of every such retained carcass, detached organ, or other part shall be maintained until the final inspection has been completed. Retained carcasses shall not be washed or trimmed unless authorized by the Program employee.

§ 310.4 Identification of carcasses and parts; tagging.

Such devices and methods as may be approved by the Administrator may be used for the temporary identification of retained carcasses, organs, and other parts. In all cases, the identification

shall be further established by affixing "U.S. Retained" tags as soon as practicable and before final inspection. These tags shall not be removed except by a Program employee.

§ 310.5 Condemned carcasses and parts to be so marked; tanking; separation.

Each carcass or part which is found on final inspection to be unsound, unhealthful, unwholesome, or otherwise adulterated shall be conspicuously marked, on the surface tissues thereof, by a Program employee at the time of inspection, as "U.S. Inspected and Condemned." Condemned detached organs and other parts of such character that they cannot be so marked shall be placed immediately in trucks or receptacles which shall be kept plainly marked "U.S. Condemned," in letters not less than 2 inches high. All condemned carcasses and parts shall remain in the custody of a Program employee and shall be disposed of as required in the regulations in Part 314 of this subchapter at or before the close of the day on which they are condemned.

§ 310.6 Carcasses and parts passed for cooking; marking.

Carcasses and parts passed for cooking shall be marked conspicuously on the surface tissues thereof by a Program employee at the time of inspection, "U.S. Passed for Cooking," All such carcasses and parts shall be cooked in accordance with Part 315 of this subchapter, and until so cooked shall remain in the custody of a Program employee,

§ 310.7 Removal of spermatic cords, pizzles and preputial diverticuli.

Spermatic cords and pizzles shall be removed from all carcasses. Preputial diverticuli shall be removed from hog carcasses.

§ 310.8 Passing and marking of carcasses and parts.

Carcasses and parts found to be sound, healthful, wholesome, and otherwise not adulterated shall be passed and marked as provided in Part 316 of this subchapter. In all cases where carcasses showing localized lesions are passed for food or for cooking and "U.S. Retained" tags are attached to the carcasses, the affected tissues shall be removed and condemned before the tags are removed. "U.S. Retained" tags shall be removed only by a Program employee.

§ 310.9 Anthrax; carcasses not to be eviscerated; disposition of affected carcasses; bides, hoofs, horns, hair, viscera and contents, and fat; handling of blood and scalding vat water; general cleanup and disinfection.

(a) Carcasses found before evisceration to be affected with anthrax shall not be eviscerated but shall be retained, condemned, and immediately tanked or otherwise disposed of as provided in Part 314 of this subchapter.

(b) All carcasses and all parts, including hides, hoofs, horns, hair, viscera and contents, blood, and fat of any livestock found to be affected with anthrax shall be condemned and immediately disposed of as provided in Part 314 of this subchapter, except that the blood may be handled through the usual blood cooking and drying equipment.

(c) Any part of any carcass that is contaminated with anthrax-infected material through contact with solled instruments or otherwise shall be immediately condemned and disposed of as provided in Part 314 of this subchapter.

(d) The scalding vat water through which hog carcasses affected with anthrax have passed shall be immediately drained into the sewer and all parts of the scalding vat shall be cleaned and disinfected as provided in paragraph (e) of this section.

(e) (1) That portion of the slaughtering department, including the bleeding area, scalding vat, gambrelling bench, floors, walls, posts, platforms, saws, cleavers, knives, and hooks, as well as employees' boots and aprons, contaminated through contact with anthrax-infected material, shall, except as provided in subparagraph (2) of this paragraph, be cleaned immediately and disinfected with one of the following disinfectants or other disinfectant approved specifically for this purpose by the Administrator:

(i) A 5 percent solution of sodium hydroxide or commercial lye containing at least 94 percent of sodium hydroxide. The solution shall be freshly prepared immediately before use by dissolving 21/2 pounds of sodium hydroxide or lye in 51/2 gallons of hot water and shall be applied as near scalding hot as possible to be most effective. (Owing to the extremely caustic nature of sodium hydroxide solution, precautionary measures such as the wearing of rubber gloves and boots to protect the hands and feet, and goggles to protect the eyes, should be taken by those engaged in the disinfection process. It is also advisable to have an acid solution, such as vinegar, in readiness in case any of the sodium hydroxide solution should come in contact with any part of the body.)

(ii) A solution of sodium hypochlorite containing approximately one-half of 1 percent (5,000 parts per million) of available chlorine. The solution shall be freshly prepared.

(iii) When a disinfectant solution has been applied to equipment which will afterwards contact product, the equipment shall be rinsed with clear water before such contact.

(2) In case anthrax infection is found in the hog slaughtering department, an immediate preliminary disinfection shall be made from the head-dropper's station to the point where the disease is detected and the affected carcasses shall be cut down from the rail and removed from the room. Upon completion of the slaughtering of the lot of hogs of which the anthrax-infected animals were a part, slaughtering operations shall cease, and

a thorough cleanup and disinfection shall be made, as provided in subparagraph (1) of this paragraph. If the slaughter of the lot has not been completed by the close of the day on which anthrax was detected, the cleanup and disinfection shall not be deferred beyond the close of that day.

(3) The first and indispensable precautionary step for persons who have handled anthrax material is thorough cleansing of the hands and arms with liquid soap and running hot water. It is important that this step be taken immediately after exposure, before vegetative anthrax organisms have had time to form spores. In the cleansing, a brush or other appropriate appliance shall be used to insure the removal of all contaminating material from under and about the fingernails. This process of cleansing is most effective when performed in repeated cycles of lathering and rinsing rather than in spending the same amount of time in scrubbing with a single lathering. After the hands have been cleansed thoroughly and rinsed free of soap, they may, if desired, be im-mersed for about 1 minute in a 1:1,000 solution of bichloride of mercury, followed by thorough rinsing in clean running water. Supplies of bichloride of mercury for the purpose must be held in the custody of the officer in charge. (As a precautionary measure, all persons exposed to anthrax infection should report promptly any suspicious condition (sore or carbuncle) or symptom to a physician, in order that anti-anthrax serum or other treatment may be administered as indicated.)

§ 310.10 Carcasses with skin or hide on; cleaning before evisceration; removal of larvae of Hypodermae, external parasites and other pathological skin conditions.

When a carcass is to be dressed with the skin or hide left on, the skin or hide shall be thoroughly washed and cleaned before any incision is made for the purpose of removing any part thereof or evisceration, except that where calves are slaughtered by the kosher method, the heads shall be removed from the carcasses, before washing of the carcasses. The skin shall be removed at the time of post-mortem inspection from any calf carcass infested with the larvae of the "oxwarble" fly (Hypoderma lineata and Hypoderma bovis), or external parasites, or affected with other pathological skin conditions.

§ 310.11 Cleaning of hog carcasses before incising.

All hair, scurf, dirt, hoofs and claws shall be removed from hog carcasses, and the carcasses shall be thoroughly washed and cleaned before any incision is made for inspection or evisceration.

§ 310.12 Sternum to be split; abdominal and thoracic viscera to be removed.

The sternum of each carcass shall be split and the abdominal and thoracic viscera shall be removed at the time of slaughter in order to allow proper inspection.

§ 310.13 Carcasses or parts thereof not to be inflated; transferring caul or other fat.

Carcasses or parts of carcasses shall not be inflated with air. Transferring the caul or other fat from a fat to a lean carcass is prohibited.

§ 310.14 Handling of bruised parts.

When only a portion of a carcass is to be condemned on account of slight bruises, either the bruised portion shall be removed immediately and disposed of in accordance with Part 314 of this subchapter, or the carcass shall be promptly placed in a retaining room and kept until chilled and the bruised portion shall then be removed and disposed of as provided in Part 314 of this subchapter.

§ 310.15 Hyperimmune swine bled before entering official establishments.

Carcasses of hyperimmune which have been given the final bleeding at a serum plant under the supervision of an inspector may be transferred to an official establishment for dressing and post-mortem inspection in accordance with the provisions of this section. The transfer of such carcasses to the official establishment shall be made as promptly as possible and their delivery to the scalding vat shall be accomplished within 1 hour from the time bleeding is completed. The identity of the carcasses of hyperimmune swine shall be maintained in such manner as to positively identify them and to indicate the time of final bleeding.

§ 310.16 Inspection of cattle, calf, sheep, and equine lungs; hog lungs not to be saved as edible.

- (a) All cattle, calf, sheep, and equine lungs intended for food purposes shall be inspected to determine whether foreign matter is present in the air passages. The main bronchi and branches shall be slit by employees of the establishment and, if ingesta or other objectionable foreign matter has entered these passages, the lungs shall be condemned.
- (b) Hog lungs shall not be saved as edible product.

§ 310.17 Inspection of mammary glands.

- (a) Lactating mammary glands and diseased mammary glands of cattle, sheep, swine, and goats shall be removed without opening the milk ducts or sinuses. If pus or other objectionable material is permitted to come in contact with the carcass, the parts of the carcass thus contaminated shall be removed and condemned.
- (b) Nonlactating cow udders may be saved for food purposes provided suitable facilities for handling and inspecting them are provided. Examination of udders by palpation shall be done by a Program employee. When necessary, in the judgment of the Program employee for adequate inspection, the official establishment employees shall incise udders in sections no greater than 2 inches in thickness. All udders showing disease lesions shall be condemned by a Program employee. Each udder shall be properly identified with its respective

¹A list of disinfectants approved for this purpose is available upon request to the Technical Services Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

carcass and kept separate and apart from other udders until its disposal has been accomplished in accordance with the provisions of Part 311 of this subchapter.

(c) Lactating mammary glands of cattle, sheep, swine, and goats shall not

be saved for edible purposes.

(d) The udders from cows officially designated as "Brucellosis reactors" or as "Mastitis elimination cows" shall be

§ 310.18 Contamination of carcasses, organs, or other parts.

(a) Carcasses, organs, and other parts shall be handled in a sanitary manner to prevent contamination with fecal material, urine, bile, hair, dirt, or foreign matter; however, if contamination occurs, it shall be promptly removed in a manner satisfactory to the inspector.

(b) Brains, cheek meat, and head trimmings from animals stunned by lead, sponge iron, or frangible bullets shall not be saved for use as human food but shall be handled as described in § 314.1

or § 314.3 of this subchapter.

§ 310.19 Inspection of kidneys.

An employee of the establishment shall open the kidney capsule and expose the kidneys of all livestock at the time of slaughter for the purpose of examination by a Program employee.

PART 311-DISPOSAL OF DISEASED OR OTHERWISE ADULTERATED CARCASSES AND PARTS

Disposal of diseased or otherwise adulterated carcasses and parts; general,

311.2 Tuberculosis. 311.3 Hog cholera.

Carcasses of swine injected with hog 311.4 cholera virus.

311.5 Swine erysipelas.

311.6 Diamond-skin disease.

211.7 Arthritis.

Cattle carcasses affected with anasarca or generalized edema. 311.8

Actinomycosis and actinobacillosis 311.9 311.10 Anaplasmosis, anthrax, babesiosis, bacillary hemoglobinuria in cattle, blackleg, bluetongue in sheep, hemorrhagic septicemia, icterohe-maturia in sheep, infectious bovine rhinotracheitis, leptospirosis, malignant epizootle catarrh, strangles, purpura hemorrhagica, azoturia, infectious equine encephalomye-litis, toxic encephalomyelitis (forage poisoning), infectious anemia (swamp fever), dourine, acute influenza, generalized osteoporosis, glanders (farcy), acute inflammatory lameness, extensive fistula, and unhealed vaccine lesions.

311.11 Neoplasms.

Epithelioma of the eye.

311.13 Pigmentary conditions; Melanosis, Xanthosis, Ochronosis, etc.

311.14 Abrasions, bruises, abscesses, pus, etc.

311.15 Brucellosis.

311.16 Carcasses so infected that consumption of the meat may cause food poisoning.

311.17 Necrobacillosis, pyemia, and septicemia.

311.18 Caseous lymphadenitis.

311.19 Ictorus.

311.20 Sexual odor of swine.

311.22 Mange or scab. Hogs affected with urticaria, tinea 311 22 tonsurans, demodex folliculorum, or erythema.

Tapeworm cysts in cattle. 311.23

311.24 Hogs affected with tapeworm cysts. Parasites not transmissible to man: 311.25 tapeworm cysts in sheep; hydatid cysts; flukes; gld bladder-worms.

Emaciation. 311.26

Injured animals slaughtered at unusual hours.

311.28 Carcasses of young calves, pigs, kids, lambs, and foals.

Unborn and still born animals. 311.29 311.30 Livestock suffocated and hogs scalded

Livers affected with carotenosis; livers designated as "telanglecta-tic," "sawdust," or "spotted." 311.31

311,32 Vesicular diseases.

311.33 Listeriosis.

Anemia.

311.35 Muscular inflammation, degeneration, or infiltration.

Coccidioidal granuloma. 311.36 311.37 Odors, foreign and urine,

Meat and meat byproducts from livestock which have been exposed to radiation.

311.39 Biological residues.

AUTHOSITY: The provisions of this Part 311 issued under sec. 21, Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. Supp., sec. 601 et seq.), and Public Law 91-342; Talmadge-Aiken Act of Sept. 28, 1962 (7 U.S.C. 450); Act of July 24, 1919 (7 U.S.C. 394); subsection 21(b), Federal Water Pollution Control Act, as amended by Public Law 91-224 and by other laws.

§ 311.1 Disposal of diseased or otherwise adulterated carcasses and parts; general.

(a) The carcasses or parts of carcasses of all animals slaughtered at an official establishment and found at the time of slaughter or at any subsequent inspection to be affected with any of the diseases or conditions named in this part shall be disposed of according to the section pertaining to the disease or condition: Provided, That no product shall be passed for human food under any such section unless it is found to be otherwise not adulterated. Products passed for cooking or refrigeration under this part must be so handled at the official establishment where they are initially prepared unless they are moved to another official establishment for such handling or in the case of products passed for refrigeration are moved for such refrigeration to a freezing facility approved by the Administrator in specific cases: Provided, That when so moved the products are shipped in containers sealed in accordance with § 318.10(c) of this subchapter or in a sealed means of conveyance as provided in § 325.7 of this subchapter. Owing to the fact that it is impracticable to formulate rules covering every case and to designate at just what stage a disease process or a condition results in adulteration of a product, the decision as to the disposal of all carcasses, organs, or other parts not specifically covered in this part shall be left to the officer in charge. The veterinarian in charge shall exercise his judgment regarding the disposition of all carcasses

or parts of carcasses under this part in a manner which will insure that only wholesome, unadulterated product is passed for human food.

(b) In cases of doubt as to a condition, a disease, or the cause of a condition, or to confirm a diagnosis, representative specimens of the affected tissues, properly prepared and packaged, shall be sent for examination to one of the laboratories of the Biological Control Section of the Program.

§ 311.2 Tuberculosis.

Carcasses of livestock affected with tuberculosis shall be disposed of as follows

(a) Carcasses condemned. The entire carcass shall be condemned if any of the

following conditions occur:

(1) When the lesions of tuberculosis are generalized (tuberculosis is considered to be generalized when the lesions are distributed in a manner made possible only by entry of the bacilli into the systemic circulation);

(2) When the animal was observed to have a fever on ante-mortem inspection which was found to be associated with an active tuberculous lesion on post-

mortem inspection;

(3) When there is an associated cachexia:

(4) When tuberculous lesions are found in the muscles or intermuscular tissues, or bones, or joints, or in the body lymph nodes as a result of draining the muscles, bones, or joints;

(5) When the lesions are extensive in organs and tissues of either the thoracic

or the abdominal cavity;

(6) When the lesions are multiple, acute, and actively progressive;

(7) When the lesions are more extensive than those described under paragraph (c) of this section and the character or extent of the lesions are not indicative of a localized condition.

(b) Disposition of organs or other parts. An edible organ or other part of a carcass affected by localized tuberculosis shall be condemned when it contains lesions of tuberculosis or when the corresponding lymph node contains le-

sions of tuberculosis.

(c) Carcasses passed for human food. The following principles shall apply to the disposition for food of carcasses not required to be condemned under paragraph (a) of this section. Because there is a difference in the pathogenesis of tuberculosis in swine and cattle, a distinction shall be made in the disposition of carcasses of animals affected with tuberculosis in these two species

(1) The disease in swine usually affects the digestive system primarily. The carcass may be passed for human food after disposal of the affected parts as required by paragraph (b) of this section. when the lesions are localized and confined to the primary seats of infection, such as the cervical lymph nodes, mesenteric lymph nodes, and hepatic lymph nodes.

(2) The disease in cattle usually affects the respiratory system primarily. The careass may be passed for human food after disposal of the affected parts as required by paragraph (b) of this section, when the lesions are localized and confined to the primary seats of infection, such as the cervical lymph nodes, the bronchial lymph nodes and the mediastinal lymph nodes and have not progressed beyond the mesenteric lymph nodes.

- (3) In the case of other animals, carcasses demonstrating lesions of tuberculosis shall be disposed of as required by paragraph (a) or (d) of this section depending on the character and extent of the lesion.
- (d) Carcasses passed for cooking. Carcasses which reveal lesions more severe or more numerous than those described in subparagraph (1) or (2) of paragraph (c) of this section but not so severe nor so numerous as the lesions described in paragraph (a) of this section, may be passed for cooking in accordance with Part 315 of this subchapter, if the character and extent of the lesions are indicative of a localized condition and are calcified or encapsulated and the affected organ or part is condemned.

§ 311.3 Hog cholera.

(a) The carcasses of all hogs affected with hog cholera shall be condemned.

- (b) Inconclusive but suspicious symptoms of hog cholera observed during the ante-mortem inspection of a U.S. suspect shall be duly considered in connection with post-mortem findings and when the carcass of such a suspect shows lesions in the kidneys and the lymph nodes which resemble lesions of hog cholera, they shall be regarded as those of hog cholera and the carcass shall be condemned.
- (c) When lesions resembling those of hog cholera occur in kidneys and lymph nodes of carcasses of hogs which appeared normal on ante-mortem inspection, further inspection of such carcasses shall be made for corroborative lesions. If on such further inspection, characteristic lesions of hog cholera are found in some organ or tissue in addition to those in the kidneys or in the lymph nodes or in both, then all lesions shall be regarded as those of hog cholera and the carcass shall be condemned.

§ 311.4 Carcasses of swine injected with hog cholera virus.

- (a) Carcasses of swine, other than hyperimmune swine, if presented for inspection after 28 days following injection with hog cholera virus shall be given post-mortem inspection in conformity with this part without reference to the injected virus.
- (b) Carcasses of hyperimmune swine if presented for inspection after 10 days following hyperimmunization shall be given post-mortem inspection in conformity with this part without reference to the injected virus.

§ 311.5 Swine erysipelas.

Carcasses affected with swine erysipelas which is acute or generalized, or which show systemic change, shall be condemned.

§ 311.6 Diamond-skin disease.

Carcasses of hogs affected with diamond-skin disease when localized and not associated with systemic change may be passed for human food after removal and condemnation of the affected parts, provided such carcasses are otherwise healthy.

§ 311.7 Arthritis.

- (a) Carcasses affected with arthritis which is localized and not associated with systemic change may be passed for human food after removal and condemnation of all affected parts. Affected joints with corresponding lymph nodes shall be removed and condemned. In order to avoid contamination of the meat which is passed, a joint capsule shall not be opened until after the affected joint is removed.
- (b) Carcasses affected with arthritis shall be condemned when there is evidence of systemic involvement.

§ 311.8 Cattle carcasses affected with anasarca or generalized edema.

(a) Carcasses of cattle found on postmortem inspection to be affected with anasarca in advanced stages and characterized by an extensive or well-marked generalized edema shall be condemned.

(b) Carcasses of cattle, including their detached organs and other parts, found on post-mortem inspection to be affected with anasarca to a lesser extent than as described in paragraph (a) of this section may be passed for human food after removal and condemnation of the affected tissues, provided the lesion is localized.

§ 311.9 Actinomycosis and actinobacillosis.

(a) The definition of generalization as outlined for tuberculosis in § 311.2(a) shall apply for actinomycosis and actinobacillosis, and carcasses of livestock with generalized lesions of either such disease shall be condemned.

(b) Carcasses of livestock in a wellnourished condition showing uncomplicated localized lesions of actinomycosis or actinobacillosis may be passed for human food after the infected organs or other infected parts have been removed and condemned, except as provided in paragraphs (c) and (d) of this section.

- (c) Heads affected with actinomycosis or actinobacillosis, including the tongue, shall be condemned, except that when the disease of the jaw is slight, strictly localized, and without suppuration, fistulous tracts, or lymph node involvement, the tongue, if free from disease, may be passed, or, when the disease is slight and confined to the lymph nodes, the head including the tongue, may be passed for human food after the affected nodes have been removed and condemned.
- (d) When the disease is slight and confined to the tongue, with or without involvement of the corresponding lymph nodes, the head may be passed for human food after removal and condemnation of the tongue and corresponding lymph nodes.

- § 311.10 Anaplasmosis, anthrax, habesiosis, bacillary hemoglobinuria in cattle, blackleg, bluetongue in sheep, hemorrhagic septicemia, icterohematuria in sheep, infectious bovine rhinotracheitis, leptospirosis, malignant epizootic catarrh, strangles, purpura hemorrhagica, azoturia, infectious equine encephalomyelitis, toxic encephalomyelitis (forage poisoning), infectious anemia (swamp fever), dourine, acute influenza, generalized osteoporosis, glanders (farcy), acute inflammatory lameness, extensive fistula, and unhealed vaccine lesions.
- (a) Carcasses of livestock affected with or showing lesions of any of the following named diseases or conditions shall be condemned:
 - (1) Anthrax.
 - (2) Blackleg.
- (3) Unhealed vaccine lesions (vaccinia).
 - (4) Strangles.
 - (5) Purpura hemorrhagica.
 - (6) Azoturia.
- Infectious equine encephalomyelitis.
- (8) Toxic encephalomyelitis (forage poisoning),
 - (9) Infectious anemia (swamp fever).
 - (10) Dourine.
 - (11) Acute influenza,
 - (12) Generalized osteoporosis.
 - (13) Glanders (farcy).
 - (14) Acute inflammatory lameness.
 - (15) Extensive fistula,
- (b) Carcasses of livestock affected with or showing lesions of any of the following named diseases or conditions shall be condemned, except when recovery has occurred to the extent that only localized lesions persist, in which case the carcass may be passed for human food after removal and condemnation of the affected organs or other parts;
 - (1) Anaplasmosis.
 - (2) Bacillary hemoglobinuria in cattle.
 - (3) Babesiosis (piroplasmosis).
 - (4) Bluetongue.
 - (5) Hemorrhagic septicemia.
 - (6) Icterohematuria in sheep.
 - (7) Infectious bovine rhinotracheitis.
 - (8) Leptospirosis.
 - (9) Malignant epizootic catarrh.

§ 311.11 Neoplasms.

- (a) An individual organ or other part of a carcass affected with a neoplasm shall be condemned. If there is evidence of metastasis or that the general condition of the animal has been adversely affected by the size, position, or nature of the neoplasm, the entire carcass shall be condemned.
- (b) Carcasses affected with malignant lymphoma shall be condemned.

§ 311.12 Epithelioma of the eye.

- (a) Carcasses of animals affected with epithelioma of the eye, or the orbital region shall be condemned in their entirety if one of the following three conditions exists:
- The affection has involved the osseous structures of the head with extensive infection, suppuration, and necrosis;

(2) There is metastasis from the eye, or the orbital region, to any lymph node including the parotid lymph node, internal organs, muscles, skeleton, or other structures, regardless of the extent of the primary tumor; or

(3) The affection, regardless of extent, is associated with cachexia or evidence of absorption or secondary changes.

(b) Carcasses of animals affected with epithelioma of the eye, or the orbital region, to a lesser extent than as described in paragraph (a) of this section may be passed for human food after removal and condemnation of the head, including the tongue, provided the carcass is otherwise normal.

§ 311.13 Pigmentary conditions; Melanosis, Xanthosis, Ochronosis, etc.

(a) Except as provided in § 311.19, carcasses of livestock showing generalized pigmentary deposits shall be condemned.

(b) The affected parts of carcasses showing localized pigmentary deposits of such character as to be unwholesome or otherwise adulterated shall be removed and condemned.

§ 311.14 Abrasions, bruises, abscesses, pus, etc.

All slight, well-limited abrasions on the tongue and inner surface of the lips and mouth, when without lymph node involvement, shall be carefully excised, leaving only sound, normal tissue, which may be passed for human food. Any organ or other part of a carcass which is badly bruised or which is affected by an abscess, or a suppurating sore shall be condemned; and when the lesions are of such character or extent as to affect the whole carcass, the whole carcass shall be condemned. Portions of carcasses which are contaminated by pus or other diseased material shall be condemned.

§ 311.15 Brucellosis.

Carcasses affected with localized lesions of brucellosis may be passed for human food after the affected parts are removed and condemned.

§ 311.16 Carcasses so infected that consumption of the meat may cause food poisoning.

(a) All carcasses of animals so infected that consumption of the products thereof may give rise to food poisoning shall be condemned. This includes all carcasses showing signs of:

 Acute inflammation of the lungs, pleura, pericardium, peritoneum, or

meninges.

(2) Septicemia or pyemia, whether puerperal, traumatic, or without any evident cause.

(3) Gangrenous or severe hemorrhagic enteritis or gastritis.

- (4) Acute diffuse metritis or mammitis.
- (5) Phlebitis of the umbilical veins,
 (6) Septic or purulent traumatic pericarditis
- (7) Any acute inflammation, abscess, or suppurating sore, if associated with acute nephritis, fatty and degenerated liver, swollen soft spleen, marked pul-

monary hyperemia, general swelling of lymph nodes, diffuse redness of the skin, cachexia, leteric discoloration of the carcass or similar condition, either singly or in combination.

(8) Salmonellosis.

(b) Implements contaminated by contact with carcasses affected with any of the disease conditions mentioned in this section shall be thoroughly cleaned and sanitized as prescribed in Part 308 of this subchapter. The equipment used in the dressing of such carcasses, such as viscera trucks or inspection tables, shall be sanitized with hot water having a minimum temperature of 180° F. Carcasses or parts of carcasses contaminated by contact with such diseased carcasses shall be condemned unless all contaminated tissues are removed within 2 hours.

§ 311.17 Necrobacillosis, pyemia, and septicemia.

From the standpoint of meat inspection, necrobacillosis may be regarded as a local infection at the beginning, and carcasses in which the lesions are localized may be passed for human food if in a good state of nutrition, after those portions affected with necrotic lesions are removed and condemned. However, when emaciation, cloudy swelling of the parenchymatous tissue of organs or enlargement of the lymph nodes is associated with the infection, it is evident that the disease has progressed beyond the condition of localization to a state of toxemia, and the entire carcass shall therefore be condemned as both unwholesome and noxious. Pyemia or septicemia may intervene as a complication of the local necrosis, and when present the carcass shall be condemned in accordance with § 311.16.

§ 311.18 Caseous lymphadenitis.

(a) A thin carcass showing wellmarked lesions in the viscera and the skeletal lymph nodes, or a thin carcass showing extensive lesions in any part shall be condemned.

(b) A thin carcass showing well-marked lesions in the viscera with only slight lesions elsewhere or showing well-marked lesions in the skeletal lymph nodes with only slight lesions elsewhere may be passed for cooking.

(c) A thin carcass showing only slight lesions in the skeletal lymph nodes and in the viscera may be passed for human

food without restriction.

(d) A well-nourished carcass showing well-marked lesions in the viscera and with only slight lesions elsewhere or showing well-marked lesions confined to the skeletal lymph nodes with only slight lesions elsewhere may be passed for human food without restriction.

(e) A well-nourished carcass showing well-marked lesions in the viscera and the skeletal lymph nodes may be passed for cooking; but where the lesions in a well-nourished carcass are both numerous and extensive, it shall be condemned.

(f) All affected organs and nodes of carcasses passed for human food without restriction or passed for cooking shall be removed and condemned. (g) As used in this section, the term "thin" does not apply to a carcass which is anemic or emaciated; and the term "lesions" refers to lesions of caseous lymphadenitis.

§ 311.19 leterus.

Carcasses showing any degree of icterus shall be condemned. Yellow fat conditions caused by nutritional factors or characteristic of certain breeds of livestock and yellow fat sometimes seen in sheep shall not be confused with icterus. Such carcasses should be passed for human food, if otherwise normal.

\$ 311.20 Sexual odor of swine.

(a) Carcasses of swine which give off a pronounced sexual odor shall be condemned.

(b) The meat of swine carcasses which give off a sexual odor less than pronounced may be passed for use in comminuted cooked meat food product or for rendering. Otherwise it shall be condemned.

§ 311.21 Mange or scab.

Carcasses of livestock affected with mange or scab in advanced stages, showing cachexia or extensive inflammation of the flesh, shall be condemned. When the disease is slight, the carcass may be passed after removal of the affected portion.

§ 311.22 Hogs affected with urticaria, tinea tonsurans, demodex folliculorum, or erythema.

Carcasses of hogs affected with urticaria (nettle rash), tinea tonsurans, demodex folliculorum, or erythema may be passed for human food after detaching and condemning the affected skin, if the carcass is otherwise not adulterated.

§ 311.23 Tapeworm cysts in cattle.

(a) Carcasses of cattle affected with tapeworm cysts shall be disposed of as follows:

(1) Carcasses of cattle infected with tapeworm cysts shall be condemned if the infestation is excessive or if the meat is watery or discolored. Carcasses shall be considered excessively infested if incisions in various parts of the musculature expose one or more cysts on most of the cut surfaces.

(2) Carcasses of cattle in which tapeworm cyst infestation is limited to one dead and degenerated cyst may be passed for human food after removal and con-

demnation of the cyst.

(3) Carcasses of cattle showing a slight or moderate tapeworm cyst infestation other than that indicated in subparagraph (2) of this paragraph but not so extensive as indicated in subparagraph (1) of this paragraph, as determined by a careful examination of the heart, muscles of mastication, diaphragm and its pillars, tongue, and portions of the carcass rendered visible by the process of dressing, may be passed for human food after removal and condemnation of the cysts with surrounding tissues: Provided, That the carcasses, appropriately identified by U.S. Retained

tags, are held in cold storage at a temperature not higher than 15° F. continuously for a period of not less than 10 days: And provided further, That the boned meat from such carcasses when in boxes, tierces, or other containers, appropriately identified by U.S. Retained tags, is held at a temperature of not higher than 15° F. continuously for a period of not less than 20 days. As an alternative to retention in cold storage as provided in this subparagraph, such carcasses and meat may be heated throughout to a temperature of at least 140° F.

(b) The edible viscera of carcasses passed for human food or passed for human food after refrigeration or heating under paragraph (a) (2) or (3) of this section may be passed for human food without refrigeration or heating if they are found to be free from cysts on final inspection. This shall not include the lungs, fat, muscles of the oesophagus, and the heart, which shall be disposed of in the same manner as the rest of the carcasses under paragraph (a) of this section. The intestines, oesophagi, and bladders from beef carcasses affected with tapeworm cysts which have been passed for human food or passed for human food after refrigeration or heating under paragraph (a) (2) or (3) of this section may be used for casings after they have been subjected to the usual method of preparation. They may be used for such purpose upon completion of the final inspection of the carcasses.

§ 311.24 Hogs affected with tapeworm cysts.

Carcasses of hogs affected with tapeworm cysts (Cysticercus cellulosae) may be passed for cooking, unless the infestation is excessive, in which case the carcass shall be condemned.

- § 311.25 Parasites not transmissible to man; tapeworm cysts in sheep; hydatid cysts; flukes; gid bladderworms.
- (a) In the disposal of carcasses, edible organs, and other parts of carcasses showing evidence of infestation with parasites not transmissible to man, the following general rules shall govern except as otherwise provided in this section: If the lesions are localized in such manner and are of such character that the parasites and the lesions caused by them can be completely removed, the nonaffected portion of the carcass, organ, or other part of the carcass may be passed for human food after the removal and condemnation of the affected portions. If an organ or other part of a carcass shows numerous lesions caused by parasites, or if the character of the infestation is such that complete extirpation of the parasitic infestation or invasion renders the part in any way unfit for human food, the affected part shall be condemned. If parasites are found to be distributed in a carcass in such a manner or to be of such character that their removal and the removal of the lesions caused by them is impracticable, no part of the carcass shall be passed for human food. If the infestation is excessive, the carcass shall be condemned. If

the infestation is moderate, the carcass may be passed for cooking, but in case such carcass is not cooked as required by Part 315 of this subchapter, it shall be condemned.

- (b) In the case of sheep carcasses affected with tapeworm cysts (Cysticercus ovis, so-called sheep measles, not transmissible to man), such carcasses may be passed for human food after the removal and condemnation of the affected portions: Provided, however, That if, upon the final inspection of sheep carcasses retained on account of measles, the total number of cysts found embedded in muscular tissue, or in immediate relation with muscular tissue, excluding the heart, exceeds five, the entire careass shall be condemned, or such carcass shall be heated throughout to a temperature of at least 140° F, after removal and condemnation of all affected portions.
- (c) Carcasses found infested with gid bladder-worms (Coenurus cerebralis, Multiceps multiceps) may be passed for human food after condemnation of the affected organ (brain or spinal cord).
- (d) Organs or other parts of carcasses infested with hydatid cysts (echinococcus) shall be condemned.
- (e) Livers infested with flukes or fringed tapeworms shall be condemned.

§ 311.26 Emaciation.

Carcasses of livestock too emaciated to produce wholesome meat, and carcasess which show a serious infiltration of muscle tissues, or a serous or mucoid degeneration of the fatty tissue, shall be condemned. A gelatinous change of the fat of the heart and kidneys of well-nourished carcasses and mere leanness shall not be classed as emaciation.

§ 311.27 Injured animals slaughtered at unusual hours.

When it is necessary for humane reasons to slaughter an injured animal at night or on Sunday or a holiday when the inspector cannot be obtained, the carcass and all parts shall be kept for inspection, with the head and all viscera except the stomach, bladder, and intestines held by the natural attachments. If all parts are not so kept for inspection, the carcass shall be condemned. If, on inspection of a carcass slaughtered in the absence of an inspector, any lesion or other evidence is found indicating that the animal was sick or diseased, or affected with any other condition requiring condemnation of the animal on antemortem inspection, or if there is lacking evidence of the condition which rendered emergency slaughter necessary, the carcass shall be condemned.

§ 311.28 Carcasses of young calves, pigs, kids, lambs, and foals.

Carcasses of young calves, pigs, kids, lambs, and foals are unwholesome and shall be condemned if (a) the meat has the appearance of being water-soaked, is loose, flabby, tears easily, and can be perforated with the fingers; or (b) its color is grayish-red; or (c) good muscular deveolpment as a whole is lacking, especially noticeable on the upper shank of the leg, where small amounts of serous

infiltrates or small edematous patches are sometimes present between the muscles; or (d) the tissue which later develops as the fat capsule of the kidneys is edematous, dirty yellow, or grayishred, tough, and intermixed with islands of fat.

§ 311.29 Unborn and stillborn animals.

All unborn and stillborn animals shall be condemned and no hide or skin thereof shall be removed from the carcass within a room in which edible products are handled.

§ 311.30 Livestock suffocated and hogs scalded alive.

All livestock which have been suffocated in any way and hogs which have entered the scalding vat alive shall be condemned.

- § 311.31 Livers affected with carotenosis; livers designated as "telangiectatic," "sawdust," or "spotted."
- (a) Livers affected with carotenosis shall be condemned.
- (b) Cattle livers and calf livers showing the conditions sometimes designated as "telanglectatic," "sawdust," or "spotted" shall be disposed of as follows:

(1) When any or all of the conditions are slight in the organ, the whole organ shall be passed for human food without restriction.

- (2) When any or all of the conditions are more severe than slight and involve less than one-half of the organ, while in the remainder of the organ the conditions are slight or nonexistent, the remainder shall be passed for human food without restriction and the other portion shall be condemned.
- (3) When any or all of the conditions are more severe than slight and involve one-half or more of the organ, the whole organ shall be condemned.
- (4) The divisions of an organ into two parts as contemplated in this paragraph for disposition, shall be accomplished by one cut through the organ. This, of course, does not prohibit inclsions which are necessary for inspection.
- (c) "Telangiectatic," "sawdust," or "spotted" livers and parts of livers which are condemned for human food may be shipped from an official establishment for purposes other than human food in accordance with § 314.10 of this subchapter.

§ 311.32 Vesicular diseases.

(a) Any carcass affected with vesicular disease shall be condemned if the condition is acute and if the extent of the condition is such that it affects the entire carcass or there is evidence of absorption or secondary change.

(b) Any carcass affected with vesicular disease to a lesser extent than as described in paragraph (a) of this section may be passed for human food after removal and condemnation of the affected parts, if the carcass is otherwise healthy.

§ 311.33 Listeriosis.

Carcasses of livestock identified as U.S. Suspects because of a history of listeriosis shall be passed for human food after condemnation of the head if the carcass is otherwise normal.

§ 311.34 Anemia.

Carcasses of livestock too anemic to produce wholesome meat shall be condemned.

§ 311.35 Muscular inflammation, degeneration, or infiltration.

(a) If muscular lesions are found to be distributed in such a manner or to be of such character that removal is impractical, the carcass shall be condemned.

(b) If muscular lesions are found to be distributed in such a manner or to be of such character that removal is practical, the following rules shall govern the disposal of the carcasses, edible organs, and other parts of carcasses showing such muscular lesions. If the lesions are localized in such a manner and are of such a character that the affected tissues can be removed, the nonaffected parts of the carcass may be passed for human food after the removal and condemnation of the affected portion. If a part of the carcass shows numerous lesions, or if the character of the lesion is such that complete extirpation is difficult and uncertainly accomplished, or if the lesion renders the part in any way unfit for human food, the part shall be condemned.

(c) If the lesions are slight or of such character as to be insignificant from a standpoint of wholesomeness, the carcass or parts may be passed for use in the manufacture of comminuted cooked product, after removal and condemnation of the visibly affected portions.

§ 311.36 Coccidioidal granuloma.

(a) Carcasses which are affected with generalized coccidioidal granuloma or which show systemic changes because of such disease shall be condemned.

(b) Carcasses affected with localized lesions of this disease may be passed for human food after the affected parts are removed and condemned.

§ 311.37 Odors, foreign and urine.

(a) Carcasses which give off a pronounced odor of medicinal, chemical, or other foreign substance shall be condemned.

(b) Carcasses which give off a pronounced urine odor shall be condemned.

(c) Carcasses, organs, or parts affected by odor to a lesser degree than as described in paragraphs (a) and (b) of this section and in which the odor can be removed by trimming or chilling may be passed for human food, after removal of affected parts or dissipation of the condition.

§ 311,38 Meat and meat byproducts from livestock which have been exposed to radiation.

Meat and meat byproducts from livestock which have been administered radioactive material shall be condemned 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.

§ 311.39 Biological residues.

Carcasses, organs, or other parts of carcasses of livestock shall be condemned if it is determined that they are adulterated because of the presence of any biological residues.

PART 312—OFFICIAL MARKS, DEVICES AND CERTIFICATES

Sec.

312.1 General

312.2 Official marks and devices to identify inspected and passed products of cattle, sheep, swine, or goats.

312.3 Official marks and devices to identify inspected and passed equine products.

312.4 Official ante-mortem inspection marks and devices.

312.5 Official seals for transportation of products.

312.6 Official marks and devices in connection with post-mortem inspection and identification of adulterated products and insanitary equipment and facilities.

312.7 Official import inspection marks and devices.

312.8 Official export inspection marks, devices, and certificates.

312.9 Official detention marks and devices.

AUTHORITY: The provisions of this Part 312 issued under sec. 21, Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. Supp., sec. 601 et seq.), and Public Law 91-342; Talmadge-Aiken Act of Sept. 28, 1962 (7 U.S.C. 450); Act of July 24, 1919 (7 U.S.C. 394); subsection 21(b), Federal Water Pollution Control Act, as amended by Public Law 91-224 and by other laws.

§ 312.1 General.

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.

§ 312.2 Official marks and devices to identify inspected and passed products of cattle, sheep, swine, or goats,

(a) The official inspection legend required by Part 316 of this subchapter 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 as approved by the Administrator, shall be in the appropriate form as hereinafter specified: 1



For application to sheep carcasses, the loins and ribs of pork, beef tails, and the smaller varieties of sausage and meat food products in animal casings.

¹The number "38" is given as an example only. The establishment number of the official establishment where the product is prepared shall be used in lieu thereof.



For application to calf and goat carcasses and on the larger varieties of sausage and meat food products in animal casings.



For application to beef and hog carcasses primal parts and cuts therefrom, beef livers, beef tongues, beef hearts, and smoked meats not in casings.



For application to burlap, muslin, cheesecloth, heavy paper, or other acceptable material that encloses carcasses or parts of carcasses.

(b) (1) The official inspection legend required by Part 317 of this subchapter to be shown on all labels for inspected and passed products of cattle, sheep, swine, and goats shall be in the following form' except that it need not be of the size illustrated, provided that it is a sufficent size and of such color as to be conspicuously displayed and readily legible and the same proportions of letter size and boldness are maintained as illustrated:

INSPECTED AND PASSED BY DEPARTMENT OF AGRICULTURE

(2) This official mark shall be applied by mechanical means and shall not be

applied by a hand stamp.

(3) The official inspection legend described in subparagraph (1) of this paragraph may also be used for purposes of Part 316 of this subchapter on shipping containers, band labels, artificial casings, and other articles with the approval of the Administrator.

(c) Any brand, stamp, label, or other device approved by the Administrator and bearing any official mark prescribed in paragraph (a) or (b) of this section shall be an official device for purposes of

the Act.

§ 312.3 Official marks and devices to identify inspected and passed equine products.

(a) The official inspection legend required by § 316.12 or § 317.2 of this subchapter to identify inspected and passed horse carcasses and parts of carcasses, or horse meat food products shall be in the appropriate form as hereinafter specified:





(b) The official inspection legend required by § 316.12 or § 317.2 of this sub-

chapter to identify inspected and passed mule and other (nonhorse) equine carcasses and parts of carcasses, or equine meat food products shall be in whichever of the following form, is appropriate:





(c) Any brand, stamp, label, or other device approved by the Administrator and bearing any official mark prescribed in paragraph (a) or (b) of this section shall be an official device for purposes of the Act.

§ 312.4 Official ante-mortem inspection marks and devices.

The official marks and devices used in connection with ante-mortem inspection are those prescribed in § 309.18 of this subchapter.

§ 312.5 Official seals for transportation of products.

(a) The official mark for use in sealing railroad cars or other means of conveyance as prescribed in Part 325 of this subchapter shall be the inscription and a serial number as hereinafter shown and any seal approved by the Administrator for applying such mark shall be an official device for purposes of the Act. This seal shall be attached to the means of conveyance only by a Program employee and he shall also affix thereto a "Warning Tag" (Form CP-408-3).

The number "38" is given as an example only. The establishment number of the offi-cial establishment where the product is prepared shall be used in lieu thereof.

The number "2135202" is given as an ex-

ample only. The serial number of the specific

seal will be shown in lieu thereof.

INSP'D&P'SD 2135202

(b) The official mark for use in sealing railroad cars and other means of conveyance as prescribed in Part 327 of this subchapter shall be the inscription and a serial number hereinafter shown below "

* The term "F-351587" is given as an example only. The serial number of the specific seal will be shown in lieu thereof.

and the import meat seal approved by the Administrator for applying such mark shall be an official device for purposes of the Act. Such device shall be attached to the means of conveyance only by a Program employee and he shall also affix thereto a "Warning Tag" (Form CP 4 of-3).



FOREIGN MERY U.S.

Official marks and devices in \$ 312.6 connection with post-mortem inspection and identification of adulterated products and insanitary equipment and facilities.

(a) The official marks required by Parts 308 and 310 of this subchapter for use in post-mortem inspection and identification of adulterated products and insanitary equipment and facilities are:

(1) The tag (Form CP-427) which is used to retain carcasses and parts of carcasses in the slaughter department; it is black and white, and bears the legend "U.S. Retained." It is a three-section tag as used for hogs, sheep, goats, and calves and a five-section tag as used for cattle and equine.

(2) The "U.S. Retained" mark which is applied to products and articles as prescribed in Part 310 of this subchapter by means of a paper tag (Form C&MS-510) bearing the legend "U.S. Retained."

(3) The "U.S. Rejected" mark which is used to identify insanitary buildings, rooms, or equipment as prescribed in Part 308 of this subchapter and is applied by means of a paper tag (Form C&MS-510) bearing the legend "U.S. Rejected."

(4) The "U.S. Passed for Cooking" mark is applied on products passed for cooking as prescribed in Part 310 of this subchapter by means of a brand and is in the following form:

U.S. PASSED FOR COOKING

(5) The "U.S. Inspected and Condemned" mark shall be applied to products condemned as prescribed in Part 310 by means of a brand and is in the following form:

CONDEMNED

(b) The U.S. Retained and U.S. Rejected tags, and all other brands, stamps, labels, and other devices approved by the Administrator and bearing any official mark prescribed in paragraphs (a), (b), and (c) of this section, shall be official devices for purposes of the Act.

§ 312.7 Official import inspection marks and devices.

The official marks for marking imported products as "U.S. inspected and passed" or "U.S. refused entry" as required by Part 327 of this subchapter shall be in the following forms, respectively, and any device approved by the administrator for applying such marks shall be an official device.



UNITED STATES REFUSED ENTRY

§ 312.8 Official export inspection marks, devices, and certificates.

(a) The official export meat inspection stamp required by Part 322 of this subchapter is a paper sticker bearing the following official mark, including the seal

"The letters "PHI" are an abbreviation for Philadelphia and are used as an example only. The authorized abbreviation for the port or geographical area in which the product was inspected will be shown in each stamp impression. of the U.S. Department of Agriculture, with a serial number such as "D-5216200":

United States
Department of Agriculture
Consumer and Marketing Service
Meat Inspection
U.S. Inspected and Passed

Such stamp is an official device for the purposes of the Act.

(b) The official export certificate required by Part 322 of this subchapter is a paper certificate form for signature by a Program employee bearing the legend:

United States
Department of Agriculture
Consumer and Marketing Service
Meat Inspection

and the seal of the United States Department of Agriculture, with a certification that meat or meat food product described on the form is from animals that received ante-mortem and post-mortem inspection and were found sound and healthy and that it has been inspected and passed as provided by law and the regulations of the Department of Agriculture and is sound and wholesome. The certificate also bears a serial number such as "No. 184432."

§ 312.9 Official detention marks and devices.

The official mark for articles and livestock detained under Part 329 of this subchapter shall be the designation "U.S. Detained" and the official device for applying such mark shall be official tag Form CP-483 as prescribed in § 329.2 of this subchapter.

PART 314—HANDLING AND DIS-POSAL OF CONDEMNED OR OTHER INEDIBLE PRODUCTS AT OFFICIAL ESTABLISHMENTS

Sec.
314.1 Disposition of condemned products
at official establishments having
tanking facilities; sealing of tanks.

314.2 Tanking and other facilities for inedible products to be separate from edible product facilities.

from edible product facilities.

314.3 Disposition of condemned products at official establishments having no tanking facilities.

314.4 Suppression of odors in preparing inedible products.
314.5 Inedible rendered fats prepared at

official establishments.

314.6 Inedible fats from outside official

establishments. 314.7 Carcasses of livestock condemned on

ante-mortem inspection not to pass through edible product areas, 314.8 Dead animal carcasses.

314.9 Specimens for educational, research, and other nonfood purposes; permits for, required.

314.10 Livers condemned because of parasitic infestation and for other causes; conditions for disposal for purposes other than human food.

314.11 Handling of certain condemned products for purposes other than human food.

AUTHORITY: The provisions of this Part 314 issued under sec. 21. Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. Supp., sec. 601 et seq.), and Public Law 91-342; Talmadge-Aiken Act

of Sept. 28, 1962 (7 U.S.C. 450); Act of July 24, 1919 (7 U.S.C. 394); subsection 21(b), Federal Water Pollution Control Act, as amended by Public Law 91-224 and by other laws.

§ 314.1 Disposition of condemned products at official establishments having tanking facilities; sealing of tanks.

(a) Carcasses, parts of carcasses, and other products condemned at official establishments having facilities for tanking shall, except as provided in paragraph (c) of this paragraph or elsewhere in this part, be disposed of by tanking as follows:

(1) The lower opening of the tank shall first be sealed securely by a Program employee, except when permanently connected with a blow line; then the condemned products shall be placed in the tank in his presence, after which the upper opening shall also be sealed securely by such employee, who shall then see that the contents of the tank are subjected to sufficient heating for sufficient time to effectively destroy the contents for human food purposes.

(2) The use of equipment such as crushers or hashers for pretanking preparation of condemned products in the inedible products department has been found to give inedible character and appearance to the material. Accordingly, if condemned products are so crushed or hashed, conveying systems, rendering tanks, and other equipment used in the further handling of crushed or hashed material need not be locked or sealed during the tanking operations. If the rendering tanks or other equipment contain condemned material not so crushed or hashed, the equipment shall be sealed as prescribed in subparagraph (1) of this paragraph. If the crushed or hashed material is not rendered in the establishment where produced, it shall be denatured as provided for in § 314.3 before leaving such establishment.

(b) The seals of tanks shall be broken only by a Program employee and only after the contents of the tanks have been treated as provided in paragraph (a) of this section. The rendered fat derived from condemned material shall be held until a Program employee shall have had an opportunity to determine whether it conforms with the requirements of this section. Samples shall be taken by Program employees as often as is necessary to determine whether the rendered fat is effectually denatured.

(c) Carcasses of animals condemned under § 309.3 of this subchapter may be disposed of as provided in § 314.3, in lieu of tanking, with the approval of the inspector.

§ 314.2 Tanking and other facilities for inedible products to be separate from edible product facilities.

All tanks and equipment used for rendering, otherwise preparing, or storing inedible products shall be in rooms or compartments separate from those used for preparing or storing edible products. There shall be no connection between rooms or compartments containing inedible products and those containing edible products, except that there may be

one connecting doorway between the slaughtering or viscera separating department and the tank charging room of the inedible products rendering department. Pipes and chutes installed in accordance with such arrangements as are permitted by Part 308 of this subchapter. or as may be approved by the Administrator in specific cases, may be used to convey inedible and condemned material from edible product departments to inedible product departments.

§ 314.3 Disposition of condemned products at official establishments having no tanking facilities.

(a) Carcasses, parts of carcasses, and other products condemned at an official establishment which has no facilities for tanking shall, except as provided in paragraph (b) of this section or elsewhere in this part, be destroyed in the presence of an inspector by incineration, or denatured with crude carbolic acid, or cresylic disinfectant, or a formula consisting of one part FD&C No. 3 green coloring, 40 parts water, 40 parts liquid detergent, and 40 parts oil of citronella or any other proprietary material approved by the Administrator in specific cases. When such product is to be denatured, it shall be freely slashed before the denaturing agent is applied, except that, in the case of dead animals that have not been dressed, the denaturant may be applied by injection. The denaturant must be deposited in all portions of the carcass or product to the extent necessary to preclude its use for food purposes.

(b) All carcasses and parts condemned on account of anthrax, as identified in § 310.9(b) of this subchapter, at official establishments which are not equipped with tanking facilities shall be disposed of by (1) complete incineration, or (2) by thorough denaturing with crude carbolic acid, or cresylic disinfectant, and then disposed of in accordance with the requirements of the particular State or municipal authorities, who shall be notified immediately by the officer in charge.

§ 314.4 Suppression of odors in preparing inedible products.

Tanks, fertilizer driers, and other equipment used in the preparation of inedible product shall be properly equipped with condensers and other appliances which will acceptably suppress odors incident to such preparation.

§ 314.5 Inedible rendered fats prepared at official establishments.

Except as provided in § 325.11(c) of this subchapter, rendered animal fat derived from condemned or other inedible materials at official establishments shall be denatured to effectually distinguish it from an edible product, either with low grade offal during the rendering or by adding to, and mixing thoroughly with, such fat, denaturing oil, No. 2 fuel oil, or brucine dissolved in a mixture of alcohol and pine oil or oil of rosemary, and may be shipped in commerce in accordance with § 325.11(d) of this subchapter.

§ 314.6 Inedible fats from outside of- identified as inedible when they leave the ficial establishments.

Except as provided in § 325.11(c) of this subchapter, inedible fats from outside the premises of any official establishment shall not be received into an official establishment except into the tank room provided for inedible products, and then only when they have been denatured in accordance with § 314.5 and are marked in accordance with § 316.15 of this subchapter, and when their receipt into the tank room produces no insanitary condition on the premises; nor shall such fats be received in such volume as interferes with prompt disposal of condemned or other inedible material produced at the establishment. When received, they shall not enter any room or compartment used for edible products.

§ 314.7 Carcasses of livestock condemned on ante-mortem inspection not to pass through edible product areas.

Carcasses of livestock which have been condemned on ante-mortem inspection shall not be taken through rooms or compartments in which an edible product is prepared, handled, or stored.

Dead animal carcasses.

(a) With the exception of dead livestock which have died en route and are received with livestock for slaughter at an official establishment, no dead animal or part of the carcass of any livestock that died otherwise than by slaughter may be brought on the premises of an official establishment unless advance permission therefore is obtained from the officer in charge.

(b) Under no circumstances shall the carcasses of any animal which has died otherwise than by slaughter, or any part thereof, be brought into any room or compartment in which any edible product is prepared, handled, or stored.

Specimens for educational, research, or other nonfood purposes; permits for, required.

(a) Specimens of condemned or other inedible materials, including embryos and specimens of animal parasites, may be released for educational, research, or other nonfood purposes under permit issued by the officer in charge: Provided, That the person desiring such specimens makes a written application to the officer in charge for such permit on Form CP 403-10 and arranges with and receives permission from the official establishment to obtain the specimens. Permits shall be issued for a period not longer year. The permit may be revoked by the officer in charge if the specimens are not used as stated in the application, or if the collection or handling of the specimens interferes with inspection or the maintenance of sanitary conditions in the establishment.

(b) The specimens referred to in paragraph (a) of this section shall be collected and handled only at such time and place and in such manner as not to interfere with the inspection or to cause any objectionable condition and shall be

establishment.

- § 314.10 Livers condemned because of parasitic infestation and for other causes; conditions for disposal for purposes other than human food.
- (a) Livers condemned on account of fluke infestation may be shipped from an official establishment only for purposes other than human food and only if they are first freely slashed, then identified, and handled as provided in this paragraph. The identification shall be accomplished by either (1) dipping the slashed livers in a hot solution composed of one part FD&C green No. 3 or methyl violet to 5,000 parts of water, followed by washing in fresh water until the washings are no longer colored, or (2) the application of charcoal in accordance with Part 325.13 of this subchapter. The livers shall be either frozen or cooked as prescribed in this paragraph. Freezing shall be preceded by chilling the livers to a temperature not above 40° F. Livers packed in containers not more than 7 inches thick shall then be held for a period of not less than 10 days at a temperature not higher than 15° F. or for a period of not less than 5 days at a temperature not higher than 10° F. Livers packed in containers over 7 inches but less than 27 inches thick shall be held not less than 20 days at a temperature not higher than 15° F., or for not less than 10 days at a temperature not higher than 10° F. In lieu of freezing, the livers may be thoroughly cooked. It is essential that the livers be sufficiently identified through discoloration by the dye or charcoal to preclude their use as human food. Freezing may be accomplished in the regular freezer in a properly separated compartment or receptacle held under Program lock.

(b) Livers condemned on account of hydatids or fringed tapeworms may not be shipped from an official establishment only for purposes other than human food and only if they are thoroughly cooked, slashed, and identified as provided in paragraph (a) of this section.

(c) Livers condemned on account of parasites other than flukes, hydatids, or fringed tapeworms may be shipped from an official establishment without refrigeration or cooking but only for purposes other than human food and only after slashing and identifying as indicated in paragraph (a) of this section.

(d) Livers condemned for telangiectasis, angioma, "sawdust" condition, cirrhosis, or other nonmalignant change, benign abscesses, or contamination, when these conditions are not associated with infectious diseases in the carcasses, may be shipped from an official establishment without refrigeration or cooking but only for purposes other than human food, and only if all tissue affected with abscesses is removed and destroyed within the establishment, and all the livers are slashed and identified as indicated in paragraph (a) of this section or with any proprietary substance approved by the Administrator in specific cases.

(e) Livers identified as specified in this section shall be placed in containers plainly marked "inedible," and when shipped in commerce shall be certified as required by § 325.11 of this subchapter.

§ 314.11 Handling of certain condemned products for purposes other than human food.

Condemned carcasses of animals affected with one or more of the following conditions may be shipped from an official establishment only for purposes other than human food and only if permission therefor is obtained from the officer in charge: Anasarca, Ocular Squamous Cell Carcinoma (after removal of neoplastic tissue), emaciation, osinophilic myositis, immaturity, nonseptic bruises and injuries, and sarcosporidiosis. This provision is also applicable to unborn calves and to articles such as lungs, paunches and udders provided such articles are not condemned for other pathological reasons. Such permission will be granted only if all parts to be so used will be promptly handled, freely slashed and adequately identified as required by § 325.13(a) (2) of this subchapter. The slashing, identification and packing of the product shall be accomplished in an inedible product area under the supervision of an inspector. Facilities must be adequate so that the carcasses or parts saved under these provisions are not contaminated with pus, manure, septle, or toxic materials, or similar substances. The operation must not result in insanitary conditions within the establishment.

PART 315-RENDERING OR OTHER DISPOSAL OF CARCASSES AND PARTS PASSED FOR COOKING

315.1 Carcasses and parts passed for cooking; rendering into lard, rendered pork fat, or tallow.

315.2 Disposal of products passed for cooking if not handled according to this

AUTHORITY: The provisions of this Part 315 issued under sec. 21, Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. Supp., sec. 601 et seq.), and Public Law 91-342; Talmadge-Aiken Act of Sept. 28, 1962 (7 U.S.C. 450); Act of July 24, 1919 (7 U.S.C. 394); subsection 21(b), Federal Water Pollution Control Act, as amended by Public Law 91-224 and by other laws.

Carcasses and parts passed for cooking; rendering into lard, ren-dered pork fat, or tallow.

Carcasses and parts passed for cooking may be rendered into lard or rendered pork fat in accordance with §§ 319.702 and 319.703(b) of this subchapter or rendered into tallow, provided such rendering is done in the following manner:

(a) When closed rendering equipment is used, the lower opening, except when permanently connected with a blowline. shall first be sealed securely by a Program employee; then the carcasses or parts shall be placed in such equipment in his presence, after which the upper opening shall be securely sealed by such employee. When the product passed for cooking in the tank does not consist of a carcass or whole primal part, the requirements for sealing shall be at the discretion of the officer in charge, Such carcasses and parts shall be cooked for a time sufficient to render them effectually into lard, rendered pork fat, or tallow, provided all parts of the products are heated to a temperature not lower than 170° F. for a period of not less than 30 minutes.

(b) At establishments not equipped with closed rendering equipment for rendering carcasses and parts passed for cooking into lard, rendered pork fat, and tallow, such carcasses or parts may be rendered in open kettles under the direct supervision of a Program employee. Such rendering shall be done during regular hours of work and in compliance with the requirements as to temperature and time specified in paragraph (a) of this section.

§ 315.2 Disposal of products passed for cooking if not handled according to this part.

Products passed for cooking if not handled and processed in accordance with the provisions of this part, shall be disposed of in accordance with § 314.1 or § 314.3 of this subchapter.

PART 316-MARKING PRODUCTS AND THEIR CONTAINERS

316.1 Authorization required to make devices bearing official marks.

3162 Approval required for official marks. 316.3 Use of official marks prohibited except under supervision of Program employee; removal of official marks,

when required. 316.4 Marking devices; to be furnished by official establishments; control of.

316.5 Branding ink; to be furnished by official establishments; approval by Program: color.

316.6 Products not to be removed from official establishments unless marked in accordance with the regulations.

316.7 Marking devices not to be false or misleading; style and size of lettering; approval required.

316.8 Unmarked inspected products; moved between official establishments; moved in commerce.

316.9 Products to be marked with official marks.

Marking of meat food products with official inspection legend and in-316.10 gredient statement.

316.11 Special markings for certain meat food products.

316 12 Marking of equine carcasses and parts thereof. 316.13

Marking of outside containers. 316.14 Marking tank cars and tank trucks used in transportation of edible products.

316.15 Marking outside containers of in-

edible grease, etc.
316.16 Custom prepared products to be marked "Not for Sale."

AUTHORITY: The provisions of this Part 316 issued under sec. 21, Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. Supp., sec. 601 et seq.), and Public Law 91-342; Talmadge-Aiken Act of Sept. 28, 1962 (7 U.S.C. 450); Act of July 24, 1919 (7 U.S.C. 394); subsection 21(b), Federal Water Pollution Control Act, as amended by Public Law 91-224 and by other laws,

§ 316.1 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 made any device containing any official mark or simulation thereof without prior written authority therefor from the Administrator as provided for in Part 317 of this subchapter.

§ 316.2 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 Administrator as provided for in Part 317 of this subchapter.

§ 316.3 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, or as authorized by Part 317 of this subchapter in connection with the manufacture of containers.

(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 301(c)(2) of the Act or equal provisions of a law of a State or organized Territory or at any establishment in an unorganized Territory exempted under paragraph 23(b) of the Act.

§ 316.4 Marking devices; to be furnished by official establishments; control of.

(a) The operator of each official establishment shall furnish such ink brands, burning brands, and any other device for marking products with official marks as the Administrator may determine is necessary for marking products at such establishment. The official inspection legend on such a device shall be as prescribed in Part 312 of this subchapter.

(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 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. The locker or compartment, shall be sealed with an official seal of the Department (as prescribed in Part 312 of this subchapter.)

- § 316.5 Branding ink; to be furnished by official establishments; approval by Program; color.
- (a) The operator of 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 Administrator. 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 purple 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 carcasses of cattle, sheep, swine, or goats or fresh meat cuts de-

rived therefrom.

(d) Except as provided in paragraphs
(b) and (c) of this section, branding ink
of any color, approved for the purpose
by the Administrator in specific cases,
may be used to apply ink brands, bearing 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 bearing 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.

§ 316.6 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 subchapter require to be marked in any way unless they are clearly and legibly marked in compliance with such regulations.

§ 316.7 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 Administrator as provided for in § 317.3 of this subchapter, except that official markings prescribed by the Federal meat grading regulations (7 CFR 53.19) need not be submitted to the Administrator for approval.

- § 316.8 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 in compliance with Part 325 of this subchapter from one official establishment to another official establishment, for further processing, in a railroad car, truck, or other closed container, if the railroad car, truck, or container is sealed with an official seal of the Department (as prescribed in Part 312 of this subchapter) 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 Part 317 of this subchapter: Provided, That upon removal from such closed container the product may not be further transported in commerce unless such removal is made under the supervision of a Program employee and such product is reinspected a Program employee and packed under his supervision in containers bearing the official inspection legend and all other information required by this part and Part 317 of this subchapter: And provided further, That unmarked product shall not be brought into an official establishment in an open container.
- § 316.9 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 and Part 325 of this subchapter, 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 inspected and passed product shall be marked with the official inspection legend containing the number of the official establishment where it was last prepared: Provided, rnat products need not be so marked if packed in properly labeled immediate containers in accordance with the regulations in Part 317 of this subchapter. Additional official marks of inspection may be applied to 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

- (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.
- § 316.10 Marking of meat food products with official inspection legend and ingredient statement.
- (a) Inspected and passed sausages 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 Part 317 of this subchapter. The official marks required by this section shall be branded near each end of the 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 in link form, of the smaller varieties, shall bear one or more official inspection legends and one or more lists of ingredients in accordance with Part 317 of this subchapter on each 2 pounds of product, except where such products leave the official establishment completely enclosed in properly labeled immediate 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 capacity, when shipped to another official establishment for further processing or to a governmental agency, need 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 by means of Form CP 408-1.
- (c) The list of ingredients may be applied by stamping, printing, using paper bands, tags, or tissue strips, or other means approved by the Administrator in specific cases.
- § 316.11 Special markings for certain meat food products.
- (a) Meat food products prepared in casing or link form (whether or not thereafter subdivided), 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 § 317.2 of this subchapter: Such products as coppa, capocollo, lachschinken, bacon, pork loins, pork shoulder butts, and similar cuts of meat which are prepared without added substance 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 in link form within the limits prescribed in Part 319 of this subchapter, the products shall be marked with the name of each added ingredient, as for example "cereal auded," "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 easing to which artificial coloring is thereafter applied, as permitted in Part 318 of this subchapter, 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 the formula of any meat food product as permitted in Part 318 of this subchapter, the product shall be legibly and conspicuously marked with the words "Artificial Smoke Flavoring Added" or "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 Part 317 of this subchapter.

(f) When an approved antioxidant is added to any meat food product as permitted in Parts 318 and 319 of this subchapter, 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 Part 318 of this subchapter shall be marked as prescribed in § 317.8 (b) (28) of this subchapter.

§ 316.12 Marking of equine carcasses and parts thereof.

(a) All inspected and passed equine carcasses and parts thereof prepared at any establishment shall be conspicuously marked at the time of inspection with the official inspection legend as prescribed in § 312.3 of this subchapter and with other information prescribed for marking products in this part.

(b) All equine carcasses and meat and other parts thereof shall be marked to show the kinds of animals from which they were derived, before the products are sold, transported, offered for sale or transportation, or received for trans-

portation in commerce.

§ 316.13 Marking of outside containers.

(a) Except as otherwise provided in Part 325 of this subchapter, 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 Part 312 of this subchapter.

(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 21/2-inch rubber brand in the form prescribed in Part 312 of this subchapter: Provided. That the rubber brand may be omitted if the official inspection legend and official establishment number on the product itself are clearly legible through the wrapping or the wrapping is labeled in accordance with Part 317 of this subchapter: Provided further, That plain unprinted wrappings, such as stockinettes, cheesecloth, 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) The outside containers of products for export shall be marked in compliance with Part 322 of this subchapter as well as this part.

(d) Slack barrels used as outside containers of products shall have a cloth or paper top covering bearing the official inspection legend containing the official establishment number. At the time of removal of the covering, the official inspection legend shall be destroyed.

(e) The outside containers of any product which has been inspected and passed for cooking, pork which has been refrigerated as provided in § 318.10(c) of this subchapter, and beef which has been inspected and passed for refrigeration shall bear the markings and tag prescribed in § 325.7(b) of this subchapter.

(f) The outside containers of glands and organs which are not used for human food purposes, such as those described in § 325.19 of this subchapter, shall be plainly marked with the phrase "For pharmaceutical purposes," organotherapeutic purposes," "For technical purposes," as appropriate, with no reference to inspection, and need not bear other markings otherwise required under the regulations in this subchapter.

(g) Stencils, box dies, labels, and brands may be used on shipping containers of properly labeled products and on such immediate containers, of properly marked products, as tierces, barrels, drums, boxes, crates, and large-size fiberboard containers, without approval as provided for in § 317.3 of this subchapter; Provided, That the stencils, box dies, labels, and brands are not false or misleading and are approved by the officer in charge. The official inspection legend for use with such markings shall be approved by the Administrator as provided for in Part 317 of this subchapter.

(h) The outside containers of livers prepared as described in § 314.10 (a), (b), (e), and (d) shall be marked as prescribed in § 314.10(c) of this subchapter.

(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.

§ 316.14 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 with § 317.2 of this subchapter, 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 located conspicuously 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 or to a location operating under the Identification Service furnished under Part 350 of Subchapter B of this chapter 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 in Part 312 of this subchapter.

§ 316.15 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 Part 314 of this subchapter.

§ 316.16 Custom prepared products to be marked "Not for Sale."

Carcasses and parts therefrom that are prepared on a custom basis under § 303.1 (a) (2) of this subchapter shall be marked at the time of preparation with the term "Not for Sale" in letters at least three-eights inch in height, except that such products need not be so marked if in immediate containers properly labeled in accordance with the regulations in § 317.16 of this subchapter. Ink used for marking such products must comply with the requirements of § 316.5.

PART 317—LABELING, MARKING DEVICES, AND CONTAINERS

Sec.
317.1 Labels required; supervision by Program employee.

317.2 Labels: definition; required features.
317.3 Approval of abbreviations of marks of inspection; preparation of marking devices bearing inspection legend without advance approval prohibited; exception.

\$17.4 Labels to be approved by Administrator.

317.5 Officer in charge may permit modifications of approved labels.

317.6 Approved labels to be used only on products to which they are applicable.

317.7 Products for foreign commerce; printing labels in foreign language permissible; other deviations.

317.8 Palse or misleading labeling or practices generally; specific prohibitions and requirements for labels and containers.

317.9 Labeling of equine products.

317.10 Reuse of official inspection marks; reuse of containers bearing official marks, labels, etc.

317.11 Labeling, filling of containers, handling of labeled products to be only in compliance with regulations.

317.12 Relabeling products; requirements.
317.13 Storage and distribution of labels and containers bearing official marks.

317.14 Reporting of obsolete labels.

317.15 [Reserved]

317.16 Labeling and containers of custom prepared products.

AUTHORITY: The provisions of this Part 317 issued under sec. 21, Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. Supp., sec. 601 et seq.), and Public Law 91-342; Talmadge-Alken Act of Sept. 28, 1962 (7 U.S.C. 450); Act of July 24, 1919 (7 U.S.C. 394); subsection 21(b), Federal Water Pollution Control Act, as amended by Public Law 91-224 and by other laws.

§ 317.1 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 § 317.2 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 § 317.2;

(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 Part 316 of this subchapter which are clearly legible through such coverings;

(3) Animal and transparent artificial casings bearing only the markings required by Part 316 of this subchapter;

(4) Stockinettes used as "operative 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 were 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 § 317.2;

(6) Containers of products passed for cooking or refrigeration and moved from an official establishment under § 311.1 of this subchapter.

(b) Folders and similar coverings made of paper or similar materials, whether or not they 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 in part, except with product which has been inspected and passed in compliance with the regulations in this subchapter, 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 in part, and no label shall be affixed thereto, except under supervision of a Program employee.

§ 317.2 Labels: definition; 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, Part 319 of this subchapter:

(1) The name of the product, which in the case of a product which purports to be or is represented as a product for which a definition and standard of identity or composition is prescribed in Part 319 of this subchapter, shall be the name of the food specified in the standard, and in the case of any other product shall be the common or usual name of the food, if any there be, and if there is none, a truthful descriptive designation, as prescribed in paragraph (e) of this section;

(2) If the product is fabricated from two or more ingredients, the word "ingredients" followed by a list of the ingredients as prescribed in paragraph (f) of this certifier.

of this section;

(3) The name and place of business of the manufacturer, packer, or distributor for whom the product is prepared, as prescribed in paragraph (g) of this section:

(4) An accurate statement of the net quantity of contents, as prescribed in

paragraph (h) of this section;

(5) An official inspection legend and, except as otherwise provided in paragraph (i) of this section, the number of the official establishment, in the form required by Part 312 of this subchapter;

(6) Any other information required by the regulations in this part or Part

319 of this subchapter.

(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 Part 319 of this subchapter 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 shall

(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 sur-

face 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 Administrator in order to assure that the label will not be false or misleading.

(f) (1) 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.

(2) On containers of frozen dinners, entrees, pizzas, and similarly consumer 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 panel immediately above the location of such statement without intervening print or designs.

(g) (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 then 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 distribu-

tor 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) (1) The statement of net quantity of contents shall appear on the principal display panel of all containers to be sold at retail intact and shall appear on all containers in conspicuous and easily legible boldface print or type in distinct contrast to other matter on the package and shall be declared in accordance with the provisions of subparagraphs (2) through (10) of this paragraph.

(2) The statement as it is shown on a label shall not be false or misleading and shall express an accurate statement of the quantity of contents of the container exclusive of wrappers and packing substances, Reasonable variations caused by loss or gain of moisture during the course of good distribution practices or by unavoidable deviations in good manufacturing practice will be recognized. Variations from stated quantity of contents shall not be unreasonably large.

(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). In any case, the statement 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" or "content" when stating the net quantity of contents in terms of fluid measure.

(4) Except as provided in § 317.7, 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 %-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 11/2 pounds avoirdupois weight shall be expressed as "Net Wt. 24 oz. (1 lb. 8 oz.),"
"Net Wt. 24 oz. (1½ lb.)," or "Net Wt. 24 oz. (1.5 lbs.)."

(5) On packages containing 1 pound or 1 pint and less than 4 pounds or 1 gallon, the statement shall be expressed as a dual declaration both in ounces and (immediately thereafter in parenthesis) in pounds, 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 fol-

lowing type 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 an 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 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 ½-ounce net weight which are in a shipping container, need not bear a statement of net quantity of contents as 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 consumer size packages bearing labels declaring net weight, 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) Margarine in 1 pound rectangular packages (except packages containing whipped or soft margarine or packages that contain more than four sticks) is exempt from the requirements of subparagraphs (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 "1 pound" or "one pound" in a conspicuous manner on the principal display panel.

(iv) Sliced shingle packed bacon in rectangular packages containing 8 ounces, 1 pound, or 2 pounds are exempt from the requirements of subparagraphs (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.," "½ pound," "1 pound," "one pound," "2 pounds," or "two pounds," as the case may be, in a con-

spicuous 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 such 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 multiunit 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 subparagraphs (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 net 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) (1) The official establishment number shall be either embossed or lithographed on all hermetically sealed metal, plastic or glass containers of products fully processed within such containers 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 in a wrapper of paper or cloth or in any other type of container approved by the Administrator, which is labeled in accordance with this part, the official inspection legend and the official 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 for the purpose. In case there are two or more display panels featuring the name of product, the inspection sticker shall be affixed to each panel.

(3) The official establishment number may be omitted from the official inspection legend 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 an 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.

(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 403, and 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343, 371).

(3) When an approved artificial smoke flavoring or an approved smoke flavoring is added as an ingredient in the formula of a meat food product, as permitted in Part 318 of this subchapter, 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 so added as an ingredient in the formula of the meat food product.

(4) When any other artificial flavoring is permitted under Part 318 of this subchapter to be added to a product, the ingredient statement shall identify it as

"Artificial Flavoring."

- (5) When artificial coloring is added to edible fats as permitted under Part 318 of this subchapter such substance 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." When natural coloring such as annatto is added to edible fats as permitted under Part 318 of this subchapter, such substance shall be declared on the label in the same manner by a phrase such as "Colored with annatto.
- (6) When product is placed in a casing to which artificial coloring is applied as permitted under Part 318 of this subchapter, 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 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 Part 318 of this subchapter, 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 Part 318 of this subchapter, there shall appear on the label in prominent letters and contiguous to the name of the product, a statement identifying the officially approved specific antioxidant by its common name or abbreviation thereof and the purpose for which it is added, such as, "BHA, BHT, and Propylgallate added to help protect flavor.

(11) Containers of meat packed in borax or other preservative for export to a foreign country which permits the use of such preservative shall, at the time of packing, be marked "for export," followed on the next line by the words "packed in preservative," or such equivalent statement as may be approved for this purpose by the Administrator and directly beneath this there shall appear the word "establishment" or abbreviation thereof, followed by the number of the establishment at which the product is packed. The complete statement shall be applied in a conspicuous location and in letters not less than 1 inch in height.

(12) Containers of other product packed in, 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," "Keep Frozen," "Perishable Keep Under Refrigeration," or such similar statement as the Administrator may approve in specific cases. Products that are distributed frozen during distribution and thawed prior to or during display for sale at retail shall bear the statement on the shipping container: "Keep Frozen." The consumer-size containers for such products shall bear the statement "Previously Handled Frozen for Your Protection, Refreeze or Keep Refrigerated." For all perishable 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 in upper case letters at least one-half inch in height.
- § 317.3 Approval of abbreviations of marks of inspection; preparation of marking devices bearing inspection legend without advance approval prohibited; exception.
- (a) The Administrator may approve and authorize the use of abbreviations of marks of inspection under the regulations in this subchapter. 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 Administrator for approval, no person shall procure, make, or prepare, or cause to be procured, made, or prepared, labels, brands, or other marking devices bearing the inspection legend or any abbreviations, copy or representation thereof, for use on any product without the written authority therefor of the Administrator. However, when any sample label, brand, or other marking device is

approved by the Administrator, 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 subchapter, without further approval by the Administrator.

§ 317.4 Labels to be approved by Administrator.

- (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 Administrator. 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 quadruplicate 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 Adminis-

§ 317.5 Officer in charge may permit modifications of approved labels.

The officer in charge may permit modification of approved labels, or markings, under the following circumstances, provided the labeling or marking 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 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:
- (c) When a master or stock label has been approved from which the name and address of the distributor are omitted

and such name and address are applied before being used (in such case, 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, fire-works, 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 of directions 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 Parts 318 and 319 of this subchapter.

§ 317.6 Approved labels to be used only on products to which they are appli-

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 § 317.3: Provided, That existing stocks of labels approved prior to the effective date of this section 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 1 year after the effective date of this section unless such labels conform to all the requirements of this part and Part 319 of this subchapter. The Administrator may upon the show of good cause grant individual extension of time as he deems necessary.

§ 317.7 Products for foreign commerce; printing labels in foreign language permissible; other deviations.

Labels to be affixed to packages of products for foreign commerce may be printed in a foreign language and may show the statement of the quantity of contents in accordance with the usage of the country to which exported and other deviations from the form of labeling required under this part may be approved for such product by the Administrator in specific cases: Provided.

- (a) That the proposed labeling accords to the specifications of the foreign purchaser.
- (b) That it is not in conflict with the laws of the country to which the product is intended for export, and
- (c) That the outside container is labeled to show that it is intended for export: but if such product is sold or offered for sale in domestic commerce, all the requirements of this subchapter apply. The inspection legend and the es-

tablishment number shall in all cases appear in English but in addition, may appear literally translated in a foreign language.

- § 317.8 False or misleading 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 containers of product shall comply with the following pro-

visions, 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 recognized 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 false or misleading: Provided, That a geographical term which has come into general usage as a trade name and which has been approved by the Administrator 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," "gote-borg," "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 state-

ment 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 in March and terminating not beyond the close of the week containing the first Monday in October.

- (5) Coverings shall not be of such color, design, or kind as to be misleading with respect to color, quality, or kind of product to which they are applied. For example, transparent or semitransparent coverings for such articles as sliced bacon or fresh (uncooked) meat and meat food products 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, casings, 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 wrapper or covering: Provided, That the transparent or semitransparent portion of the principal display panel is free of color tinting and red designs: And 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.
- (6) The word "fresh" shall not be used on labels to designate product which contains any sodium nitrate, sodium nitrite, potassium nitrate, or po-tassium 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 (i) the jelly prepared in official establishments by cooking pork skins, tendons, or connective tissue from inspected and passed product, and (ii) 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 contain-

ers 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° F. and baked pork cuts shall be heated to an internal temperature of at least 170° F.

(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 product name.

(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) (i) The word "ham," without any prefix indicating the species of animal from which derived, shall be used in labeling only in connection with the hind legs of swine. 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 of connection with products prepared from organs or other parts of the carcass, other than fresh meat. Extracts prepared from any parts of the carcass other than fresh meat may be properly labeled as extracts 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, nonfat dry milk, or calcium reduced dried skim milk is added to sausage within the limits prescribed in Part 319 of this subchapter, there shall appear on the label in a prom-

inent 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 Dried 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 as part of the name of the product, as for example, "frankfurts 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° F. shall not be designated as "oleo oil," "cleo 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 added," or "hardened 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 used. such as, "Lard and Beef Fat." The designation "vegetable fat" is applicable to vegetable oil, vegetable stearin, or a combination of such oil and stearin, whereas the designations "vegetable oil" and "vegetable stearin" shall be applicable only to the oil and the stearin respectively, when used in meat food products.
- (22) Cooked, cured, or pickled pigs feet, pigs 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 monoglycerides, 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 Poly-

glycerol 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 1-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 packaged 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 as permitted in Part 318 of this subchapter are used on steaks or other meat cuts in an official establishment, there shall appear on the label contiguous to the product name, a prominent descriptive statement, such as "Dipped in a solution of Papain," to indicate the use of such enzymes.
- (26) When dimethylpolysiloxan 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 "Dimethylpolysiloxan 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 spollage of 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 Part 318 of this subchapter, 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."

§ 317.9 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.

- § 317.10 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 removed or obliterated 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.
- 7.11 Labeling, filling of containers, handling of labeled products to be only in compliance with regulations. § 317.11
- (a) No person shall in any official establishment apply or affix, or cause to be applied or affixed, any label to any product prepared or received in such establishment, or to any container thereof, or fill any container at such an establishment, except in compliance with the regulations in this subchapter.
- (b) No covering or other container shall be filled, in whole or in part, at any official establishment with any product unless it l:as been inspected and passed in compliance with the regulations in this subchapter, 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 subchapter, or any product not bearing a label required by such regulations.

§ 317.12 Relabeling products; requirements.

When it is claimed by an official establishment that any 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 Administrator, 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 until permission has been received from the Administrator. The relabeling of inspected and passed product with labels bearing any official marks shall be done under the supervision of a Program inspector. 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.

§ 317.13 Storage and distribution of labels and containers bearing official

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 the 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 subchapter.

§ 317.14 Reporting of obsolete labels.

Once a year, or oftener if necessary, the operator of each official establishment shall submit to the Administrator in quadruplicate, a list of approved labels no longer used or a list of the documents issued by the Administrator approving the labels involved. The approved labels shall be identified by the approval number, the date of approval, and the name of the product, or other designation showing the class of labeling material.

§ 317.15 [Reserved]

- § 317.16 Labeling and containers of custom prepared products.
- (a) Products that are custom prepared under § 303.1(a)(2) of this subchapter must be packaged immediately after preparation and labeled (in lieu) of information otherwise required by this Part 317 with the following information in accordance with § 317.2 conspicuously displayed on the principal display panel:
- (1) The words "Not for Sale" in lettering not less than three-eighths inch in height:
 - (2) The name of the product;
- (3) The word "ingredients" followed by a list of ingredients, if the product is made from two or more ingredients;
- (4) The name and place of business of the custom operator who prepared the product:
- (5) An accurate statement of the quantity of contents;
- (6) Handling instructions, if necessary, to insure that the public will be informed of the manner of handling required to maintain the product in a wholesome condition; and
- (7) Any other information required to appear on the label, by paragraph 1(n) of the Act, except the official inspection
- (b) Such exempted custom prepared products shall not have false or misleading labeling on containers or be otherwise misbranded as defined in paragraph 1(n) of the Act.

PART 318-ENTRY INTO OFFICIAL ESTABLISHMENTS; REINSPECTION AND PREPARATION OF PRODUCTS

318.1 Products and other articles entering official establishments.

- 318.2 Reinspection, retention, and disposal of meat and poultry products at official establishments.
- 318.3 Designation of places of receipt of products and other articles for reinspection.
- 318.4 Preparation of products to be officially supervised; responsibilities of official establishments.
- Requirements concerning procedures. 318.6 Requirements concerning ingredients and other articles used in preparation of products.
- 318.7 Approval of substances for use in the preparation of products.
- Preservatives and other substances permitted in product for export only; handling; such product not to be used for domestic food purposes.
- 318.9 Samples of products, water, dyes, chemicals, etc., to be taken for examination.
- 318.10 Prescribed treatment of pork and products containing pork to destroy trichinae.
- 318.11 Canning with heat processing and hermetically sealed containers; cleaning containers; closure; code marking; heat processing; incubation.
- 318.12 Manufacture of dog food or similar uninspected article at official establishments.
- 318.13 Mixtures containing product but not amenable to the Act
- 318.14 Adulteration of products by flood water, etc.; procedure for handling.
- Tagging chemicals, preservatives, cereals, spices, etc., "U.S. retained." Pesticide chemicals and other res-318.15
- 318.16 idues in products.

AUTHORITY: The provisions of this Part 318 issued under sec. 21, Federal Meat In-318 issued under sec. 21, Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. Supp., sec. 601 et seq.), and Public Law 91-342; Talmadge-Alken Act of Sept. 28, 1962 (7 U.S.C. 450); Act of July 24, 1919 (7 U.S.C. 394); subsection 21(b), Federal Water Pollution Control Act, as amended by Public Law 91-224 and by other

§ 318.1 Products and other articles entering official establishments.

(a) Except as otherwise provided in paragraphs (g) and (h) of this section or § 318.12, no product shall 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. Notwithstanding the foregoing provisions of this subparagraph, product imported in accordance with Part 327 of this subchapter and not prepared in the United States outside an official establishment, may enter any official establishment subject in other respects to the same restrictions as apply to domestic product. Products received in an official establishment during the Program employees absence shall be identified and maintained in a manner acceptable to such employee. Product entering any official establishment shall not be used or prepared thereat until it has been reinspected in accordance with § 318.2. Any product originally prepared at any official establishment may not be

returned into any part of such establishment, except the receiving area approved under § 318.3, until it has been rein-

spected by the inspector.

(b) No slaughtered poultry or poultry product shall be brought into an official establishment unless it has been (1) 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 (2) 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 or Part 317 of this subchapter, and a list of ingredients in the article if composed of two or more ingredients: Provided, That in the case of articles received in tank car lots, only one such label shall be used to identify each lot. In addition, the label must show the name and address of the shipper.

- (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 § 318.7(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) Dyes, chemicals, or other substances the use of which is restricted to certain products may be brought into or kept in an official establishment only if such products are prepared thereat. No prohibited dye, chemical, preservative, or other substance shall be brought into or kept in an official establishment.
- (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 § 318.6(b) (11).
- (g) Glands and organs, such as cotyledons, ovaries, prostate glands, tonsils, spinal cords, and detached lymphatic, pineal, pituitary, parathyroid, supra-renal, pancreatic and thyroid glands, in preparing pharmaceutical, used organotherapeutic, or technical products and which are not used as human food (whether or not prepared at 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 organ will in no way interfere with the maintenance of sanitary conditions or constitute an interference with inspection. Glands or organ

which are regarded as human food products, such as livers, testicles, and thymus glands, may be brought into official establishments for pharmaceutical, organotherapeutic or technical purposes, only if U.S. 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 in accordance with the exemption provisions of paragraph 23(a) of the Act, and parts of such carcasses, may be brought into an official establishment for preparation, packaging, and storing in accordance with the provisions of \$303.1(a)(2) of this subchapter.

(i) The operator of the official establishment shall furnish such information as is necessary to determine the origin of any product or other article entering the official establishment. Such information shall 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 Administrator to 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, or applicable State laws, the appropriate governmental authorities will be notified.

§ 318.2 Reinspection, retention, and disposal of meat and poultry products at official establishments.

(a) All products and all slaughtered poultry and poultry products brought into any official establishment shall be identified by the operator of the official establishment at the time of receipt at the official establishment and shall be subject to reinspection by a Program employee at the 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 subchapter.

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

(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 Administrator.

(d) A U.S. 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 ineligible under the regulations in this subchapter. shall be removed or defaced and the product will be subject to condemnation and disposal in accordance with Part 314 of this subchapter, 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 or misbranded 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 U.S. retained tax. If a product is found upon reinspection to be misbranded, it shall be held under a U.S. retained tag, or a U.S. detention tag as provided in Part 329 of this subchapter, pending correction of the misbranding or issuance of an order under section 7 of the Act to withhold from use the labeling or container of the product, or the institution of a judicial seizure action under section 403 of Act or other appropriate action. The inspector shall make a complete record of each transaction under this paragraph and shall report his action to the officer in charge.

§ 318.3 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 products and other articles subject to reinspection under § 318.2 shall be received, and such products and articles shall be received only at such dock or place.

¹ Further information concerning sampling plans which have been adopted for specific products may be obtained from the Officers in Charge of Program circuits. These sampling plans are developed for individual products by the Washington staff and will be distributed for field use as they are developed. The type of plan applicable depends on factors such as whether the product is in containers, stage of preparation, and procedures followed by the establishment operator. The specific plan applicable depends on the kind of product involved, such as liver, oxtalis, etc.

§ 318.4 Preparation of products to be officially supervised; responsibilities of official establishments.

(a) Except as provided in § 303.1(a) (2) of this subchapter, 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 materials and construction as will not contaminate or otherwise adulterate the product and are clean and sanitary. All steps in the preparation of edible products 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 subchapter. In order to effectively carry out this responsibility, the operator of the establishment shall institute appropriate control programs to assure the maintenance of the establishment and the preparation, marking, labeling, packaging and other handling of its products strictly in accordance with the sanitary and other requirements of this subchapter. The efficiency of such control programs will be subject to review by a Program employee.

§ 318.5 Requirements concerning procedures.

(a) (1) Care shall be taken to assure 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 tenderlions, 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 Administrator 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 first be 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 official 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 carcasses.

(g) Clotted blood shall be removed from hog hearts before they are shipped from the official 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 Oesophagostomum 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.

§ 318.6 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 procedures involved in product preparation including product composition and any changes in such procedures essential for inspectional control of the product.

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

(2) Casings for products 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 terminate the enzymatic action.

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

(5) Testicles if handled as an edible product may be shipped from the official establishment as such, but they shall 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) Hog blood shall not be used as an ingredient of meat food products. No blood which comes in contact with the surface of the body of an animal or is otherwise contaminated shall be collected for food purposes. Only blood from animals, the carcasses of which are inspected and passed, may be used for meat food products. The defibrination of blood intended for food purposes shall not be performed with the hands.

(8) Intestines shall not be used as ingredients of meat food products.

(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 such use only when identified as having been inspected and passed for wholesomeness by the Department under the regulations in 7 CFR Part 55, 70, or 81 and 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 under the regulations in 7 CFR Part 58, and when found to be sound and otherwise acceptable when presented 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 prepared in any official establishment shall contain not more and not less than 0.1 percent titanium incorpo-rated 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 § 318.16.

\$ 318.7 Approval of substances for use in the preparation of product.

- (a) (1) No chemical substance may be used in the preparation of any product unless it is approved in this part or Part 319 of this subchapter or by the Administrator in specific cases.
- (2) No product shall bear or contain any substance which would render it adulterated or which is not approved in this part or Part 319 of this subchapter or by the Administrator in specific cases.
 - (b) [Reserved]

Trips (guistance must be removed from product by their water, water, water, water, see deep support of support

Sufficient for purpose, itsusy be mixed with approved sufficient dyor or laxmines thert most saft and sugari.
Sufficient for purpose, imay be mixed with supproved taskinal coloring malities of a formules last material such as common sail or sugari.

Sursage eastings, cocommy parties, interteating, marking or predect, product, etc.

0.5 percent.

Chamed ham saint spread and creamed type canned products,

(c) Under appropriate declaration as chapter, the following substances may be required in Parts 316 and 317 of this subadded to products:

(1) Common salt, approved sugars syrup solids, corn syrup and glucose (sucrose (cane or beet sugar), maple sugar, dextrose, invert sugar, honey, com other substances specified in the chart in subparagraph (4) of this paragraph may be added to products under condipotassium nitrate, potassium nitrite, and syrup), wood smoke, vinegar, flavorings, spices, sodium nitrate, sodium nitrite, tions, if any, specified ir Part 317 of this subchant

(2) Other harmless

ings may be added to po approval of the Admini Coloring matter than those specified in

paragraph (4) of this pa fat, applied to naturn

applied to products, min

Substa

Cltric seld. Sodium etr

Anticoaguiants.... Class of substance

coloring matter or dye is applied to casings, there shall be no penetration of coloring into the product. When any coloring matter or dye is added to meat casings, and applied to such easings enclosing products, if approved by the Adflavoring, the product shall be packed in ministrator in specific cases. When any conventional, round shortening containers having a capacity no greater than fat shortening containing artificial 3 pounds

control occupation occupation occupation occupation occupation occupation occupants

Fresh port samuage, brown and serve samuege, pre-grilled beef pat-ties, and fresh samuege mades from beef or beef and port.

Amount

Products

Purpose

Substance

Class of substance

9

BHA (butylated

hased on fat content.

Odl per-cent in combi-nation.

Odli percent based on total weight.

Dried meats.

do do

BHT (butylated bydraxytolnere). Frupri gallate. BHA (butylated

Sufficient for purpose.

DO O

do Breading mix. sunces. do Boked pies.

Sufficient for purpose,

Imitation sonsage; nonspecific loaves; aups; stews.

Egg rell. Mest and regetable patties.

	do do To strend and for stabilities product, do do To strend and to To strend and to To strend and to Sabilities product (also cerries).	do. To remove celor	To accelerate chem- kal reaction. Rearrangement of laty and hadhal- do. To choice essings or rendered falls, marking and transferred and transferred falls.	
Mydroxyan Koley	BHT Contributed by the Argin Propri gallate Argin Compensative Compens	Sodium esseinate Whey (dried) Hydrogen peroxide	Solium anticle. Solium inclination. Solium inclination, armatic, armatic, armatic, circulard, green chlorophyl, soliton and tumeric, soliton and tumeric proven under the redental Food, Drug, and Coemist Marinia eri-dente to officer in charge that drye has been certified for use in connection with foods by the rounestian with foods by the Pood and Drug. Administration. Thanium distribe.	
	Bloders	Bleadiling agent	Cutalysts (sub- stances must be eliminated des- ing process). Coloring agentis (natural). Coloring agentis (partificial).	
tou in the citate o pounds.	under condi- his part or in ificial flavor- lucts with the tor in specific d dyes other chart in sub- graph, may be with rendered	11 and artificial products.	To prevent clotting. Fresh beet blood 2.7 To retard fasming. Source data by the property of the property o	do do do de
5	tro and troop the troop	a #	The state of the s	11

BHA (butyla hydroxyani

Anthoridants and oxygen intercep-

Antiboaming agent. Methyl poly

BHT (butyle draytolne Propri galla BHA (butyle hydraysul

BHT (butyle)

copberols in a olis shall be us added as an a to products d as "sard" or pork fat."

Amount

... Sufficient for purpose.

BBBBBBB

Products	Cured ports and beel cuis, cured communicated means food means food product.	ф	Cured products	Tripe.	do d	Chemargatia, shortening. Bendered saimal fat or a combina- tion of such fat with vegetable
Purpose	To accelerate color fitting or preserve color during storage.	40	Source of nitrite	To deutile mutous nembrane.	do d	distly prod- off), saffy prod-
Substance	Sodium assorbate	Sodium exythorbate Citric sold or sodi- um citrate.	Sodium or potassium nitrate. Sodium er potassium nitritie supplies of sodium nitrite and potassium nitrite and sodiuminite siem send mortunes containing them	must be kept securely under the care of a responsible employee of the establishment. The specific nitrite concient of sach supplies must be known and clean analysis must be from and clean marked securedingly) Lime (calcium hydroxide).	Sedium earbenste Sedium phreesste Sedium phreesste Sedium pressibilite Sedium pressibilite Trisedium phrephae Persylated mono- phreesides Distely hartite add esters of mono and digricerides.	rate, oleate, or painthate, Lectibin Mose and digitore- ides (giyenrol pai- mitsete, etc.):
Class of substance				Denoting spents: may be used in combination. Must be removed from tripe by	riestor with potable water. Emosifying agents.	
Amount	Sufficient for purpose. Doc. Last purpose. Sufficient for purpose. Doc.	Dos. Dos. Dos. Sufficient for purposes. Dos. Dos. Dos. Dos. Dos. Dos. Dos. Do	Sufficient for purpose. Do. Ook percent. Sufficient for purpose. Gold percent.		Doe Out percent. Doe Out percent To cas, to ino gals, pictile st to so to to gals, pictile st to so to to gals, pictile st to so to to gals, pictile st case to preductive, to percent souther to sur- the percent setting of sur- the percent setting out	regular in the aboutton of a significant amount of meisure to the product). Do. To seek 100 lbs. of meast or meat byproduct. Is out to 100 lbs. of meat. (i.d percently.
Products	Any do do do do	00 00 00 00 00 00 00 00 00 00 00 00 00	do. do. do.		do d	Oned, committened in most food product. Genos salami
Purpose	To prevent staining on articular of carmed goods. do. do. do. do. do. do. do. do. do.	48 46 9686	do d	on exterior of canned goods.	To prevent staining on canned goods. 40. 60. 60. To accelerate color fitting or preserve color fitting or preserve storage.	do To scoelerate color fixing.
Substance	Calcium ehloride Citric acid Dioty is codium subconcernace. Disodium-calcium elyptometranelese. Estranelese. Estranelese. Disodium ethyl-stockiem ethyl-stockiem ethyl-stockiem ethyl-stockiem ethyl-stockiem ethyl-	refraesekte. Discilium phosphate. Ettylenedlantho- tetraesekte add. Estypenedlantho- phosphate. Petassium pyro- phosphate. Pregriese giyest. Sedium bleachorate. Sedium deschorate. Sedium deschorate. Sedium deschorate.	Sedium housests. Sedium housests. Sedium housests. Sedium housests. Sedium retaining.	sodium nitrite must be declaracierized with 6.05 percent pewdetest charroal. Bulk decharacierized when in cook room when in cook room shall be held in beked metal bin or coult shree censpler- coult albert censpler- custy abbeled "Decharacierined sodium nitrite-To way abbeled "Decharacierined sodium nitrite-To he med by wathle-To-To-To-To-To-To-To-To-To-To-To-To-To-	Porsonnel only. 7. Sodium. 1970phosphata. Sodium. Thosphosphata. Zine staffa. Zine sullata. Ascorble acti.	Extitorible seld
Class of substance	Cooling and retort water treatments agents.				Curling sgents.	

Sufficient for porpose in lard and shortening; 0.5 percent in oleo-margarine.

Do

	4	g	7
	1	7	9
	ŀ	٩	8
	ı	٠	
		•	
			,
	1	ï	ē
	ı	3	3
	ı	3	Z
	Ľ		ļ
	ı	ŗ	2
	8	ï	ı
	L	ų	ı
	E	6	2
	L		9
	Ľ	8	
	8	2	5
	Ľ		2
	Ľ	ι	2
	ŀ		
	Ľ	8	۰
	ı	ŧ	ľ
	В	5	ε
			ı
		ŧ	ı
	Ε	ē	7
	E	9	Ŕ
	c	۰	
	,	ė	ŝ
	5	Š	ł
	ı	3	
	ı	è	å
	۲	i	١
			200
			۰
	8		ė
		9	3
	ļ	ē	3
	ĺ		
		ı	3
	ŀ	ĕ	ı
		•	۰
	t	ü	7
	B		ė
	S	į	þ
	į	ø	ļ
	ı	i	Ŕ
			ĺ
	1	į	į
	į		5
			ĺ
	i		i
	5		į
	ı	ı	1
	1		

Amount	Dos Bufficient for purpose, 44, Dos Dos Dos Dos Dos Dos Dos Dos
Products	"Friesh Beet" "Beef for Full-occoled Breef," and grant produced grant which are frozen after produced a family produced grant produced grant produced grant produced grant produced grant produced grant gr
Purpose	To help protect flavor. To protect flavor. To protect flavor. To protect flavor. To creinde exyren. To resorve halt. To man and to retard mold growth. To preserve product.
Salstance	Softem tripoty- photoglaste. Mixtures of softem trip polyposylaste and softem heatmerle- polyposylaste and softem heatmerle- softem heatmerle- destroed softem (dry lee) (dry l
Class of substance	Gases. Hog small agentic transformed by subsequent between the semantic committee of the semant
Amount	Sufficient for purpose. I peternt sthm used alone. Suificient for purpose. Suificient for purpose. Sufficient for purpose. If used with polysorthats shall not exceed the contillend total shall not exceed be not exceed to bo. Do. Do. Do. Do. Do. Do. Do.
Products	Structered animal fair or a combine to or a combine to with regelable by with regelable by with regelable by structured by structured by standards of identification. Stortuming for use to increase the possibilities. Stortuming for use to remove the structure of the structure
Purpose	do Bender by the
Substance	Polygipteral esters of sixty adds (polygipteral esters of sixty and so re- strated to those up- to sead including service and a services of the sead of the with a series and other wise meeting the require the food other wise meeting the require the food other wise meeting the require the food other wise the food other wise series and destern of the sould started and destern of the sould started sector started and other sould started of the sould management of column monotones and started started of the sould management of column to be sould sould be so
Class of substance	Plaroting agents, protectors and developers.

Class of substance	Substance	Purpose	Products	Amount
	Bodium hydrexide	To decrease amount of cooked out juices.	Cured hams, pork shoulder plenies and loins, canned hams and pock shoulder plenies; chopped ham; and beech.	May be used only in com- bination with phosphates in ratio of four parts phosphate to one part sedium hydroxide; the combination shall not exceed 5.0 percent pickle at 10 percent pump level; 0.5 percent in oroduct.
?hosphates	Disodhun phosphate	To decrease amount of cooked out juices.	shoulder picnics an loins, and eanned hams and pork, shoulder picnics, and products covered by § 317.8 (b) (13) (ii) and similar products; chopped ham,	at 10 percent pump level; 0.5 percent in product, 5.6 percent of phosphate in 4 pickle at 10 percent pump level; 0.5 percent of phosphate in product (only clear solution may be in- jected into product).
	Monosodium	do	and bacon.	Do.
	phosphate.			270.
	Sodium bexameta-	do	do	Do.
	phosphate.		and the second	-
	Bodium tripoly- phosphate.	do	d0	Do.
	Sodium pyro-	do	do	Do.
	phosphate.			
	Sodium acid	do	do	Do.
Proteolytic enzymes.	pyrophosphate. Aspergilius oryzae	To soften tissues	Beef cuts	Solutions consisting of water, salt, mono- sodium glutamate, and approved proteolytic enzymes applied or injected into cuts of beef shall not result in a gain of more than 3 percent above the weight
	Aspergillus	do	do	of the untreated product. Do.
	flavusoryzae	99,	90	Do
	group.			
	Bromelin	do	do	Do.
	Ficin	do	do	Do.
Refining agents (must be elimi- nated during process of manufacturing),	Acetic acid	To separate fatty acids and glycerol.	Rendered fats	Do. Sufficient for purpose.
	Bicarbonate of soda Carbon (purified	do	do	Do.
	Carbon (purified	To ald in refining	do	Do.
	charcoal). Caustle soda (sodium	of animal fats.	do	Do.
	hydroxide).	To reme mes		170
	Distomaceous earth;	do	do	Do.
	Fuller's earth.			CONTRACTOR OF THE PARTY OF THE
	Sodium carbonate	00	do	Do.
Rendering agents	Tannie acid Tricalcium phosphate Trisodium phosphate. Saccharin	To aid rendering	Animal fats	Do.
	Trisodium phosphate.	do	do	Do,
Artificial	Saocharin	To sweeten product.	Bacon	0.01 percent.
sweeteners. Synergists (used in combination with anti-oxidants).	Citrie acid	To increase effec- tiveness of anti- oxidants.	Lard and shortening	0.01 percent alone or in combination with anti- oxidants in lard or shortening.
			Dry sausage	 0.003 percent in dry sausage in combination with antioxidants.
			Fresh pork sausage	
			Dried ments	0.01 percent on basis of total weight in combina- tion with antioxidants.
	Malie seld	do	Lard and shortening.	Do,
	Monoisopropyi citrate.	To increase effectiveness of antioxidants.	Lard, shortening, oleomargarine, fresh pork sausage,	Do.
	Phoenhoris sold	do	dried meats.	0.01 percent.
	Phosphoric acid	90	Lard and shorten-	own become.
	Monoglyceride citrate.	do	ing. Lard, shortening, fresh pork saus- age, dried meats.	0.02 percent.

¹ These are proprietary products, and a list thereof can be obtained from the Technical Services Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

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 products, such as chopped and formed steaks or patties; or in any other meat food products consisting of fresh meat

(d) No substance may be used in or (with or without seasoning), except chorizo sausage and Italian brand 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 319 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 p-hydroxybenzoate), calcium propionate, sodium propionate, benzoic acid, and sodium benzoate may be used in or on any product only as provided in the chart in § 318.7 (c) (4) or as approved by the Administrator in specific cases.

§ 318.8 Preservatives and other sub-stances permitted in product for export only; handling; such product not to be used for domestic food purposes.

(a) Preservatives and other substances are not permitted in domestic product under the regulations in this subchapter 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 officer 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, but 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 removed prior to exportation, then the article shall be either repacked, in accordance with the provisions 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 Administrator before meats 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 should 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.

- (1) 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.
- § 318.9 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 deemed necessary for the efficient conduct of the inspection.

- § 318.10 Prescribed treatment of pork and products containing pork to destroy trichinae.
- (a) All forms of fresh pork, including fresh unsmoked sausage containing pork muscle tissue, and pork such as bacon and jowls, other than those covered by paragraph (b) of this section, are classed as products that are customarily well cooked in the home or elsewhere before being served to the consumer. Therefore, the treatment of such products for the destruction of trichinae is not required.
- (b) Products named in this paragraph, and products of the character thereof, containing pork muscle tissue (not including pork hearts, pork stomachs, and pork livers), or the pork muscle tissue which forms an ingredient of such products, shall be effectively heated, refrigerated, or cured to destroy any possible live trichinae, as prescribed in this section at the official establishment where such products are prepared:

Bologna; frankfurts; viennas; smoked Table I-Required Period of Freezing at Sausage; knobleuch sausage; mortadella. sausage; knoblauch sausage; mortadella; all forms of summer or dried sausage, including mettwurst; ground meat mixtures containing pork and beef, veal, lamb, mutton, or goat meat and prepared in such a manner that they might be eaten rare or without thorough cooking; flavored pork sausage such as those containing wine or similar flavoring materials; cured pork sausage; sausage containing cured and/or smoked pork; cooked loaves; roasted, baked, boiled, or cooked hams, pork shoulders, or pork shoulder picnics; Italian-style hams: Westphalia-style hams; smoked boneless pork shoulder butts; cured meat rolls; capocollo (capicola, capacola): coppa; fresh or cured boneless pork shoulder butts, hams, loins, shoulders, shoulder picnics, and similar pork cuts, in casings or other containers in which ready-to-cat delicatessen articles are customarily enclosed (excepting Scotch-style hams); breaded pork products; cured boneless pork loins; boneless back bacon; bacon used for wrapping around patties, steaks and similar products; and smoked pork cuts such as hams, shoulders, loins, and pork shoulder picnics (excepting smoked hams, and smoked pork shoulder picnics which are specially prepared for distribution in tropical climates or smoked hams delivered to the Armed Services). Cured boneless pork loins shall be subjected to prescribed treatment for destruction of trichinae prior to being shipped from the establishment where cured.

- (c) The treatment shall consist of heating, refrigerating, or curing, as
- (1) Heating. (1) All parts of the pork muscle tissue shall be heated to a tem-perature not lower than 137° F., 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 procedures 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
- (2) Refrigerating. At any stage of preparation and after preparatory chilling to a temperature of not above 40° F. or preparatory freezing, all parts of the muscle tissue of pork or product containing such tissue shall be subjected continuously to a 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.

Temperature * F.	Group 1 (Days)	Group 2 (Days)
5	200	20
-10	100	20
-20	6	12

(i) Group 1 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 2 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 refrigeration 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° F., -10° F., or -20° F., 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° F, 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 in rooms or compartments equipped and made secure with all official Program lock or seal. The rooms or compartments containing product 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 freezing of pork to be used in the preparation of product covered by paragraph (b) of this section the pork shall be kept under close supervision of 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 subparagraph may be transferred in sealed railroad cars, sealed motortrucks, sealed trailers, or sealed closed containers to another official establishment at the same or another location, 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 official Program seals, and such containers as tierces and kegs shall be held in Program custody by sealing with wax impressed with an official Program metal brand. Railroad cars, motortrucks, and

trailers used to transport such pork shall, be sealed with official Program car seals except that sealed and marked closed containers may be shipped in unsealed railroad cars, motortrucks, and trailers. Shipping containers such as boxes, barrels, and tierces, containing pork refrigerated in accordance with this section, 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 circuit file.

(3) Curing—(i) Sausage. The sausage may be stuffed in animal casings, hydrocellulose 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 No. 1. The meat shall be ground or chopped into pieces not exceeding threefourths of an inch in diameter. A dry-curing mixture containing not less than 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 31/2 inches, measured at the time of stuffing, shall be held in a drying room not less than 20 days at a temperature not lower than 45° F., except that in sausage of the variety known as pepperoni, if in casings not exceeding 1% inches in diameter measured at the time of stuffing, the period of drying may be reduced to 15 days. In no case, however, shall the sausage be released from the drving room in less than 25 days from the time the curing materials are added, except that sausage of the variety known as pepperoni, if in casings not exceeding the size specified, may be released at the expira-tion of 20 days from the time the curing materials are added. Sausage in casings exceeding 31/2 inches, but not exceeding 4 inches, in diameter at the time of stuffing, shall be held in a drying room not less than 35 days at a temperature not lower than 45° F., 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 No. 2. The meat shall be ground or chopped into pieces not exceeding three-fourths of an inch in diameter. A dry-curing mixture containing not less than 3½ 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 3½ inches, measured at the time of stuffing, shall be smoked not less than 40 hours at a temperature not lower than 80° F., and finally held in a drying room not less than 10 days at a temperature not lower than 45° F. 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 3½ 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° F., but 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 No. 3. The meat shall be ground or chopped into pieces not exceeding threefourths of an inch in diameter. A dry-curing mixture containing not less than 31/2 pounds of salt to each hundredweight of stuffed 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 meat shall be held at a temperature lower than 34° F. for not less than 36 hours. After being stuffed, the sausage shall be held at a temperature not lower than 34° F. 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° F. Finally, 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° F.; and for 4 consecutive hours of this period the smoke-house shall be maintained at a temperature not lower than 128° F. Sausage exceeding 31/2 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° F., and for 7 consecutive hours of this period the smokehouse shall be maintained at a temperature not lower than 128° F. In regulating the temperature of the smokehouse for the treatment of sausage under this method, the temperature of 128° F. shall be attained gradually during a period of not less than 4 hours,

Method No. 4, The meat shall be ground or chopped into pieces not exceeding one-fourth of an inch in diameter. A dry-curing mixture containing not less than 21/2 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 tempera-ture not lower than 36° F. 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 31/4 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° F. 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° F., or subjected to smoking at a temperature not lower than 80° P., 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 No. 5. The meat shall be ground or chopped into pieces not exceeding threefourths of an inch in diameter, A dry-curing mixture containing not less than 3½ pounds of sait to each hundredweight of the unatuffed 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° F. 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 parafin or other substance approved by the Administrator.

(ii) Capocollo (capicola, capacola) Boneless pork butts for capocollo shall be cured in a dry-curing mixture containing not less than 41/2 pounds of salt per hundredweight of meat for a period of not less than 25 days at a temperature not lower than 36° F. 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, execpt 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° F., and shall finally be held in a drying room not less than 20 days at a temperature not lower than 45° F.

(iii) Coppa. Boneless pork butts for coppa shall be cured in a dry-curing mixture containing not less than 41/2 pounds of salt per hundredweight of meat for a period of not less than 18 days at a temperature not lower than 36° F. 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 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 lower than 45° F.

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

Method No. 1. The hams and pork shoulder picnics shall be cured by a dry-salt curing process not less than 40 days at a temper-ature not lower than 36° F. The products shall be laid down in salt, not less than 4 pounds to each hundredweight of product, the salt being applied in a thorough manner to the lean meat of each item. When placed in cure the products may be pumped with pickle if desired. At least once during the curing process the products shall be overhauled and additional salt applied, if necessary, so that the lean meat of each item is thoroughly covered. After removal from cure the products may be soaked in water at a temperature not higher than 70° F. 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 products shall finally be dried or smoked not less than 10 days at a tem-perature not lower than 95° P.

Method No. 2. The products shall be cured by a dry-salt curing process at a temperature not lower than 36° F. for a period of not less than 3 days for each pound of weight (green) of the individual items. The time of cure of each lot of such products placed in cure shall be calculated on a basis of the weight of the heaviest item of the lot. Products 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 products shall be laid down in salt, not less than 4 pounds of salt to each hundredweight of product, the salt being applied in a thorough manner to the lean meat of each item. At least once during the curing process the products shall be overhauled and additional salt applied, if necessary, so that the lean meat of each item is thoroughly covered. After removal from the cure the product may be soaked in water at a temperature not higher than 70° 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 products shall then be dried or smoked not less than 48 hours at a temperature not lower than 80° F., and finally shall be held in a drying room not less than 20 days at a temperature not lower than 45° F.

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

Method No. 1. Application of a dry-salt curing mixture containing not less than 5 pounds of salt to each hundredweight of meats.

Method No. 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

Method No. 3. Application of a pickle solution added to the dry-salt cure prescribed as Method No. 1 in this subdivision (v) provided the pickle solution is not less than

80° strength (salometer).

After removal from cure, the loins may be soaked in water for not more than 1 hour at a temperature not higher than 70° F. or washed under a spray but shall not be sub-jected, 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* and for 4 consecutive hours of this period the smokehouse shall be maintained at a temperature not lower than 125° F.

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° F.

(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 possible live trichinae shall be suitably equipped, by the operator of the official 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 subchapter, any thermometers (including any automatic recording thermometers) of the establishment that are found to be inaccurate or unreliable.

- 8.11 Canning with heat processing and hermetically scaled containers; § 318.11 cleaning containers; closure; code marking; heat processing; incuba-
- (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 a water spray. The nozzle on the spray attachment shall be of such design and the water delivered with such pressure as will effectively rinse all of the inner surface of each container. Such containers shall not contain an accumulation of water when received at the filling station. In lieu of cleaning with water, the use of efficient jet-vacuum type equipment for cleaning containers is permitted, immediately prior to 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 filled or defectively closed or show inadequate vacuum shall not be processed until the defect has been corrected. The containers shall again be inspected by 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 the containers or completion of the heat processing, as the case may be, except that: (1) 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° F. under conditions that will promptly and effectively chill them until the following day when the defect may be corrected; (2) short vacuum or overstuffed cans of product which have not been handled in accordance with subparagraph (1) of this paragraph may be incubated under Program supervision, after which the cans shall be opened and the sound product passed for food; and (3) short vacuum or overstuffed cans of product of a class required 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, and all ends shall be concave; there shall be no bulging; 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 Administrator 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) Incubation test shall be made to the extent required by the officer in charge. 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° (±2° F.) for no less than 10 days; except

(i) Samples of firmly packed products such as luncheon meat, and products with high fat content, such as chorizos packed in lard, and products weighing 3 pounds or more shall be held at 95° (±2° F.) for no less than 20 days.

(ii) Samples of products composed of chunks or pattles 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° (±2° F.) for no less than 30 days.

§ 318.12 Manufacture of dog food or similar uninspected article at official establishments.

(a) When dog food, or similar uninspected article is manufactured in an edible product department, there shall be sufficient space allotted and adequate equipment provided so that the manufacture 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 product depart-ments, the operations incident to the manufacture of the uninspected article will be subject to the same sanitary requirements that apply to all operations in edible product departments. The manufacture of the uninspected article shall be limited to those hours during which the establishment operates under inspectional supervision; and there shall be no handling, other than receiving at the official establishment, of any of the product ingredient of the uninspected article, other than during the regular hours of inspection. The materials used in the manufacture 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 U.S. Inspected and Passed. Products within § 314.11 of this subchapter or parts of carcasses of kinds not permitted under the regulations in this subchapter to be prepared for human 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 manufactured in a part of an official establishment other than an edible product department, the area in which the article is manufactured 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 manufacture of the uninspected article does not interfere with the proper functioning of the other operations at the establishment. Except as provided in § 314.11 of this subchapter, 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 manufacture of the uninspected article 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. There shall be no movement of any product from an inedible product department to any edible product department. Trucks, barrels, and other equipment shall be cleaned before being returned to edible product departments from inedible product departments. Unoffensive material prepared 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 distribution of such animal food as human food. To accomplish this, such animal food shall be labeled or otherwise identified in accordance with § 325.11(e) of this subchapter.

§ 318.13 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 unless manufactured under the food inspection service proveded for in Part 350 of Subchapter B of this chapter. When such mixtures are manufactured in any part of an official establishment, the sanitation of that part of the establishment shall be supervised by Program employees, and the manufacture of such mixtures shall not cause any deviation from the requirement of \$ 318.1.

§ 318.14 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 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, cellings, 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 cleansing of the rooms and equipment. After cleansing, a solution of sodium hypochlorite containing approximately one-half of 1 percent available chlorine (5,000 parts per million), or other disinfectant approved for the purposes of Part 303 of this subchapter' 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 potable water before being used. All metal should be rinsed with potable water to prevent corrosion.

(c) Hermetically sealed metal 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 suspected container.

(2) Remove paper labels and wash the containers in warm soapy water, using a brush where necessary to remove rust or other foreign material, immerse in a solution of sodium hypochlorite containing not less than 100 parts per million of available chlorine or other disinfectant approved for the purposes of Part 308 of this subchapter and rinse in potable water 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 the containers.

§ 318.15 Tagging chemicals, preservatives, cereals, spices, etc., "U.S. retained."

When any chemical, preservative, cereal, spice, 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 the use intended, or if final decision regarding acceptance is deferred pending laboratory or other examination, the employee shall attach a "U.S. 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.

A list of approved disinfectants is available upon request to the Technical Services Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

§ 318.16 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 otherwise be in compliance with the requirements under that Act.

(b) Products, and meat, meat byproduct, or other meat food product ingredients. Products, and products used as ingredients of products, shall not bear or contain any pesticide chemical, food additives, or color additive residue in excess of the level permitted under the Federal Food, Drug, and Cosmetic Act and the regulations in this subchapter, or any other substance that is prohibited by such regulations or that otherwise makes the products adulterated.

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

PART 319 - DEFINITIONS AND STANDARDS OF IDENTITY OR COM-POSITION

Subpart A-General

Sen Labeling and preparation of stand-319.1 ardized products.

Subpart B-Raw Meat Products

Miscellaneous beef products. 319.15 Miscellaneous pork products. 319.29

Subpart C-Cooked Meats

319.80 Barbecued meats.

Roast beef parboiled and steam 319.81 roasted.

Subpart D-Cured Meats, Unsmoked and Smoked

319.100 Corned beef.

319.101 Corned beef brisket.

319.102 Corned beef round and other corned beef cuts.

319.103 Cured beef tongue.

Cured pork products, unsmoked or 319.104 smoked.

319.105 Chopped ham.

Subpart E-Fresh Sausage

Sausage 319,140

319.141 Fresh Pork sausage.

Fresh Beef sausage. 319.142

319.143 Breakfast sausage.

319.144 Whole hog sausage.

Subpart F-Uncooked, Smoked Sausage

319.160 Smoked pork sausage.

Subpart G-Cooked, Smoked Sausage

Frankfurter, wiener, vienna, bo-logna, garlic bologna, knockwurst, 319.180 and similar products. 319.181 Cheesefurters and similar products.

Subpart H-Other Cooked Sausages

319.200 Liver sausage and similar products.

Subpart 1-Semi-Dry Fermented Sausage [Reserved]

Subpart J-Dry Fermented Sausage [Reserved] Subpart K—Luncheon Meat, Loaves and Jellied Products

319,260 Luncheon meat.

319.261 Meat loaf.

Subpart L—Cooked Meat Specialties, Puddings and Nonspecific Loaves

319.280 Scrapple.

Subpart M-Canned, Frozen, or Dehydrated Meat Food Products

319.300 Chili con carne. Chill con carne with beans.

319.301 319,302 Hash.

Corned beef hash. 319,303

319.304 Meat stews.

Tamales 319,305

Spaghetti with meat balls and sauce, spaghetti with meat and sauce, and similar products. 319.306

Spaghetti sauce with meat. 319.307

Tripe with milk. 319,308

Beans with frankfurters in sauce, 319.309 sauerkraut with wieners and juice, and similar products.

319.310 Lima beans with ham in sauce, beans with ham in sauce, beans with bacon in sauce, and similar products.

319.311 Chow mein vegetables with meat, and chop suey vegetables with meat.

319.312 Pork with barbecue sauce and beef with barbecue sauce.

319.313 Beef with gravy and gravy with beef.

Subpart N-Meat Food Entree Products, Pies, and Turnovers

319.500 Meat pies.

Subpart O-Meat Snacks, Hors d'Oeuvres, Pizza, and Specialty Items

319.600 Pizza.

Subpart P-Fats, Oils, Shortenings

Oleomargarine or margarine. 319,700 Mixed fat shortening. 319.701

319,702 Lard, leaf lard.

Rendered animal fat or mixture 319,703 thereof.

Subpart Q-Meat Soups, Soups Mixes, Broths, Stocks, Extracts

319.720 Meat extract.

319.721 Fluid extract of meat.

Subpart R-Meat Salads and Meat Spreads

319.760 Deviled ham, deviled tongue and similar products.

319.761 Potted meat food product and deviled meat food product.

319.762 Ham spread, tongue spread, and similar products.

Subpart S-Meat Baby Foods [Reserved]

Subpart T-Dietetic Meat Foods [Reserved]

Subpart U-Miscellaneous

319.880 Breaded products.

319.881 Liver meat food products.

AUTHORITY: The provisions of this Part 319 issued under sec. 21, Federal Meat Inspection. Act, as amended by the Wholesome Meat Act (21 U.S.C. Supp., sec. 601 et seq.), and Public Law 91-342; Talmadge-Aiken Act of Sept. 28, 1962 (7 U.S.C. 450); Act of July 24, 1919 (7 U.S.C. 394); subsection 21(b), Federal Water Pollution Control Act, as amended by Public Law 91-224 and by other laws.

Subpart A-General

§ 319.1 Labeling and preparation of standardized products.

Labels for products for which standards of identity or composition are prescribed in this part shall show the appropriate product name, an ingredient statement, and other label information in accordance with the special provisions, if any, in this part, and otherwise in acordance with the general labeling provisions in Part 317 of this subchapter, and such products shall be prepared in accordance with the special provisions, if any, in this part and otherwise in accordance with the general provisions in this subchapter. Any product for which there is a common or usual name must consist of ingredients and be prepared by the use of procedures common or usual to such products insofar as specific ingredients or procedures are not prescribed or prohibited by the provisions of this subchapter.

Subpart B-Raw Meat Products

§ 319.15 Miscellaneous beef products.

(a) Chopped beef, ground beef. "Chopped Beef" or "Ground Beef" shall consist of chopped fresh and/or frozen beef with or without seasoning and without the addition of beef fat as such, shall not contain more than 30 percent fat, and shall not contain added water, binders, or extenders. When beef cheek meat (trimmed beef cheeks) is used in the preparation of chopped or ground beef, the amount of such cheek meat shall be limited to 25 percent; and if in excess of natural proportions, its presence shall be declared on the label, in the ingredient statement required by § 317.2 of this subchapter, if any, and otherwise contiguous to the name of the product.

(b) Hamburger. "Hamburger" shall shall consist of chopped fresh and/or frozen beef with or without the addition of beef fat as such and/or seasoning. shall not contain more than 30 percent fat, and shall not contain added water, binders, or extenders. Beef cheek meat (trimmed beef cheeks) may be used in the preparation of hamburger only in accordance with the conditions pre-scribed in paragraph (a) of this section.

(c) Beef patties. "Beef Patties" shall consist of chopped fresh and/or frozen beef with or without the addition of beef fat as such and/or seasonings. Binders or extenders and/or partially defatted beef fatty tissue may be used without added water or with added water only in amounts such that the product's characteristics are essentially that of a meat pattle.

(d) Fabricated steak. Fabricated beef steaks, veal steaks, beef and veal steaks, or veal and beef steaks, and similar products, such as those labeled "Beef Steak, "Minute Chopped, Shaped, Frozen," Steak, Formed, Wafer Sliced, Frozen, "Veal Steaks, Beef Added, Chopped-Molded - Cubed - Frozen, Hydrolized Plant Protein, and Flavoring" shall be prepared by comminuting and forming the product from fresh and/or frozen meat, with or without added fat, of the species indicated on the label. Such products shall not contain more than 30 percent fat and shall not contain added water, binders or extenders. Beef cheek meat (trimmed beef cheeks) may be used in the preparation of fabricated beef steaks only in accordance with the conditions prescribed in paragraph (a) of this section.

(e) Partially defatted beef fatty tissue, "Partially Defatted Beef Fatty Tissue" is a beef byproduct derived from the low temperature rendering (not exceeding 120°F.) of fresh beef fatty tissue. Such product shall have a pinkish color and a fresh odor and appearance.

§ 319.29 Miscellaneous pork products.

(a) Partially defatted pork fatty tissue. "Partially Defatted Pork Fatty Tissue" is a pork byproduct derived from the low temperature rendering (not exceeding 120° F.) of fresh pork fatty tissue, exclusive of skin, Such product shall have a pinkish color and a fresh odor and appearance.

Subpart C-Cooked Meats

§ 319.80 Barbecued meats.

Barbecued meats, such as product labeled "Beef Barbecue" or "Barbecued Pork," shall be cooked by the direct action of dry heat resulting from the burning of hard wood or the hot coals therefrom for a sufficient period to assume the usual characteristics of a barbecued article, which include the formation of a brown crust on the surface and the rendering of surface fat. The product may be basted with a sauce during the cooking process. The weight of barbecued meat shall not exceed 70 percent of the weight of the fresh uncooked meat.

§ 319.81 Roast beef parboiled and steam roasted.

"Roast Beef Parboiled and Steam Roasted" shall be prepared so that the weight of the finished product, excluding salt and flavoring material, shall not exceed 70 percent of the fresh beef weight. Beef cheek meat and beef head meat from which the overlying glandular and connective tissues have been removed, and beef heart meat, exclusive of the heart cap may be used individually or collectively to the extent of 5 percent of the meat ingredients in the preparation of canned product labeled "Roast Beef Parboiled and Steam Roasted." When beef cheek meat, beef head meat, or beef heart meat are used in the preparation of this product, its presence shall be reflected in the statement of ingredients required by Part 317 of this subchapter.

Subpart D—Cured Meats, Unsmoked and Smoked

§ 319.100 Corned beef.

"Corned Beef" shall be prepared from beef briskets, navels, clods, middle ribs, rounds, rumps, or similar cuts using one or a combination of the curling ingredients specified in § 318.7(c) (1) and (4) of this subchapter. Canned product labeled "Corned Beef" shall be prepared so that the weight of the finished product, excluding cure, salt, and flavoring material, shall not exceed 70 percent of the fresh beef weight. Corned beef other than canned shall be cured in pieces weighing not less than 1 pound, and if cooked, its weight shall not exceed the weight of the fresh uncured beef. Beef cheek meat, beef head meat and beef heart meat may be used to the extent of 5 percent of the meat ingredient in preparation of this product when trimmed as specified in § 319.81. When beef cheek meat, beef head meat, or beef heart meat are used in preparation of this product, its presence shall be reflected in the statement of ingredients required by Part 317 of this subchapter. The application of curing solution to beef cuts, other than briskets, which are intended for bulk corned beef shall not result in an increase in the weight of the finished cured product of more than 10 percent over the weight of the fresh uncured meat.

§ 319.101 Corned beef brisket.

In preparing "Corned Beef Brisket," the application of curing solution to the beef brisket shall not result in an increase in the weight of the finished cured product of more than 20 percent over the weight of the fresh uncured brisket. If the product is cooked, the weight of the finished product shall not exceed the weight of the fresh uncured brisket.

§ 319.102 Corned beef round and other corned beef cuts.

In preparing "Corned Beef Round" and other corned beef cuts, except "Corned Beef Briskets," the curing solution shall be applied to pieces of beef weighing not less than one pound and such application shall not result in an increased weight of the cured beef product of more than 10 percent over the weight of the fresh uncured beef cut. If the product is cooked, the weight of the finished product shall not exceed the weight of the fresh uncured beef cut.

§ 319.103 Cured beef tongue.

In preparing "Cured Beef Tongue," the application of curing solution to the fresh beef tongue shall not result in an increase in the weight of the cured beef tongue of more than 10 percent over the weight of the fresh uncured beef tongue.

§ 319.104 Cured pork products, unsmoked and smoked.

(a) Cured, unsmoked products. Cured, unsmoked, "Boneless Pork Shoulder," "Boneless Pork Shoulder Butts," or pieces of pork loin in casings or similar containers of consumer size, shall not contain more than 10 percent added substances as a result of the curing process.

(b) Smoked products. The weight of any smoked products such as "Ham," "Pork Shoulder," "Pork Shoulder Picnic," "Pork Shoulder Butt," or similar products, except such products prepared for canning, shall not exceed the weight of the fresh uncured article. (c) Other cooked, cured products. The preparation of any cooked, cured products, such as "Ham," "Pork Shoulder," "Pork Shoulder Picnic," "Pork Shoulder Butt," and "Pork Loin," or similar products, either by moist or dry heat (except such products prepared for canning), shall not result in the finished cooked product weighing more than the fresh uncured article.

(d) Cured, water added products. Products resembling standardized ham and other pork products of the kinds provided for in paragraph (b) or (c) of this section, which do not conform to such provisions because they contain added water not in excess of 10 percent of the weight of the fresh, uncured products, shall bear on their labels the term "Water Added," as a part of the product name, in prominent lettering not less than three-eighths inch in height, and if not placed in a consumer-size package labeled in accordance with this part and Part 317 of this subschapter, shall be marked with the term "Water Added" the full length of the product. However, the Administrator may approve smaller lettering for labels of small packages, such as 4-ounce packages, when he finds that the size and style of the lettering in connection with the product name are such as to insure the prominence of the required terms. The qualifying phrase "Up to 10 percent" or equivalent phrase may be used in labeling such products in connection with the term "Water Added" at the option of the operator of the establishment, provided the qualifying phrase does not detract from the prominence of the term "Water Added."

(e) Canned products. The preparation of any canned products such as "Ham," "Pork Shoulder Picnic," or similar products, shall not result in an increase in weight of more than 8 percent over the weight of the fresh uncured article.

(f) Pressed ham, spiced ham, and similar products. "Pressed Ham," "Pressed Ham with Natural Juices," "Spiced Ham," and similar products may contain finely chopped ham shank meat to the extent of 25 percent over that normally present in the boneless ham. The weight of the cured chopped ham prior to processing shall not exceed the weight of the fresh uncured ham, exclusive of the bone and fat removed in the boning operation, plus the weight of the curing ingredients and 3 percent moisture.

§ 319.105 Chopped ham.

(a) "Chopped Ham" is the semisolid meat food product, in the form of a compact mass with a limited amount of cooked out juices, which is prepared with ham, curing agents, seasonings, and any of the optional ingredients listed in paragraph (b) of this section, in accordance with the provisions of subparagraphs (1), (2), and (3) of this paragraph.

(1) Fresh ham, cured ham, or smoked ham, or a mixture of two or more of such meat components may be used. The weight of the cured chopped ham prior to processing shall not exceed the weight of the fresh uncured ham and fresh uncured ham shank meat if any is used, exclusive of the bones and fat removed in the boning operations, plus the weight of the curing ingredients and 3 percent

moisture.

(2) The curing agents that may be used, singly or in combination, are salt, sodium nitrate, sodium nitrite, potassium nitrate, and potassium nitrite. When sodium nitrate, sodium nitrite, potassium nitrate, or potassium nitrite is used, singly or in combination, the amount thereof shall not exceed that permitted in § 318.7(b) (4) of this subchapter.

(3) The seasonings that may be used, singly or in combination, are salt, sugar (sucrose or dextrose), spice, and flavoring, including essential oils, oleoresins

and other spice extractives.

(b) Chopped ham may contain one or more of the following optional

ingredients:

(1) Finely chopped ham shank meat (fresh, cured, or smoked, or a combination thereof) to the extent of not more than 25 percent over that normally present in the boneless ham;

(2) Water, for the purpose of dissolving the curing agents, and not in excess of the amount permitted in para-

graph (a) (1) of this section; (3) Monosodium glutamate;

(3) Monosodium giutamate;(4) Hydrolyzed plant protein;

(5) Corn syrup solids, corn syrup and glucose syrup, singly or in combination, in an amount not to exceed 2 percent (calculated on a dry basis) of all the ingredients used in preparing the

chopped ham;

(6) Disodium phosphate, sodium hexametaphosphate, sodium tripolyphosphate, sodium pyrophosphate, and sodium acid pyrophosphate, singly or in combination, in an amount not to exceed that permitted in § 318.7(b) (4) of this subchapter:

(7) Asorbic acid, sodium ascorbate, isoascorbic acid or sodium isoascorbate in an amount not to exceed that permitted in § 318.7(c) (4) of this subchapter;
(8) Dehydrated onions or onion

(8) Dehydrai powder;

(9) Dehydrated garlic or garlic powder.

Subpart E-Fresh Sausage

§ 319.140 Sausage.

Except as otherwise provided in this section, or under the Poultry Products Inspection Act with respect to products consisting partly of poultry, sausage is the coarse or finely comminuted meat food product prepared from one or more kinds of meat or meat and meat byproducts, containing various amounts of water as provided for elsewhere in this part, and usually seasoned with condimented proportions of condimental substances, and frequently cured. Certain sausage as provided for elsewhere in this part may contain binders and extenders; cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, isolated soy protein, nonfat dry milk, calcium reduced skim milk or dried milk. The finished product shall contain no more than 3.5 percent of these additives individually or collectively. Two percent of isolated soy protein shall be deemed equivalent to 3½ percent of any one or more of these binders. Sausage may not contain phosphates except that uncooked pork from cuts cured with phosphates listed in § 318.7(c) (4) of this subchapter may be used in cooked sausage.

§ 319.141 Fresh pork sausage.

"Fresh Pork Sausage" is sausage prepared with fresh pork or frozen pork, or both, not including pork byproducts, and may be seasoned with condimental substances as permitted under Part 318 of this subchapter. It shall not be made with any lot of product which, in the aggregate, contains more than 50 percent trimmable fat, that is, fat which can be removed by thorough, practicable trimming and sorting. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed 3 percent of the total ingredients used.

§ 319.142 Fresh beef sausage.

"Fresh beef sausage" is sausage prepared with fresh beef or frozen beef, or both, not including beef byproducts, and may be seasoned with condimental substances as permitted under Part 318 of this subchapter. The finished product shall not contain more than 30 percent fat. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed 3 percent of the total ingredients used.

§ 319.143 Breakfast sausage.

"Breakfast Sausage" is sausage prepared with fresh and/or frozen meat, or meat and meat byproducts and may be seasoned with condimental substances as permitted in Part 318 of this subchapter. It shall not be made with any lot of products which, in the aggregate, contains more than 50 percent trimmable fat; that is, fat which can be removed by thorough practicable trimming and sorting. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed 3 percent of the total ingredients used. Extenders or binders as listed in Part 318 of this subchapter may be used to the extent of 31/2 percent of the finished sausage as permitted in § 319,140.

§ 319.144 Whole hog sausage.

"Whole Hog Sausage" is sausage prepared with fresh and/or frozen meat from swine in such proportions as are normal to a single animal and may be seasoned with condimental substances as permitted in Part 318 of this subchapter. It shall not be made with any lot of product which, in the aggregate, contains more than 50 percent trimmable fat; that is, fat which can be removed by thorough practicable trimming and sorting. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed 3 percent of the total ingredients used.

Subpart F—Uncooked, Smoked Sausage

§ 319.160 Smoked pork sausage.

"Smoked Pork Sausage" is pork sausage that is smoked with hardwood or other approved nonresinous materials. It may be seasoned with condimental substances as permitted in Part 318 of this subchapter. It shall not be made with any lot of product which, in the aggregate, contains more than 50 percent trimmable fat; that is, fat which can be removed by thorough practicable trimming and sorting. To facilitate chopping or mixing, water, or ice may be used in an amount not to exceed 3 percent of the total ingredients used.

Subpart G-Cooked, Smoked Sausage

§ 319.180 Frankfurter, wiener, vienna, bologna, garlie bologna, knockwurst, and similar products.

"Frankfurter," "Wiener," "Vienna," "Bologna," "Garlie Bologna," "Knockwurst," and similar sausages are comminuted semisolid meat food products which are prepared from one or more kinds of meat or meat and meat byproducts, poultry products, and other ingredients as permitted by this section, seasoned and cured using one or more of the curing agents in accordance with § 318.7(b) of this subchapter. The finished products shall not contain more than 30 percent fat. Water and/or ice may be used to facilitate chopping or mixing or to dissolve the curing ingredients, but the sausage shall contain no more than 10 percent of added water. One or more of the following binders or extenders may be used, which individually or collectively shall not exceed 31/2 percent of the total ingredients in the sausage, except that 2 percent of isolated soy protein shall be deemed to be the equivalent of 31/2 percent of any one or more of the other binders: dried milk, nonfat dry milk, calcium reduced dried skim milk, cereal, vegetable starch, starchy vegetable flour, soy flour, sov protein concentrate, and isolated sov protein, Partially defatted pork fatty tissue or partially defatted beef fatty tissue or a combination of both may be used in an amount not exceeding 15 percent of the meat and meat byproduct ingredients. These products may contain uncooked cured pork which does not contain any phosphates or contains only phosphates approved under Part 318 of this subchapter. These sausage products also may contain poultry products which, individually or in combination, are not in excess of 15 percent of the total ingredients excluding water, in the sausage. Such poultry products must be free of kidneys and sex glands, and the amount of skin present must not exceed the natural proportion of skin present on the whole carcass of the kind of poultry used in the sausage, as specified in the regulations under the Poultry Products Inspection Act (7 CFR 81.131 (g)). For purposes of this subparagraph. poultry products means chicken or turkey, chicken or turkey meat, or chicken or turkey byproducts as defined in the regulations under the Poultry Products Inspection Act (7 CFR Part 81). They shall be designated in the ingredient statement on the label of such sausage in accordance with the provisions of said regulations, Sausage products within this section if labeled "all meat" shall contain only beef, pork, veal, mutton, lamb, or goat meat, or chicken or turkey meat (without skin but otherwise as provided in this section), or any combination thereof, and condiments, curing agents and water as permitted by this section and § 318.7 of this subchapter. If labeled "all (species)," e.g., "All Beef Franks" or "All Pork Franks," these sausages shall contain only meat of the specified species, with condiments, curing agents, and water as permitted by this section and § 318.7 of this subchapter.

§ 319.181 Cheesefurters and similar products.

"Cheesefurters" and similar products are products in casings which resemble frankfurters except that they contain sufficient cheese to give definite characteristics to the finished article. They may contain cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, isolated soy protein, nonfat dry milk, calcium reduced skim milk, or dried milk. The finished product shall contain no more than 3.5 percent of these additives, individually and collectively. exclusive of the cheese constituent. In determining the maximum amount of the ingredients specified in this subparagraph which may be used, individually and collectively, in a product, 2 percent of isolated soy protein shall be considered the equivalent of 3.5 percent of any other ingredient specified in this subparagraph. When any such additive is added to these products, 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," "Nonfat Dry Milk Added," "Cereal and Nonfat Dry Milk Added," as the case may be. These products shall contain no more than 10 percent of added water and/or ice, 30 percent fat and shall comply with the other provisions for cooked sausages that are in this subchapter.

Subpart H—Other Cooked Sausage

§ 319.200 Liver sausage and similar products.

"Liver Sausage" and "Braunschweiger" are sausages made from fresh and/or frozen pork and livers of livestock and may contain cured pork, beef and veal, and pork fat. Liver sausage may also contain beef and pork byproducts and pork skins. These products shall contain not less than 30 percent of liver computed on the weight of the fresh liver.

Subpart I—Semi-Dry Fermented Sausage [Reserved]

Subpart J—Dry Fermented Sausage [Reserved]

Subpart K—Luncheon Meat, Loaves and Jellied Products

§ 319,260 Luncheon meat.

"Luncheon Meat" is a cured, cooked meat food product made from com-

minuted meat. To facilitate chopping or mixing or to dissolve the usual curing ingredients, water or ice may be used in the preparation of luncheon meat in an amount not to exceed 3 percent of the total ingredients.

§ 319.261 Meat loaf.

"Meat Loaf" is a cooked meat food product in loaf form made from comminuted meat. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed 3 percent of the total ingredients used.

Subpart L—Cooked Meat Specialties, Puddings and Nonspecific Loaves

§ 319.280 Scrapple.

"Scrapple" shall contain not less than 40 percent meat and/or meat byproducts computed on the basis of the fresh weight, exclusive of bone. The meal or flour used may be derived from grain and/or soybeans.

Subpart M—Canned, Frozen, or Dehydrated Meat Food Products

§ 319,300 Chili con carne.

"Chili con Carne" shall contain not less than 40 percent of meat computed on the weight of the fresh meat. Head meat, cheek meat, and heart meat exclusive of the heart cap may be used to the extent of 25 percent of the meat ingredients under specific declaration on the label. The mixture may contain not more than 8 percent, individually or collectively, of 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.

§ 319.301 Chili con carne with beans.

"Chili con Çarne with Beans" shall contain not less than 25 percent of meat computed on the weight of the fresh meat. Head meat, cheek meat, or heart meat exclusive of the heart cap may be used to the extent of 25 percent of the meat ingredient, and its presence shall be reflected in the statement of ingredients required by Part 317 of this subchapter.

§ 319.302 Hash.

"Hash" shall contain not less than 35 percent of meat computed on the weight of the cooked and trimmed meat. The weight of the cooked meat used in this calculation shall not exceed 70 percent of the weight of the uncooked fresh meat.

§ 319.303 Corned beef hash.

(a) "Corned Beef Hash" is the semisolid food product in the form of a compact mass which is prepared with beef, potatoes, curing agents, seasonings, and any of the optional ingredients listed in paragraph (b) of this section, in acccordance with the provisions of subparagraphs (1), (2), (3) and (4) of this paragraph and the provisions of paragraph (c) of this section.

(1) Either fresh beef, cured beef, or canned corned beef or a mixture of two or more of these ingredients, may be used, and the finished product shall con-

tain not less than 35 percent of beef computed on the weight of the cooked and trimmed beef. The weight of the cooked meat used in this calculation shall not exceed 70 percent of the weight of the uncooked fresh meat.

(2) "Potatoes" refers to fresh potatoes, dehydrated potatoes, cooked dehydrated potatoes, or a mixture of two or more of

these ingredients.

(3) The curing agents that may be used are salt, sodium nitrate, sodium nitrite, potassium nitrate, or potassium nitrite, or a combination of two or more of these ingredients. When sodium nitrate, or sodium nitrite, potassium nitrate, or potassium nitrite is used it shall be used in amounts not exceeding those specified in § 318.7(c) (4) of this subchapter.

(4) The seasonings that may be used, singly or in combination, are salt, sugar (sucrose or dextrose), spice, and flavoring, including essential oils, oleoresins,

and other spice extractives.

(b) Corned beef hash may contain one or more of the following optional ingredients:

(1) Beef cheek meat and beef head meat from which the overlying glandular and connective tissues have been removed, and beef heart meat, exclusive of the heart cap, may be used individually or collectively to the extent of 5 percent of the meat ingredients:

(2) Onions, including fresh onions, dehydrated onions, or onion powder;

- (3) Garlic, including fresh garlic, dehydrated garlic, or garlic powder;
 - (4) Water;
 - (5) Beef broth or beef stock;(6) Monosodium glutamate;
 - (7) Hydrolyzed plant protein;

(8) Beef fat.

(c) The finished product shall not contain more than 15 percent fat nor more than 72 percent moisture.

(d) (1) When any ingredient specified in paragraph (b) (1) of this section is used, the label shall bear the following applicable statement: "Beef cheek meat consitutes 5 percent of the meat ingredient," or "Beef head meat constitutes 5 percent of the meat ingredient," or "Beef heart meat consitutes 5 percent of the meat ingredient." When two or more of the ingredients are used, the words "Constitutes 5 percent of meat ingredient" need only appear once.

(2) Whenever the words "corned beef hash" are featured on the label so conspicuously as to identify the contents, the statements prescribed in subparagraph (1) of this paragraph shall immediately and conspicuously precede or follow such name without intervening written, printed, or other graphic matter.

§ 319.304 Meat stews.

Meat stews such as "Beef Stew" or "Lamb Stew" shall contain not less than 25 percent of meat of the species named on the label, computed on the weight of the fresh meat.

§ 319.305 Tamales.

"Tamales" shall be prepared with at least 25 percent meat computed on the weight of the uncooked fresh meat in relation to all ingredients of the tamales. When tamales are packed in sauce or gravy, the name of the product shall include a prominent reference to the sauce or gravy; for example, "Tamales With Sauce" or "Tamales With Gravy." Product labeled "Tamales With Sauce" or "Tamales With Gravy" shall contain not less than 20 percent meat, computed on the weight of the uncooked fresh meat in relation to the total ingredients making up the tamales and sauce or the tamales and gravy.

§ 319.306 Spaghetti with meathalls and sauce, spaghetti with meat and sauce, and similar products.

"Spaghetti with Meat Balls in Sauce" and "Spaghetti with Meat and Sauce," and similar products shall contain not less than 12 percent of meat computed on the weight of the fresh meat. The presence of the sauce or gravy constituent shall be declared prominently on the label as part of the name of the product. Meatballs may be prepared with not more than 12 percent, singly and collectively, of farinaceous material, soy flour, soy protein concentrate, isolated soy protein, nonfat dry milk, calcium reduced dried skim milk, and similar substances.

§ 319.307 Spaghetti sauce with meat.

"Spaghetti Sauce with Meat" shall contain not less than 6 percent of meat computed on the weight of the fresh meat.

§ 319.308 Tripe with milk.

"Tripe with Milk" shall be prepared so that the finished canned article, exclusive of the cooked-out juices and milk, will contain at least 65 percent tripe. The product shall be prepared with not less than 10 percent milk.

§ 319.309 Beans with frankfurters in sauce, sauerkraut with wieners and juice, and similar products.

"Beans with Frankfurters in Sauce," "Sauerkraut with Wieners and Juice, and similar products shall contain not less than 20 percent frankfurters or wieners computed on the weight of the smoked and cooked sausage prior to its inclusion with the beans or sauerkraut.

§ 319.310 Lima beans with ham in sauce, beans with ham in sauce, beans with bacon in sauce, and similar products.

"Lima Beans with Ham in Sauce." "Beans with Ham in Sauce," "Beans with Bacon in Sauce," and similar products shall contain not less than 12 percent ham or bacon computed on the weight of the smoked ham or bacon prior to its inclusion with the beans and sauce.

§ 319.311 Chow mein vegetables with meat and chop sucy vegetables with meat.

"Chow Mein Vegetables with Meat" and "Chop Suey Vegetbales with Meat" shall contain not less than 12 percent meat computed on the weight of the uncooked fresh meat prior to its inclusion with the other ingredients.

§ 319.312 Pork with barbecue sauce and beef with harbecue sauce.

"Pork with Barbecue Sauce" and "Beef with Barbecue Sauce" shall contain not less than 50 percent meat of the species sepcified on the label, computed on the weight of the cooked and trimmed meat. The weight of the cooked meat used in this calculation shall not exceed 70 percent of the uncooked weight of the meat. If uncooked meat is used in formulating the products, they shall contain at least 72 percent meat computed on the weight of the fresh uncooked meat. When cereal, vegetable flour, soy flour, soy protein concentrate, isolated soy protein, nonfat dry milk, calcium reduced dried skim milk, or similar substances are used in preparing products, there shall appear on the label in a prominent manner, the name of the product, the name of each such added ingredient, as for example "Cereal Added" or "With Cereal and Nonfat Dry Milk."

§ 319.313 Beef with gravy and gravy with beef.

"Beef with Gravy" and "Gravy with Beef" shall not be made with beef which, in the aggregate for each lot contains more than 30 percent trimmable fat, that is, fat which can be removed by thorough, practicable trimming and sorting,

Subpart N-Meat Food Entree Products, Pies, and Turnovers

§ 319.500 Meat pies.

Meat pies such as "Beef Pie," "Veal Pie," and "Pork Pie" shall contain meat of the species specified on the label, in an amount not less than 25 percent of all ingredients including crust and shall be computed on the basis of the fresh uncooked meat.

Subpart O-Meat Snacks, Hors d'Oeuvres, Pizza, and Specialty Items § 319.600 Pizza.

(a) "Pizza with Meat" is a bread base meat food product with tomato sauce, cheese, and meat topping. It shall contain cooked meat made from not less than 15 percent raw meat.

(b) "Pizza with Sausage" is a bread base meat food product with tomato sauce, cheese, and not less than 12 percent cooked sausage or 10 percent dry sausage; e.g., pepperoni.

Subpart P-Fats, Oils, Shortenings

§ 319.700 Oleomargarine or margarine.

(a) Oleomargarine or margarine is the plastic food which is prepared in accordance with the provisions of subparagraphs (1), (2), (3), and (4) of this paragraph. In this section the term 'oleomargarine" is used to refer to such product whether it is sold as "oleomargarine" or "margarine."

(1) It is prepared with one or more of the fat ingredients named in any one of the subdivisions (i), (ii), (iii), and (iv) of this subparagraph.

(i) The rendered fat or oil, or stearin derived therefrom (any or all of which may be hydrogenated), of cattle, sheep, swine, or goats, or any combination of two or more of such articles;

(ii) Any vegetable food fat or oil, or oil or stearin derived therefrom (any or all of which may be hydrogenated), or any combination of two or more of such articles:

(iii) Any combination of ingredients named under subdivision (i) and (ii) of this subparagraph in such proportion that the weight of the ingredients named under subdivision (i) of this subparagraph either equals the weight of the ingredients named under subdivision (ii) of this subparagraph or exceeds such weight by a ratio not greater than 9 to 1;

(iv) Any combination of ingredients named under subdivisions (i) and (ii) of this subparagraph in such proportion that the weight of the ingredients named under subdivision (ii) of this subparagraph exceeds the weight of the ingredients named under subdivision (i) of this subparagraph by a ratio not greater than

(2) One of the articles (or combinations) named under subdivisions (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), or (ix) of this subparagraph is intimately mixed with the fat ingredient or ingredients. The ingredients named under subdivisions (i), (ii), (iii), (iv), (v), (vi), and (vii) of this subparagraph are pasteurized and then may be subjected to the action of harmless bacterial starters. The term "milk" as used in this subparagraph means "cow's milk."

(i) Cream;

(ii) Milk;

(iii) Skim milk;

(iv) Liquid sweet cream buttermilk: (v) Any combination of dry or condensed sweet cream buttermilk and water with a total solids content of not less than 8.5 percent.

(vi) Any combination of nonfat dry milk and water in which the weight of the nonfat dry milk is not less than 10 percent of the weight of the water;

(vii) Any combination of two or more of the articles (or combination) named under subdivisions (i), (ii), (iii), (iv), (v), and (vi) of this subparagraph;

(viii) In case only of the fat ingredient named in subparagraph (1)(ii) of this paragraph, any combination of finely ground soybeans and water, in which the weight of the finely ground soybeans is not less than 10 percent of the weight of the water. The finely ground soybeans are subjected to a heat treatment before or after mixing with the water. The soybeans may or may not be dehulled:

(ix) Water in lieu of any of the articles (or combinations) designated in subdivisions (i), (ii), (iii), (iv), (v), (vi), (vii), or (viii) of this subparagraph,

Congealing is effected, either with or without contact with water, and the congealed mixture may be worked.

(3) It may contain one or more of the following optional ingredients in addition to the ingredients and articles named in subparagraphs (1) and (2) of this paragraph.

(i) Artificial coloring. For the purpose of this subdivision, pro-Vitamin A shall be deemed to be artificial coloring;

(ii) Sodium benzoate, or benzoic acld, or a combination of these, in a quantity not to exceed 0.1 percent of the weight

of the finished product; (iii) Vitamin A (with or without any accompanying Vitamin D and with or without Vitamin D concentrate), in such quantity that the finished oleomargarine contains not less than 15,000 United States Pharmacopeia units of Vitamin A per pound, as determined by the method prescribed in the Pharmacopeia of the United States for total biological Vitamin A activity. The Vitamin A potency prescribed may be furnished by fish liver oil; by concentrates of Vitamin A or its fatty acid esters from animal sources; by synthetic Vitamin A or its fatty acid esters; by mixtures of synthetic Vitamin A or its fatty acid esters with harmless substances formed during the synthesis of the Vitamin A, if the Vitamin A or its fatty acid ester constitutes not less than 50 percent of the mixture; by pro-Vitamin A: or by any combination of two or more of these. For the purposes of this subdivision, the term "fatty acid" may include acetic acid:

(iv) Any safe and suitable artificial flavoring substance that imparts to the food a flavor in semblance of butter. Such artificial flavoring substances are deemed to be safe for use in oleomargarine which contains any fat ingredient named in subparagraph (1) (i) of this paragraph if they are not food additives as defined in section 201(s) of the Federal Food, Drug, and Cosmetic Act, or if they are used in conformity with regulations established pursuant to section 409 of that Act, and in either case if they have been approved for such use by the Administrator; and they are deemed to be safe for use in other oleomargarine if they are used in conformity with regulations established pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act or their use is otherwise lawful under that Act;

(v) (a) Lecithin, in an amount not exceeding 0.5 percent of the weight of the

finished oleomargarine; or

(b) Monoglycerides or diglycerides of fat-forming fatty acids, or a combination of these, in an amount not exceeding 0.5 percent of the weight of the finished oleomargarine; or

(c) Such monoglycerides and diglycerides in combination with the sodium sulfoacetate derivatives thereof in a total amount not exceeding 0.5 percent of the weight of the finished oleomargarine; or

(d) A combination of the substances specified in (a) and (b) of this subdivision in which the amount of neither exceeds that stated in (a) and (b); or

(e) A combination of the substances specified in (a) and (c) of this subdivision in a total amount not exceeding 0.5 percent of the weight of the finished oleomargarine. The weight of the diglycerides in each of the ingredients specified in (b), (c), (d), and (e) of this subdivision is calculated at one-half actual weight:

(vi) Butter;

(vii) Salt:

(viii) Citric acid incorporated in the fat or oil ingredient used;

(ix) Isopropyl citrates incorporated in the fat or oil ingredient used, in an amount not to exceed 0.02 percent by weight of the finished oleomargarine;

(x) Stearyl citrate incorporated in the fat or oil ingredient in an amount not to exceed 0.15 percent by weight of the finished oleomargarine;

(xi) Potassium sorbate, in an amount not to exceed 0.1 percent by weight of the finished oleomargarine:

(xii) Calcium disodium EDTA (calcium disodium ethylenediaminetetraacetate) in an amount not to exceed 75 parts per million by weight of the finished oleomargarine.

(4) The finished oleomargarine contains not less than 80 percent fat, as determined by the method prescribed in the current "Official Methods of Analysis of the Association of Official Agricultural Chemists." "

(b) The name of the food for which a definition and standard of identity are prescribed by this section is "oleomarga-rine" or "margarine." The presence of ingredients, provided for in paragraph (a) of this section, in the finished product shall be declared as follows:

(1) Fat ingredients shall be declared first in the ingredient statement by the name of the specific fat or oil or stearin first in the ingredient statement by the used. Where combinations of fat ingredients are used, the names shall be arranged in descending order of predominance. If any fat ingredient is hydrogenated, the ingredient statement shall include the word "hydrogenated" or "hardened" at such place or places in the list of fats as to indicate which fats are hydrogenated; for example, "corn oil, hardened soybean oil."

(2) Immediately following the listing of fat ingredients, other ingredients used shall be named in the descending order

of predominance.

(i) The optional ingredients butter, salt, water, cream, milk, skim milk, sweet cream buttermilk, dried sweet cream buttermilk and water, condensed sweet cream buttermilk and water, nonfat dry milk and water, ground soybeans and water, lecithin, monogylcerides or diglycerides, and sodium sulfoacetate derivatives of monoglyceride or diglycerides shall each be declared by those terms;

(ii) Artificial colors shall be declared by the statement "Artificially colored" or "Artificial coloring added" or "With

added artificial coloring";

(iii) Artificial flavors shall be declared by the statement "Artificially flavored" "Artificial flavoring added" or "With added artificial flavoring";

(iv) Oleomargarine that contains the optional ingredients citric acid, isopropyl citrate, stearyl citrate, or calcium disodium EDTA shall be labeled by the statement "_____ added as a preserva-

_ added to protect flavor," Oleomargarine that contains the optional ingredient sodium benzoate or benzoic acid shall be labeled by the statement "_____ added as a preservative" or "____ as a preservative" or "With added _____ ___ as a preservative." Oleomargarine that contains the optional ingredient potassium sorbate shall be labeled by the statement "_____ added as a preservative" or " added to retard ative" or "_____ added to retard mold growth." The blank in each of the statements in this subdivision shall be filled in with the common name of the preservative ingredient used:

(v) Vitamin A shall be declared by the statement "Vitamin A added" or "With added Vitamin A." Vitamin D shall be declared by the statement "Vitamin D added" or "With added Vitamin D." Oleomargarine containing added Vitamin A or Vitamin D, or both, is subject to the regulations for foods for special dietary use promulgated under the provisions of section 403(j) of the Federal Food, Drug, and Cosmetic Act;

(vi) Where two or more optional ingredients named in paragraph (a) (3) of this section are used, the words "Added" or "With Added" need appear only once, either at the beginning or end of the list of such ingredients declared.

(3) Whenever the name "oleomargarine" or "margarine" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed in this section, showing the ingredients used, shall immediately and conspicuously precede or follow, or in part precede and in part follow, such name, without intervening written, printed, or other graphic matter.

(c) Colored oleomargarine or colored margarine which is packed for retail sale and contains any ingredient named in paragraph (a) (1) (i) of this section must also comply with the requirements of § 317.8(b) (24) of this subchapter.

§ 319.701 Mixed fat shortening.

Shortening prepared with a mixture of meat fats and vegetable oils may be identified either as "Shortening Prepared with Meat Fats and Vegetable Oils" or "Shortening Prepared with Vegetable Oils and Meat Fats" depending on the predominance of the fat and oils used, or the product may be labeled "Shortening" when accompanied by an ingredient statement with ingredients listed in descending order of predominance.

§ 319.702 Lard, leaf lard.

"Lard" is the fat rendered from fresh, clean, sound fatty tissue from hogs with or without lard stearin or hydrogenated lard. The fatty tissues shall not include bones, detached skin, head skin, ears, tails, organs, windpipes, large blood vessels, scrap fat, skimmings, settlings, pressings, and similar materials, and the fatty tissues shall be reasonably free from muscle tissue and blood. "Leaf Lard" is lard prepared from fresh leaf

^{*}Copies of this publication are available from the Association of Official Agricultural Chemists, Post Office Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

§ 319.703 Rendered animal fat or mixture thereof.

- (a) "Rendered Animal Fat," or any mixture of fats containing edible rendered animal fat, shall contain no added water, except that "Puff Pastry Shortening" may contain not more than 10 percent of water.
- (b) "Rendered Pork Fat" is fat, other than lard, rendered from clean, sound carcasses, parts of carcasses, or edible organs from hogs, except that stomachs, bones from the head, and bones from cured or cooked pork are not included. The tissues rendered are usually fresh, but may be cured, cooked, or otherwise prepared and may contain some meat food products. Rendered pork fat may be hardened by the use of lard stearin and/or hydrogenated lard and/or rendered pork fat stearin and/or hydrogenated rendered pork fat.

Subpart Q—Meat Soups, Soup Mixes, Broths, Stocks, Extracts

§ 319.720 Meat extract.

Meat extract (e.g., "Beef Extract") shall contain not more than 25 percent of moisture.

§ 319.721 Fluid extract of meat.

Fluid extract of meat (e.g., "Fluid Extract of Beef") shall contain not more than 50 percent of moisture.

Subpart R—Meat Salads and Meat Spreads

§ 319.760 Deviled ham, deviled tongue, and similar products.

(a) "Deviled Ham" is a semiplastic cured meat food product made from finely comminuted ham and containing condiments. Deviled ham may contain added ham fat: Provided, That the total fat content shall not exceed 35 percent of the finished product. The moisture content of deviled ham shall not exceed that of the fresh unprocessed meat.

(b) The moisture content of "Deviled Tongue" and similar products shall not exceed that of the fresh, unprocessed

meat.

§ 319.761 Potted meat food product and deviled meat food product.

"Potted Meat Food Product" and "Deviled Meat Food Product" shall not contain cereal, vegetable flour, nonfat dry milk, or similar substances. The amount of water added to potted meat food product and deviled meat food product shall be limited to that necessary to replace moisture lost during processing.

§ 319.762 Ham spread, tongue spread, and similar products.

"Ham Spread," "Tongue Spread," and similar products shall contain not less than 50 percent of the meat ingredient named, computed on the weight of the fresh meat. Other meat and fat may be used to give the desired spreading consistency provided it does not detract from the character of the spreads named.

Subpart S—Meat Baby Foods [Reserved]

Subpart T—Dietetic Meat Foods [Reserved]

Subpart U-Miscellaneous

§ 319.880 Breaded products.

The amount of batter and breading used as a coating for breaded product shall not exceed 30 percent of the weight of the finished breaded product.

§ 319.881 Liver meat food products.

Meat food products characterized and labeled as liver products such as liver loaf, liver cheese, liver spread, liver paste, and liver pudding, shall contain not less than 30 percent of livers of livestock computed on the fresh weight of the livers.

PART 320—RECORDS, REGISTRATION, AND REPORTS

320.1 Records required to be kept.

320.2 Place of maintenance of records.

320.3 Record retention period.

320.4 Access to and inspection of records, facilities and inventory; copying and sampling.

320.5 Registration.

320.6 Information and reports required from official establishment operators.

320.7 Reports by consignees of allegedly adulterated or misbranded products; sale or transportation as violations.

AUTHORITY: The provisions of this Part 320 issued under sec, 21, Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. Supp., sec. 601 et seq.), and Public Law 91-342; Talmadge-Aiken Act of Sept. 28, 1962 (7 U.S.C. 450); Act of July 24, 1919 (7 U.S.C. 394); subsection 21(b), Federal Water Pollution Control Act, as amended by Public Law 91-224 and by other laws.

§ 320.1 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, in 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 dis-

eased 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 article 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) Shipper's certificates and permits required to be kept by shippers and carriers of articles under Part 325 of this subchapter.

§ 320.2 Place of maintenance of records.

Every person engaged in any business described in § 320.1 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.

§ 320.3 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 Administrator 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.

§ 320.4 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 in § 320.1 shall upon the presentation of official credentials by any duly authorized representative of the Secretary, during ordinary business hours, permit such representative to enter his or its place of business and examine the records required to be kept

by § 320.1 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 such authorized representative of the Secretary.

§ 320.5 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, or 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 register with the Administrator, giving such information as is 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 Administrator, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 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 Director, Compliance and Evalua-tion Staff, Consumer Protection Programs, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(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 conduct his business, he shall report such change in writing to the Administrator 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.

- § 320.6 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 may be

required by the Administrator in specific cases.

- (b) The operator of each official establishment shall also make such other reports as the Administrator may from time to time require under the Act.
- § 320.7 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 Officer in Charge, Consumer Protection Programs, Consumer and Marketing Service, U.S. Department of Agriculture, 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 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 § 325.10 of this subchapter.

PART 321—COOPERATION WITH STATES AND TERRITORIES

Sec. 321.1 Assistance to State and Territorial programs.

321.2 Cooperation of States in Pederal programs.

AUTHORITY: The provisions of this Part 321 issued under sec. 21, Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. Supp., sec. 601 et seq.), and Public Law 91-342; Talmadge-Aiken Act of Sept. 28, 1962 (7 U.S.C. 450); Act of July 24, 1919 (7 U.S.C. 394); subsection 21(b), Federal Water Pollution Control Act, as amended by Public Law 91-224 and by other laws.

§ 321.1 Assistance to State and Territorial programs.

(a) The Administrator is authorized under paragraph (a) of section 301 of the Act, when he determines it would effectuate the purposes of the Act, to cooperate with any State (including Puerto Rico) or any organized Territory in developing and administering the meat inspection program of such jurisdiction with a view to assuring that it imposes and enforces requirements at least equal to those under Titles I and IV of the Act, with respect to establishments at which products are prepared for use as human food solely for distribution within such jurisdiction, and with respect to the products of such establishments. Such cooperation is authorized if the jurisdiction has enacted a law imposing mandatory ante-mortem and post-mortem inspection, reinspection, and sanitation requirements at least equal to the Federal requirements with respect to all or certain classes of persons engaged in

slaughtering livestock or otherwise preparing products solely for distribution within such jurisdiction.

(b) The Administrator is also authorized under paragraph (a) of section 301 of the Act to cooperate with any State (including Puerto Rico) or any organized Territory in developing and administering programs under the laws of such jurisdiction containing authorities at least equal to those in Title II of the Act (relating to records; registration of specified classes of operators; dead, dying, disabled, or diseased livestock; and products not intended for human food), when he determines that such cooperation would effectuate the purposes of the Act.

(c) Such cooperation may include advisory assistance, technical and laboratory assistance and training, and financial aid. The Federal contribution to any State (or Territory) may not exceed 50 percent of the estimated total cost of the cooperative State (or Territorial) program. A cooperative program under this section is called a State-

Federal program.

§ 321.2 Cooperation of States in Federal programs.

Under the "Talmadge-Aiken Act" of September 28, 1962 (7 U.S.C. 450), the Administrator is authorized to utilize employees and facilities of any State in carrying out Federal functions under the Federal Meat Inspection Act. A cooperative program for this purpose is called a Federal-State program.

PART 322-EXPORTS 1

322.1 Manner of affixing stamps and marking products for export.

322.2 Export stamps and certificates; instructions concerning issuance.

322.3 Transferring products for export.
322.4 Clearance of yessels and transportation without certificate prohibited;

exceptions.
322.5 Uninspected tallow, stearin, oleo oil, etc., not to be exported unless certified as prescribed.

AUTHORITY: The provisions of this Part 322 issued under sec. 21, Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. Supp., sec. 601 et seq.), and Public Law 91-342; Talmadge-Aiken Act of Sept. 28, 1962 (7 U.S.C. 450); Act of July 24, 1919 (7 U.S.C. 394); subsection 21(b), Pederal Water Pollution Control Act, as amended by Public Law 91-224 and by other laws.

§ 322.1 Manner of affixing stamps and marking products for export.

(a) A numbered official export meat inspection stamp in the form prescribed in § 312.8 of this subchapter shall be affixed to each outside container (except cloth wrappings) of any inspected and passed product for export, except ship stores and small quantities exclusively

¹ Attention is directed to the requirements of Part 325 of this subchapter, governing transportation, and to the requirements of \$318.8 of this subchapter that products prepared under that section for export be destroyed for food purposes before being sold or offered for sale for domestic use.

for the personal use of the consignee and not for sale or distribution. So far as possible stamps shall be issued serially.

(b) Such stamps shall be securely affixed, and if the container is of wood the stamps shall be placed either (1) in a grooved space made by removing a portion of the wood of sufficient size to admit the stamp; (2) on either end of the package, provided that the sides thereof are made to project at least one-eighth of an inch to afford the necessary protection from abrasion; or (3) in some other manner equally acceptable to the officer in charge in specific places.

(c) The cloth wrapping used as an outside container of any inspected and passed product for export shall bear the official inspection legend and the establishment number applied by the 21/2 inch rubber band as prescribed in § 312.2 of this subchapter or a numbered official export meat inspection stamp as prescribed in § 312.8 of this subchapter as may be required by the foreign country to which the product is being exported.

(d) A numbered official export meat inspection stamp as prescribed in § 312.8 of this subchapter shall be affixed to each tank car of inspected and passed lard or similar edible product, and to each door of each railroad car or other closed means of conveyance containing inspected and passed loose product shipped di-

rectly to a foreign country.

§ 322.2 Export stamps and certificates; instructions concerning issuance.

(a) Upon application of the exporter, the officer in charge is authorized to issue official export certificates for shipments of inspected and passed product to any foreign country. Certificates should be issued at the time the products leave the official establishment; if not issued at that time they may be issued later only after identification and rein-

spection of the products.

(b) Official export certificates shall be issued with serial numbers and in triplicate form. Quadruplicate certificates may be issued for any exportation on request of the exporter. Each certificate shall show the names of the exporter and the consignee, the destination, the numbers of the stamps, if any, attached to the products to be exported, the number and types of packages, the shipping marks, the kinds of products, and the weight of the products in accordance with § 317.2 of this subchapter.

(c) Only one certificate shall be issued for each consignment, except that for sufficient reasons new certificates in lieu of the original certificates may be issued by officers in charge. A certificate issued in lieu of another shall show in the left hand margin the notation "Issued in lieu of " " ", and the number of the certificate which is superseded. The certificate that is superseded when another is issued in lieu thereof, shall if available, be surrendered to the officer in charge and marked by him to show in the left hand margin the number of the certificate which supersedes it, as follows: "Superseded by No. -

(d) The original of the certificate shall be delivered to the shipper and may be

purposes of effecting the entry of product into the foreign country of destination.

(e) The duplicate of the certificate shall be delivered to the shipper and shall be delivered by him to the agent of the rallroad or other carrier which transports the consignment from the United States otherwise than by water, or to the chief officer of the vessel on which the export shipment is made, and shall be used only by such carrier and only for the purpose of effecting the transportation of the consignment certified. The chief officer of the vessel shall file such duplicate with the Customs officer at the time of filing the master's manifest or the supplemental manifest.

(f) The triplicate of the certificate shall be retained in the circuit file.

(g) Under no circumstances shall the original or the triplicate of such certificate be used for the purpose prescribed by paragraph (e) of this section for the duplicate.

(h) Upon request, official export certificates and export meat inspection stamps may be issued by officers in charge for export consignments of product of official establishments not under their supervision, provided the consignments are first identified as having been "U.S. inspected and passed" and are found to be neither adulterated nor misbranded.

§ 322.3 Transferring products for export.

When inspected and passed products for export are transferred from tank cars to other containers on vessels, such transfer shall be done in accordance with the provisions of Part 350 of Subchapter B of this chapter.

§ 322.4 Clearance of vessels and transportation without certificate prohibited: exceptions.

No clearance shall be given to any vessel having on board any product destined to any foreign country, and no person operating any vessel, and no railroad or other carrier, shall receive for transportation or transport from the United States to any foreign country, any product, unless and until an official export certificate covering the same has been issued and delivered as provided in this Part, except in the case of inspected and passed ship stores or small quantities of inspected and passed product exclusively for the personal use of the consignee and not for sale or distribution, and except for exempted product eligible for exportation under the Act.

§ 322.5 Uninspected tallow, stearin, oleo oil, etc., not to be exported unless certified as prescribed.

No tallow, stearin, oleo oil, or the rendered fat derived from the carcasses of livestock, that has not been inspected and passed, and so marked in compliance with the regulations in this subchapter shall be exported, unless the product has been denatured as required by § 314.5 or § 325.13 of this subchapter or identified and marked as prescribed by § 325.11 of this subchapter, and unless the exporter

furnished by him to the consignee for files with the Director of Customs at the port from which the export shipment is made a certificate so stating.

PART 325—TRANSPORTATION

325.1 Transportation in commerce prohibited without official inspection legend or certificate; exceptions. 325.2 Parcel post and ferries deemed

carriers.

Product transported within the United States as part of export 325.3 movement.

U.S. inspected, passed, and marked product; certificate. 325.4

325.5 Unmarked inspected product trans-ported under official seal between official establishments for further

processing; certificate. Shipment of paunches between offi-cial establishments under official 325.6

seal; certificate.

Shipment of products requiring special supervision between official establishments under official seal: certificate.

325.8 [Reserved] [Reserved]

Returned products: certificate; permit; and other requirements.

325.11 Inedible articles: denaturing and other means of identification; cer-

tificate; exceptions.
325.12 Imported products for importer's consumption; certificate.

225 12 Denaturing procedures.

325.14 Certificates, retention by carrier.

Evidence of proper certification re-325.15 quired on waybills; transfer bills, etc., for shipment by connecting carrier; forms of statement.

325.16 Official seals; form, use, and breaking. 325.17 Loading or unloading products in sealed railroad cars, trucks, etc., en route prohibited; exception.

325.18 Diverting of shipments, breaking of seals, and reloading by carrier in emergency; reporting to Adminis-

325.19 Provisions inapplicable to specimens for laboratory examination, etc., or to naturally inedible articles.

325.20 Transportation and other transactions concerning dead, dying, disabled, or diseased livestock, and parts of carcasses of livestock that died otherwise than by slaughter.

325.21 Means of conveyance in which dead, dying, disabled, or diseased live-stock and parts of carcasses thereof shall be transported.

AUTHORITY: The provisions of this Part 325 issued under sec. 21, Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. Supp., sec. 601 et seq.), and Public Law 91-342; Talmadge-Aiken Act of Sept. 28, 1962 (7 U.S.C. 450); Act of July 24, 1919 (7 U.S.C. 394); subsection 21(b). Federal Water Pollution Control Act, as amended by Public Law 91-224 and by other

Transactions in commerce prohibited without official inspection legend or certificate; exceptions.

(a) No person shall sell, transport, offer for sale or transportation, or receive for transportation, in commerce, any 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 Parts 316 and 317 of this subchapter or such product is exempted from the requirement of inspection under Part 303 of this subchapter.

(b) No carrier shall transport or receive for transportation in commerce (including transportation in the course of importation) and no person shall offer for such transportation any carcass, part thereof, meat or meat food product unless and until a certificate is made and furnished to such carrier in one of the forms prescribed in this part: Provided, That any product offered for importation into the United States may be transported and offered and received for transportation without such certificate, if such product is conveyed prior to inspection, to an authorized place of inspection, in railroad cars or other means of conveyance, or packages, sealed with special official import meat seals of the Department or with customs or consular seals or otherwise identified as provided in Part 327 of this subchapter: And provided further, That no such certificate is required for any product exempted from inspection under subsection 23(a) of the Act or any article handled in accordance with § 325.11(e) (2), (3), or (4).

§ 325.2 Parcel post and ferries deemed carriers.

- (a) For the purposes of this subchapter, the United States parcel post shall be deemed a carrier, and the provisions of this subchapter relating to transportation by carrier shall apply, so far as they may be applicable, to transportation by parcel post.
- (b) For the purposes of this subchapter, the operator of every ferry shall be deemed a carrier, and the provisions of this subchapter relating to transportation by carrier shall apply to transportation by ferry of any product loaded on a truck or other vehicle, or otherwise moved by such ferry.

§ 325.3 Product transported within the United States as part of export movement.

When any shipment of any product is offered to any carrier for transportation within the United States as a part of an export movement, the same certificate shall be required as if the shipment were destined to a point within the United States.

§ 325.4 U.S. inspected, passed, and marked product; certificate.

(a) When any product (including any imported product) which has been inspected and passed and bears the official inspection legend on the outside container (or on the product if not in a container) is offered to any initial carrier for transportation in commerce, the carrier shall require, and the shipper shall make and deliver to the carrier, a certificate in the following form:

	Date	 	. 19
Name of carrier		 	
Shipper	A 54.000	 	
Point of shipment.		 	100000
Consignee			
Destination		 	

I hereby certify that the following described product, which is offered for ship-

ment in commerce has been U.S. inspected and passed by the U.S. Department of Agriculture, is so marked, and at this date is not adulterated or misbranded.

Kind of product	Amount and weight

(\$	Signature of shipper)

(Address of shipper)

(b) The signature of the shipper or his agent shall be written in full. This certificate may be stamped upon or incorporated in any form ordinarily used in the transportation of product. Certificates in this form or copies thereof need not be forwarded to any official or office of the Department. A copy of the certificate required by this section shall be retained by the carrier in accordance with Part 320 of this subchapter. If the shipper is also the carrier, he shall nevertheless execute and retain the certificate in accordance with Part 320 of this subchapter.

§ 325.5 Unmarked inspected product transported under official seal between official establishments for further preparation; certificate.

- (a) Any product which has been inspected and passed may be transported from one official establishment to another for further processing without each article being marked with the official inspection legend, if it is so transported in a railroad car, motortruck, or other means of conveyance which is sealed by a Program employee with an official seal of the Department prescribed in § 312.5(a) of this subchapter. Unless 25 percent or more of the contents of each car or other means of conveyance consists of product not marked with the inspection legend. transportation will not be permitted under this paragraph.
- (b) When articles are offered for transportation under paragraph (a) of this section, the initial carrier shall require, and the shipper shall make in duplicate and deliver to the carrier, one copy of a certificate in the following form:

Date, 19
Name of carrier
Establishment number of consignor
Point of shipment
Establishment number of consignee
Destination
Car number and initials
License number of other means of conveyance

I hereby certify that the following described product has been U.S. inspected and passed by the U.S. Department of Agriculture; and that it is not marked "U.S. inspected and passed," but has been placed in the means of conveyance specified above under the supervision of an employee of the Consumer Protection Programs of said Department, and the means of conveyance has

ment seals Nos.	and
	Amount and
Kind of product	weight

(Signature of shipper)

(Address of shipper)

(c) The signature of the shipper or his agent shall be written in full. This certificate may be stamped upon or incorporated in any form ordinarily used in the transportation of product. Certificates in this form or copies thereof need not be forwarded to any official or office of the Department. The original of the certificate required by this section shall be retained by the carrier and a copy shall be retained by the shipper in accordance with Part 320 of this subchapter. If the shipper is also the carrier, he shall nevertheless execute and retain the certificate in accordance with Part 320 of this subchapter.

§ 325.6 Shipment of paunches between official establishments under official seal; certificate.

Cattle and sheep paunches which have been made clean and from which the mucous membrane has not been removed may be transported from one official establishment to another official establishment for further processing, only under an official seal of the Department as prescribed in § 312.5(a) of this subchapter. When paunches are offered for transportation under this paragraph, the initial carrier shall require, and the shipper shall make in duplicate and deliver to the carrier, one copy of a certificate in duplicate in the form set out in § 325.5(b). appropriately modified. Certificates in this form or copies thereof need not be forwarded to any official or office of the Department, but the original of the certificate shall be retained by the carrier and a copy shall be retained by the shipper in accordance with Part 320 of this subchapter. If the shipper is also the carrier, he shall nevertheless execute and retain the certificate in accordance with Part 320 of this subchapter.

- § 325.7 Shipment of products requiring special supervision between official establishments under official seal; certificate.
- (a) Products passed for cooking, pork that has been refrigerated to destroy trichinae, and beef that is to be refrigerated to destroy cysticerci, may be shipped loose from one official establishment to any other official establishment, for further handling in accordance with Part 318 of this subchapter, in railroad cars, trucks, or other means of conveyance sealed with the official seal of the Department as prescribed in § 325.16: Provided, That in the case of railroad cars, the receiving establishment has railroad facilities for unloading the products directly into the establishment.
- (b) When such restricted product is shipped from one official establishment to another official establishment in the

¹For convenience in filing, it is requested that these certificates be made on paper 5½ x 8 inches in size.

same railroad car or other means of conveyance with other product, such restricted product shall be packed in individual closed containers and the containers shall be sealed in accordance with § 318.10(c) of this subchapter, and marked "U.S. passed for cooking" or "pork product _______"F. _______ days refrigeration" or "beef passed for refrigeration," as the case may be. In addition, a "U.S. retained" tag shall be securely affixed to each container of product passed for cooking and of beef passed for refrigeration. The means of conveyance shall not be sealed unless at least 25 percent of the other product in the vehicle is unmarked.

(c) When products are offered for transportation under this section, the initial carrier shall require and the shipper shall make in duplicate and deliver to the carrier one copy of a certificate in the form set out in § 325.5(b). Certificates in this form or copies thereof need not be forwarded to any official or office of the Department, but the original of the certificate shall be retained by the carrier and a copy shall be retained by the shipper in accordance with Part 320 of this subchapter. If the shipper is also the carrier, he shall nevertheless execute and retain the certificate in accordance with Part 320 of this subchapter.

§ 325.8 [Reserved]

§ 325.9 [Reserved]

§ 325.10 Returned products: certificate; permit; and other requirements.

(a) When it is claimed that any product which has theretofore been inspected and passed and marked with the inspection legend, has become adulterated or misbranded after it has been transported away from an official establishment, then, in order to ascertain whether it is adulterated or misbranded, it may be transported in commerce to the official establishment from which it had been transported, or to any other official establishment designated by the person desiring to so handle the product if a written permit in duplicate for such shipment is first obtained from the officer in charge of the circuit in which the establishment is located. In case of every such shipment, both the original and the duplicate of the permit shall be surrendered to the initial carrier and the carrier shall require and the shipper shall make, in triplicate, and deliver to the carrier two copies of a certificate in the following

AULELL	
Date	19
Name of Carrier	
Consignor	
Point of shipment	
Consignee	
Destination	
Number of permit	

I hereby certify that the following described product has been U.S. inspected and passed by the U.S. Department of Agriculture and is so marked, It is alleged that the said product is adulterated or misbranded.

Kind of product	Amount and weight
	Signature of shipper)
-	(Address of shipper)

(b) The signature of the shipper or of his agent shall be written in full. This certificate shall be separate and apart from any waybill, bill of lading, or other form ordinarily used in the transportation of meat. A copy of the certificate shall be retained by the shipper in ac-cordance with Part 320 of this subchapter. The original of the certificate and the duplicate copy of the inspector's permit shall be retained by the carrier; the copy of the certificate and the original inspector's permit shall be forwarded immediately by the carrier to the Director, Processed Food Inspection Division, Consumer and Marketing Service, USDA, Washington, D.C. 20250. If the product is transported by the shipper himself, a certificate shall nevertheless be executed and forwarded by him to said Director and a copy thereof shall be retained by the shipper in accordance with Part 320 of this subchapter.

(c) Upon the arrival of the shipment at the official establishment, a careful inspection shall be made of the product by a Program inspector, and if it is found that the article is not adulterated, the same may be received into the establishment; but if the article is found to be adulterated, it shall at once be stamped U.S. inspected and condemned" and disposed of in accordance with Part 314 of this subchapter, and if it is found to be misbranded, it shall be handled in accordance with § 318,2(d) of this subchapter: Provided, That when a product is found to be affected with one of the correctable conditions specified in § 318.2(d) of this subchapter, in respect to which rehandling is permitted, it may be transported from the official establishment to another official establishment for such rehandling as is necessary to assure that the product is not adulterated or misbranded when finally released. The transportation of such a product from an official establishment shall be done in a manner prescribed in each specific case by the Administrator.

§ 325.11 Inedible articles: denaturing and other means of identification; certificate; exceptions.

(a) Except as provided in § 325.10, no carcass, part of a carcass, rendered grease, tallow, or other fat derived from the carcasses of livestock, or other meat food product, that has not been inspected and passed at an official establishment under the provisions of this subchapter and is not exempted from such inspection, and no carcess, part of a carcass, fat or other meat food product that is adulterated or misbranded, shall be offered for transportation in commerce by any person unless it is handled in accordance

with paragraph (c), (d), or (e), of this section or is denatured or otherwise identified as prescribed in § 325.13, § 314.1, § 314.3, § 314.9, § 314.10, or § 314.11 of this subchapter.

(b) (1) When any such article is offered for transportation in commerce, except, under paragraph (e) (2), (3), or (4) of this section, the initial carrier shall require and the shipper shall make, in triplicate, and deliver to the carrier two copies of a certificate in the following form: *

	100	LC.	 -	ಶಶ	2	200	*	-	r A	и,	-	
Name of carrier												10
Consignor								-				
Point of shipment.					¥		-	-		*		
Consignee			 	44	-			-		*		-
Destination			 		-					-		

I hereby certify that the following described inedible grease, tallow, fat, or other inedible article, which is offered for transportation in commerce, has been denatured or otherwise identified as required by § 325.11 of the Federal Meat Inspection Regulations.

weight	and	Amount	ct	produ	d of	Kin	
pper)	of shi	Signature					
ition of		siness or o	(Bu				
ner)	ahim	Address of					

(2) The signature of the shipper or of his agent shall be written in full. This certificate shall be separate and apart from any waybill, bill of lading, or other form ordinarily used in the transportation of meat. A copy of his certificate shall be forwarded immediately by the carreir to the Data Processing Center, Consumer and Marketing Service, U.S. Department of Agriculture, Room 211, 4101 South Halsted Street, Chicago, Ill. 60609, and the carrier shall retain the original of the certificate and the shipper shall retain a copy in accordance with Part 320 of this subchapter. If the product is transported by the shipper himself, a certificate shall nevertheless be executed and forwarded to said Data Processing Center by the shipper, and a copy thereof shall be retained by the shipper in accordance with Part 320 of this subchapter.

(c) Inedible rendered animal fats from official or other establishments in the United States having the physical characteristics of a meat food product fit for human food may be transported in commerce without denaturing, if the following conditions are met:

(1) Such inedible rendered fat shall not be bought, sold, transported, or offered for sale or offered for transportation in commerce, or imported, except

^{*}See also paragraph (c) (4) of this section for additional information required to appear on a certificate for articles subject to that subparagraph.

by rendering companies, dealers, brokers, or others who obtain a numbered permit for such activities from the Director, Processed Food Inspection Division.

(2) Such inedible rendered animal fat may be so distributed only if consigned to a domestic manufacturer of technical articles other than for human food or to an export terminal for exportation or storage for exportation as an inedible article, and provided, in the case of such fat consigned to a domestic manufacturer, the product is for use solely by the consignee for manufacturing purposes of nonhuman food articles and may not be further sold or shipped without first receiving approval of the Director, Processed Food Inspection Division: And provided further, That such fat intended for export and stored at a terminal point prior to export will be subject to review by Program employees to assure that it is exported as inedible.

(3) When transported in commerce, or imported, such inedible rendered fat shall be marked conspicuously with the words "technical animal fat not intended for human food" on the ends of the shipping containers, in letters not less than 2 inches high; in the case of shipping containers such as drums, tierces, barrels, and half barrels, and not less than 4 inches high in the case of tank cars and trucks. All shipping containers shall have both ends painted with a durable paint, if necessary, to provide a contrasting background for the required marking.

(4) Such inedible rendered fat shall be transported only in sealed shipping containers bearing unofficial seals applied by the shipper, which shall include the identification number assigned by said Director for the permit holder; and the rendered fat shall be accompanied by a shipper's certificate as prescribed in paragraph (b) of this section which shall also specify the identification number. The number shall appear on the bill of lading or other transportation documents for the shipment. The consignees in the United States must retain the seals in their records as prescribed in Part 320 of this subchapter.

(5) Any diversion or effort to divert inedible rendered fat contrary to the provisions of this paragraph (c) or other violation of the provisions of this section may result in the revocation of the permit for shipment of technical animal fat at the discretion of the Administrator,

(d) Inedible rendered animal fat derived from condemned or other inedible materials at official or other establishments in the United States may be transported in commerce if mixed with low grade offal or other materials which render the fat readily distinguishable from an article of human food, and if the outside container bears the word "inedible."

(e) (1) Except as provided in subparagraphs (2), (3), and (4) of this paragraph (e), or in §§ 314.10 and 314.11 of this subchapter, no animal food prepared, in whole or in part, from materials derived from the carcasses of livestock in an official establishment or elsewhere, shall be transported in commerce, unless

(i) It is properly identified as animal

(ii) It is not represented as being a human food;

(iii) It has been denatured as prescribed in § 325,13(a)(2) so as to be readily distinguishable from an article of human food; and

(iv) A certificate is issued as required by paragraph (b) of this section.

(2) Notwithstanding the provisions of subparagraph (1) of this paragraph (e), an animal food that consists less than 5 percent of parts or products of the carcasses of livestock and that is not represented by labeling or appearance or otherwise as being a human food or as a product of the meat food industry need not be denatured in accordance with § 325.13(a) (2) or certified as required in paragraph (b) of this section.

(3) Notwithstanding the provisions of subparagraph (1) of this paragraph (e), animal food packed in hermetically sealed, retort processed, conventional retail-size containers, and retail-size packages of semimoist animal food need not be denatured in accordance with § 325.13(a)(2) or certified as required in paragraph (b) of this section if the name of the article, as for example, "Dog and Cat Food" or "Animal Food," appears on the label in a conspicuous manner. To be considered conspicuous, the letters in the name of the articles must be at least three times as high, wide, and thick as the letters in the words denoting the use, as ingredients in the article, of the materials derived from the carcasses of livestock. The letters in the name of such article shall contrast as markedly with their background as the letters in the words denoting the use of such ingredient materials contrast with their background.

(4) The requirements of this part do not apply to any animal food which does not consist of any parts or products of the carcasses of livestock, or to livestock or poultry feed which does not consist of any such articles other than processed livestock by products (such as meat meal tankage, meat and bone meal, blood meal and feed grade animal fat).

§ 325.12 Imported products for importer's consumption; certificate.

(a) No carrier in the United States shall transport or receive for transportation in the course of importation or otherwise in commerce any product exempted from inspection and admitted into the United States in compliance with § 327.16 of this subchapter, unless the shipper shall make in triplicate and deliver to the initial carrier within the United States two copies of a certificate in the following form:

			The state of the s		84
		Date		19	
Name of	carrier .				70
Shipper					-

DROBUSTS FOR TWOODSTR'S OWN CONSTRUCTION

I hereby certify that the following described products offered for transportation were purchased by the undersigned outside the United States exclusively for his own con-

Point of shipment _____

sumption and are not for sale or distribution, and do not exceed 50 pounds in weight and were imported under exemption from import inspection under the Federal Meat Inspection Act.

Kind of Product	Amount of Weight

***************************************	TANGET OF THE PARTY OF THE PART
77	(Signature of shipper)
	(Address of shipper)

(b) The signature of the shipper or of his agent shall be written in full. This certificate shall be separate and apart from any waybill, bill of lading, or other form ordinarily used in the shipment of meat. A copy of the certificate shall be forwarded immediately by the initial carrier to the Compliance and Evaluation Staff, Consumer and Marketing Service, USDA, Washington, D.C. 20250, and the initial carrier shall retain the original of the certificate and the shipper shall retain a copy in accordance with Part 320 of this subchapter. If the product is transported by the shipper himself, a certificate shall nevertheless be executed and forwarded to said Staff by the shipper, and a copy thereof shall be retained by the shipper in accordance with Part 320 of this subchapter.

§ 325.13 Denaturing procedures.

(a) Carcasses, parts thereof, meat and meat food products (other than rendered animal fats) that have been treated in accordance with the provisions of this paragraph shall be considered denatured for the purposes of the regulations in this part, except as otherwise provided in Part 314 of this subchapter for articles condemned at official establishments.

(1) The following agents are prescribed for denaturing carcasses, parts thereof, meat or meat food products which are affected with any condition that would result in their condemnation and disposal under Part 314 of this subchapter if they were at an official establishment: Crude carbolic acid; cresylic disinfectant; a formula consisting of 1 part FD&C green No. 3 coloring, 40 parts water, 40 parts liquid detergent, and 40 parts oil of citronella, or other proprietary substance approved by the Administrator in specific cases.⁵

(2) Except as provided in subparagraphs (3), (4), and (5) of this paragraph, the following agents are prescribed for denaturing other carcasses, parts thereof, meat and meat food products, for which denaturing is required by this part: FD&C green No. 3 coloring; FD&C blue No. 1 coloring; FD&C blue No. 2 coloring; FD&C violet No. 1 coloring; finely powdered charcoal; or other proprietary substance approved by the Administrator in specific cases.*

³Information as to approval of any proprietary denaturing substance may be obtained from the Director, Processed Food Inspection Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(3) Tripe may be denatured by dipping it in a 6 percent solution of tannic acid for 1 minute followed by immersion in a water bath, then immersing it for 1 minute in a solution of 0.022 percent FD&C yellow No. 5 coloring;

(4) Meat may be denatured by dipping it in a solution of 0.0625 percent tannic acid, followed by immersion in a water bath, then dipping it in a solution of

0.0625 percent ferric acid; and

(5) When meat, meat byproducts, or meat food products are in ground form. 4 percent by weight of coarsely ground hard bone, which shall be in pieces no smaller than the opening size specified for No. 5 mesh in the standards issued by the U.S. Bureau of Standards or 6 percent by weight of coarsely ground hard bone, which shall be in pieces no smaller than the opening size specified for No. 8 mesh in said Standards, uniformly incorporated with the product may be used in lieu of the agents prescribed in subparagraph (2) of this paragraph.

(6) Before the denaturing agents are applied to articles in pieces more than 4 inches in diameter, the pieces shall be freely slashed or sectioned. (If the articles are in pieces not more than 4 inches in diameter, slashing or sectioning will not be necessary.) The application of any of the denaturing agents listed in subparagraph (1) or (2) of this paragraph to the outer surface of molds or blocks of boneless meat, meat byproducts, or meat food products shall not be adequate. The denaturing agent must be mixed intimately with all of the material to be denatured, and must be applied in such quantity and manner that it cannot easily and readily be removed by washing or soaking. A sufficient amount of the appropriate agent shall be used to give the material a distinctive color, odor, or taste so that such material cannot be confused with an article of human food.

(b) Inedible rendered animal fats shall be denatured by thoroughly mixing therein denaturing oil, No. 2 fuel oil, brucine dissolved in a mixture of alcohol and pine oil or oil of rosemary, finely powdered charcoal, or any proprietary denaturing agent approved for the purpose by the Administrator in specific cases. The charcoal shall be used in no less quantity than 100 parts per million and shall be of such character that it will remain suspended indefinitely in the liquid fat. Sufficient of the chosen identifying agents shall be used to give the rendered fat so distinctive a color, odor, or taste that it cannot be confused with an article of human food.

§ 325.14 Certificates, retention by earrier.

All original certificates delivered to a carrier in accordance with this part shall be filed separate and apart from all its other papers and records or identified in such a manner as to be readily checked by Department employees. Every certificate 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 has occurred.

§ 325.15 Evidence of proper certification required on waybills; transfer bills, etc., for shipment by connecting carrier; forms of statement.

(a) All waybills, transfer bills, running slips, conductor's cards, or other papers accompanying a shipment, in the course of importation or otherwise in commerce, of any product shall have embodled therein, stamped thereon, or attached thereto a signed statement which shall be evidence to connecting carriers that the proper shipper's certificate, as required by § 325.4, § 325.5, § 325.6, § 325.7, § 325.10, § 325.11, or § 325.12, is on file with the initial carrier: and no connecting carrier shall receive for transportation or transport in the course of importation or otherwise in commerce any product unless the waybill, transfer bill, running slip, conductor's card, or other paper accompanying the same includes the aforesaid signed statement in the appropriate one of the following forms:

(1) When shipment is made under \$ 325.4, \$ 325.5, \$ 325.6, or \$ 325.7;

(Name of transportation company)

U.S. inspected and passed, as evidenced by shipper's certificate on file with initial carrier.

(Signed) _____ Agent.

(2) When shipment is made under § 325.12:

(Name of transportation company)

Exempted from inspection as evidenced by shipper's certificate on file with initial carrier.

(Signed) _____ Agent.

(3) When shipment is made under § 325.10:

(Name of transportation company)

U.S. inspected and passed product alleged to be adulterated or misbranded as evidenced by permit and shipper's certificate on file with initial carrier.

(Signed) _____ Agent.

(4) When shipment is made under \$ 325.11:

(Name of transportation company)

Adulterated, misbranded, or nonfederally inspected product which has been denatured or otherwise identified as required by the Federal Meat Inspection Regulations, as evidenced by shipper's certificate on file with initial carrier.

(Signed) _____ Agent,

- (b) Signatures of agents to statements required under this section shall be written in full.
- § 325.16 Official seals; forms, use, and breaking.
- (a) The official seals required by this this part shall be those prescribed in § 312.5(a) of this subchapter.
- (b) Except as provided in § 325.18(b), official seal affixed under this part shall be affixed or broken only by Program employees, and no person other than a

Program employee shall affix, detach, break, change, or tamper with any such seal in any way whatever. Commission of any such acts contrary to this regulation is a criminal offense.

§ 325.17 Loading or unloading products in sealed railroad cars, trucks, etc., en route prohibited; exception.

Unloading any product from an officially sealed railroad car, truck, or other means of conveyance containing any unmarked product or loading any product or any other commodity in the means of conveyance while en route from one official establishment to another official establishment is not permitted, except that product transported under § 325.5 from one official establishment to another for further processing may be unloaded and stored in transit at any approved warehouse which is operated under the identification service provided under the regulations in Part 350 of Subchapter B of this chapter and which has railroad facilities or a receiving dock for unloading the product directly into such warehouse: Provided, That the product is stored in rooms which are of such size and type as will not result in adulteration or misbranding of the product: And provided further, That the product is transported to and from such warehouse, and under official seal as provided in § 325.5 and stored in such rooms at such warehouse.

- § 325.18 Diverting of shipments, breaking of seals, and reloading by carrier in emergency; reporting to Administrator.
- (a) Shipments of inspected and passed product that bear the inspection legend may be diverted from the original destination without a reinspection of the articles, provided the waybills, transfer bills, running slips, conductor's card, or other papers accompanying the shipments are marked, stamped, or have attached thereto signed statements in accordance with § 325.15.
- (b) In case of wreck or similar extraordinary emergency, the Department seals on a railroad car or other means of conveyance containing any inspected and passed product may be broken by the carrier, and if necessary, the articles may be reloaded into another means of conveyance, or the shipment may be diverted from the original destination, without another shipper's certificate; but in all such cases the carrier shall immediately report the facts by telephone or telegraph to the Director, Processed Food Inspection Division, Consumer and Marketing Service, U.S. Department Agriculture, Washington, D.C. 20250. Such report shall include the following information:
 - (1) Nature of the emergency.
 - (2) Place where seals were broken.
- (3) Original points of shipment and destination.
- (4) Number and initial of the original car or truck.
- (5) Number and initials of the car or truck into which the articles are reloaded.

- (6) New destination of the shipment, (7) Kind and amount of articles.
- § 325.19 Provisions inapplicable to specimens for laboratory examination, etc., or to naturally inedible articles.

The provisions of this Part do not apply:

- (a) To specimens of product sent to or by the Department of Agriculture or divisions thereof in Washington, D.C., or elsewhere, for laboratory examination, exhibition purposes, or other official use;
- (b) To material released for educational, research, and other nonfood purposes, as prescribed in § 314.9 of this subchapter;
- (c) To glands and organs for use in preparing pharmaceutical, organotherapeutic, or technical products and not used for human food, as described in § 318.1(g) of this subchapter:
- (d) To material or specimens of product for laboratory examination, research, or other nonhuman food purposes, when authorized by the Administrator, and under conditions prescribed by him in specific cases; and
- (e) To articles that are naturally inedible by humans, such as hoofs, horns, and hides in their natural state.
- § 325.20 Transportation and other transactions concerning dead, dying, disabled, or diseased livestock, and parts of carcasses of livestock that died otherwise than by slaughter.

No person engaged in the business of buying, selling, or transporting in commerce, or importing any dead, dying, disabled, or diseased animals or parts of the carcasses of any animals that died otherwise than by slaughter shall:

(a) Buy, sell, transport, or offer for sale or transportation, in commerce, or import any dead livestock if its hide or skin has been removed;

(b) Sell, transport, offer for sale or transportation, or receive for transportation, in commerce, any dead, dying, disabled, or diseased livestock, or parts of the carcasses of any livestock that died otherwise than by slaughter, unless such livestock and parts are consigned and delivered, without avoidable delay, to establishments of animal food manufacturers, renderers, or collection stations that are registered as required by Part 320 of this subchapter, or to official establishments that operate under Federal inspection, or to establishments that operate under a State or Territorial inspection system approved by the Secretary as one that imposes requirements at least equal to the Federal requirements for purposes of paragraph 301(c) of the Act: '

(c) Buy in commerce or import any dead, dying, disabled, or diseased livestock or parts of the carcasses of any livestock that died otherwise than by slaughter, unless he is an animal food manufacturer or renderer and is registered as required by Part 320 of this subchapter, or is the operator of an establishment inspected as required by paragraph (b) of this section and such livestock or parts of carcasses are to be delivered to establishments eligible to receive them under paragraph (b) of this

(d) Unload en route to any establishment eligible to receive them under paragraph (b) of this section, any dead, dying, disabled, or diseased livestock or parts of the carcasses of any livestock that died otherwise than by slaughter. which are transported in commerce or imported by any such person: Provided, That any such dead, dying, disabled, or diseased livestock, or parts of carcasses may be unloaded from a means of convevance en route where necessary in case of a wreck or otherwise extraordinary emergency, and may be reloaded into another means of conveyance; but in all such cases, the carrier shall immediately report the facts by telegraph or telephone to the Director, Compliance and Evaluation Staff, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250;

(e) Load into any means of convey-ance containing any dead, dying, disabled, or diseased livestock, or parts of the carcasses of any livestock that died otherwise than by slaughter, while in the course of importation or other transportion in commerce any livestock or parts of carcasses not within the foregoing description or any other products or other

commodities.

5.21 Means of conveyance in which dead, dying, disabled, or diseased livestock and products thereof shall § 325,21 be transported.

All vehicles and other means of conveyance used by persons subject to § 325.20 for transporting in commerce or importing, any dead, dying, disabled, and diseased livestock or parts of carcasses of livestock that died otherwise than by slaughter shall be leak-proof and so constructed and equipped as to permit thorough cleaning and sanitizing. The means of conveyance so used in conveying such livestock, or parts thereof, shall be cleaned and disinfected prior to use in the transportation of any product intended for use as human food. The cleaning procedure shall include the complete removal from the means of conveyance of any fluid, parts, or product of such dead, dying, disabled, or diseased livestock and the thorough application of a disinfectant to the interior surfaces of the cargo space. Substances permitted for such use are:

(a) "Liquefied phenol" (U.S.P. strength 87 percent phenol) in the proportion of at least 6 fluid ounces to 1 gallon of

(b) "Cresylic disinfectant" in the proportion of not less than 4 fluid ounces to 1 gallon of water; and such other disin-

fectants as are approved by the Administrator in specific cases. The use of "cresylic disinfectant" is permitted subject to the conditions prescribed in § 71,10(b) of this title.

PART 327-IMPORTED PRODUCTS

327.1

Application of provisions. Eligibility of foreign countries for 327.2 importation of products into the United States.

327.3 No product to be imported without compliance with applicable regulations.

Imported products; foreign certifi-327.4 cates required.

327.5 Importer to make application for inspection; information required.

327.6 Import products; Program inspection; time and place.

327.7 Import products; movement prior to inspection; sealing; handling: bond; facilities and assistance.

Import products; equipment and means of conveyance used in han-327.8 dling to be maintained in sanitary condition.

Burlap wrapping for foreign meat. 327.10 Samples; inspection of consignments; refusal of entry; marking.

827.11 Receipts to importers for import product samples.

Foreign canned or packaged products bearing trade labels; sampling and 827.12

327.13 Foreign products offered for importstion; reporting of findings to customs; handling of articles refused

327.14 Marking of products and labeling of immediate containers thereof for importation.

827.15 Outside containers of foreign products; marking and labeling; application of official inspection legend. 227.16 Small importations for importer's

own consumption; requirements. Returned United States inspected 327.17 and marked products.

327.18 Imported products to be handled and transported as domestic; entry into official establishments; exception.

327.19 Specimens for laboratory examination and similar purpose

327.20 Importation of foreign inedible fats. 327.21 Special inspection procedures for chilled, fresh or frozen boneless manufacturing meat.

327,22 Official import meat inspection marks and seals.

AUTHORITY: The provisions of this Part 327 issued under sec. 21, Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. Supp., sec. 601 et seq.) and Public Law 91-342; Talmadge-Aiken Act of Sept. 28, 1962 (7 U.S.C. 450); Act of July 24, 1919 (7 U.S.C. 394); subsection 21(b). Pederal Water Pollution Control Act, as amended by Public Law 91-224 and by other

§ 327.1 Application of provisions.

The provisions of this part shall apply to products derived from cattle, sheep, swine, goats, horses, mules, and other equines, if capable of use as human food.

§ 327.2 Eligibility of foreign countries for importation of products into the United States.

(a) (1) Whenever it shall be determined by the Administrator that the system of meat inspection maintained by

A list of such registrants, States, and amendments thereof, will be published in the Pederal Register, and information concerning the registration status of particular animal food manufacturers, renderers, collection stations, or the status of particular States or Territories may also be obtained from the Director, Consumer Protection Programs Services Staff, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

tablishments preparing products in such country for export to the United States, insures compliance of such establishments and their products with requirements at least equal to all the inspection, building construction standards, and all other provisions of the Act and the regulations in this subchapter which are applied to official establishments in the United States, and their products, and that reliance can be placed upon certificates required under this part from authorities of such foreign country, notice of that fact will be given by including the name of such foreign country in paragraph (b) of this section. Thereafter, products prepared in such establishments which are certified and approved in accordance with subparagraph (3) of this paragraph, shall be eligible so far as this subchapter is concerned for importation into the United States from such foreign country after applicable requirements of this subchapter have been met.

(2) The determination of acceptability of a foreign meat inspection system for purposes of this section shall be based on an evaluation of the foreign program in accordance with the following require-

ments and procedures:

(i) The system shall have a program organized and administered by the national government of the foreign country. The system as implemented must provide standards at least equal to those of the Federal system of meat inspection in the United States with respect to:

(a) Organizational structure and staffing, so as to insure uniform enforcement of the requisite laws and regulations in all establishments throughout the system at which products are prepared for export to the United States;

(b) Ultimate control and supervision by the national government over the official activities of all employees or licensees of the system;

(c) The assignment of competent,

qualified inspectors;

(d) Authority and responsibility of national inspection officials to enforce the requisite laws and regulations governing meat inspection and to certify or refuse to certify products intended for export;

(e) Adequate administrative and

technical support;

(f) Other requirements of adequate inspection service as required by the regulations in this subchapter.

(ii) The legal authority for the system and the regulations thereunder shall impose requirements at least equal to those governing the system of meat inspection organized and maintained in the United States with respect to:

- (a) Ante-mortem inspection of animals for slaughter, which shall be performed by veterinarians or by other employees or licensees of the system under the direct supervision of veterinarians;
- (b) Post-mortem inspection of carcasses and parts thereof at time of slaughter, performed by veterinarians or other employees or licensees of the sys-

any foreign country, with respect to es- tem under the direct supervision of

(c) Official controls by the national government over establishment construction, facilities, and equipment;

(d) Direct and continuous official supervision of slaughtering and preparation of product, by the assignment of inspectors to establishments certified under subparagraph (3) of this paragraph, to assure that adulterated or misbranded product is not prepared for export to the United States;

(e) Complete separation of establishments certified under subparagraph (3) of this paragraph from establishments not certified and the maintenance of a single standard of inspection and sanitation throughout all certified establishments;

(f) Requirements for sanitation at certified establishments and for sanitary

handling of product;

(g) Official controls over condemned material until destroyed or removed and thereafter excluded from the establishment:

(h) Other matters for which requirements are contained in the Act or

regulations in this subchapter.

(iii) Countries desiring to establish eligibility for importation of product into the United States may request a determination of eligibility by presenting copies of the laws and regulations on which the foreign meat inspection system is based and such other information as the Administrator may require with respect to matters enumerated in subdivisions (i) and (ii) of this subparagraph. Determination of eligibility is based on a study of the documents and other information presented and an initial review of the system in operation by a representative of the Department using the criteria listed in subdivisions (i) and (ii) of this subparagraph. Maintenance of eligibility of a country for importation of products into the United States depends on the results of periodic reviews of the foreign meat inspection system in operation by a representative of the Department, and the timely submission of such documents and other information related to the conduct of the foreign inspection system, including information required by paragraph (e) of section 20 of the Act, as the Administrator may find pertinent to and necessary for the determinations required by this section of the regulations.

(iv) The foreign inspection system must maintain a program of periodic supervisory visits to each establishment certified in accordance with subparagraph (3) of this paragraph to assure that requirements referred to in (a) through (h) of subdivision (ii) of this subparagraph, at least equal to those of the Federal system of meat inspection of the United States, are being met. A representative of the foreign inspection system shall make at least one such supervisory visit each month to each such establishment and prepare a written report of his findings in respect to the requirements referred to in (a) through (h) of subdivision (ii) of this subparagraph,

copies of which shall be available to the representative of the Department at the time of his review upon request by said representative to a responsible foreign meat inspection official: Provided, That such visits and reports are not required with respect to any establishment during a period when the establishment is not operating or is not engaged in producing products for exportation to the United States.

(3) Only those establishments that are determined and certified to the Department by a responsible official of the foreign meat inspection system as fully meeting the requirements of subparagraphs (2) (1) and (ii) of this paragraph are eligible to have their products imported into the United States. Eligibility of certified establishments is subject to review by the Department (including observations of the establishments by Program representatives at times prearranged with the officials of the foreign meat inspection system). Certifications of establishments must be renewed annually. Notwithstanding certification by a foreign official, the Administrator may. at his discretion, terminate the eligibility of any foreign establishment for importation of its products into the United States if he has information that such establishment does not comply with the requirements listed in subparagraphs (2) (i) and (ii) of this paragraph or if he cannot obtain current information concerning such establishment. The Administrator will provide reasonable notice to the foreign government of the proposed termination of eligibility of any foreign establishment for importation of its products into the United States unless, in his judgment, delay in terminating its eligibility could result in the importation of adulterated or misbranded product. Certifications of official establishments by the responsible official of the foreign meat inspection system shall be in the following form:

FOREIGN OFFICIAL MEAT ESTABLISHMENT CERTIFICATE

I hereby certify that the establishment(s) listed below fully comply(complies) with requirements of (specify foreign country) at least equal to all the inspection, building construction standards, and other requirements for the slaughter and preparation of the carcasses, parts thereof, meat and meat food products of cattle, sheep, swine, goats, and equines applied to official establishments in the United States under the Federal Meat Inspection Act and otherwise meet(meets) the requirements of § 327.2(a) of the regulations governing meat inspection of the U.S. Department of Agriculture.

Control numbers	Name	Address
Date		
Signat	al Title	

(4) Product of cattle, sheep, swine, and goats from foreign countries not listed in paragraph (b) of this section and product of equines from countries not listed in paragraph (c) of this section is

not eligible for importation into the United States, except as provided by § 327,16 or § 327,17. The listing of any foreign country under this section may be withdrawn whenever it shall be determined by the Administrator that the system of meat inspection maintained by such foreign country does not assure compliance with requirements at least equal to all the inspection, building construction standards, and other requirements of the Act and the regulations in this subchapter as applied to official establishments in the United States; or that reliance cannot be placed upon certificates required under this part from authorities of such foreign country; or that, for lack of current information concerning the system of meat inspection being maintained by such foreign country, such foreign country should be required to reestablish its eligibility for listing.

(b) It has been determined that product of cattle, sheep, swine, and goats from the following countries, covered by foreign meat inspection certificates of the country of origin as required by § 327.4, except fresh, chilled, or frozen or other product ineligible for importation into the United States from countries in which the contagious and communicable disease of rinderpest, or of foot-and-mouth disease, or of African swine fever exists as provided in Part 94 of this title, is eligible under the regulations in this subchapter for importation into the United States after inspection and marking as required by the applicable provisions of this part.

Argentina. Australia, Austria. Belgium. Bulgaria. Brazil. Canada. Colombia. Costa Rica. Czechoslovakia. Denmark. Dominican Republic. England and Wales, Finland. France. Germany (Federal Republic). Guatemala. Haiti Honduras.

Ireland (Eire). Italy. Japan. Luxembourg. Mexico. Netherlands. New Zealand. Nicaragua. Northern Ireland. Norway. Panama. Paraguay. Poland. Romania. Scotland. Spain. Sweden. Switzerland. Uruguay. Venezuela. Yugoslavia.

(c) It has been determined that product of equines from the following countries, covered by foreign meat inspection certificates of the country of origin as required by § 327.4, is eligible under the regulations in this subchapter for importation into the United States after inspection and marking as required by the applicable provisions of this part.

Argentina. Canada. Mexico.

Hungary.

Iceland.

New Zealand. Paraguay.

- § 327.3 No product to be imported without compliance with applicable regulations.
- (a) No product offered for importation from any foreign country shall be ad-

mitted into the United States if it is adultrated or misbranded or does not comply with all the requirements of this subchapter that would apply to it if it were a domestic product.

(b) No fresh or cured meat or meat trimmings in pieces too small to permit adequate inspection upon arrival shall be admitted into the United States. Individual pieces or trimmings must not be smaller than 2-inch cubes or pieces comparable in size. Except as provided in paragraph (c) of this section, processed meat food products prepared with meat pieces smaller than 2-inch cubes or pieces comparable in size shall not be permitted entry except under the following conditions:

- Ground or comminuted meats may be imported in labled containers of not more than 3 pounds net weight.
- (2) Chopped steaks, meat pattles, meat loaves, sectioned and formed or ground and formed meat products and products of similar type may be imported in labeled containers of not more than 10 pounds net weight.
- (3) Sausages and canned meat products may be imported in labeled containers of a size suitable for retail sale and distribution to consumers.
- (4) Meat extracts may be imported in labeled containers of any size.
- (c) No cooked or partially cooked meat or meat trimmings, either in separable pieces or molded into larger forms, shall be permitted entry except under the following conditions:

(1) A complete procedure for preparing and handling the product in the foreign country and en route to the United States shall be submitted by the exporter or his authorized agent to the Administrator and determined by the Administrator to be adequate to assure that the product will not be adulterated or misbranded at the time of offer for entry.

(2) A system acceptable to the Administrator (upon his determination that the system will provide a reliable indication of the kinds and numbers of microorganisms present) for the microbiological testing of the finished product shall be installed by the processor, the product is subjected to such testing, and the results thereof are furnished to the Administrator and are acceptable to him as showing that the product has been prepared and handled in a sanitary manner.

(d) Further, no carcasses or parts of carcasses of livestock offered for importation from which naturally associated tissues such as the peritoneum, pleura, body lymph glands, or the portal glands of the liver have been removed, shall be admitted into the United States.

§ 327.4 Imported products; foreign certificates required.

(a) Except as provided in § 327.16, each consignment containing any fresh meat or fresh meat byproducts consigned to the United States from a foreign country shall be accompanied by a foreign meat-inspection certificate for fresh meat and meat byproducts in the following form:

ORIGINAL

0	FFICIAL MEAT-	INSPECTION CE	RTIFICATE FOR FRES	H MEAT AND MEAT	BYPRODU	JCTS
Place		and and a			Date .	
		(City)	(Country)			
I hereby	y certify that	the meat an	d meat byproducts	s herein described	i were	lerived from

I hereby certify that the meat and meat byproducts herein described were derived from livestock which received ante-mortem and post-mortem veterinary inspections at time of slaughter in plants certified for importation of their products into the United States and are not adulterated or misbranded as defined by the regulations governing meat inspection of the U.S. Department of Agriculture; and that said products have been handled in a sanitary manner in this country and are otherwise in compliance with requirements at least equal to those in the Federal Meat Inspection Act and said regulations.

2001.200	Species of	Number of	
Kind of	livestock	pieces or	10000000
product	derived from	containers	Weight
	s on products and contain		
	ber		
ALTO DESCRIPTION OF THE PARTY O			
Shipping marks			
	(Signa		
		tional foreign inspection certi- meat byproduc	authorized by the na- government to issue ficates for meat and cts exported to the
	(00)	United States)	

(b) Except as provided in § 327.16, each consignment containing any meat food product consigned to the United States from a foreign country shall be accompanied by a foreign meat-inspection certificate for meat food products in the following form:

ORIGINAL

		22	1000		
OWNTOTAL MEAT-	INSPECTION	CHRTTHECATH	NOR: N	TEAT FOOD	Propriese

	(City)	(Country)		
I hereby certify that the meat	food products	herein described	were derived	from livestock
which received ante-mortem and	d post-mortem	veterinary insp	ections at tim	e of slaughter
in plants certified for importation	on of their pro	ducts into the	United States,	were handled
in a nanthaway mannas and mana	numarand conde	- 4h	a service and of a service	

under control of the national meat inspection system and that said meat food products are not adulterated or misbranded as defined by the regulations governing meat inspection of the U.S. Department of Agriculture, and are otherwise in compliance with requirements at least equal to those in the Federal Meat Inspection Act and said regulations.

I further certify that all products herein described that are prepared customarily to be eaten without cooking and contain muscle tissue of pork were treated for destruction of trichinae as prescribed in § 318.10 of the Meat Inspection Regulations of the U.S. Department of Agriculture.

Kind of product	Species of livestock derived from	Number of pieces or containers	Weight
*******************		***************************************	
Identification marks on	products and contains	rs	
Consignor			
Establishment number			
Consignee	********		
Shipping marks			
		ature)	
		(Name of official a tional foreign p inspection certi	uthorized by the na government to issu- ficates for meat foo- led to the Unite
	(Official	title)	

- (c) Each foreign meat-inspection certificate shall bear the official seal of the national government agency responsible for the inspection of the product and be signed and issued by an official authorized to sign and issue such certificates by the national government of the foreign country in which the product is inspected.
- (d) Each foreign meat-inspection certificate shall be in both the English language and the language of the foreign country of origin.
- (e) The foreign meat-inspection certificate required by this section to accompany each consignment containing any product shall be delivered by the consignee, or his agent, in the United States to the Program inspector at the place of inspection, and inspection of the product will not be commenced prior to such delivery

§ 327.5 Importer to make application for inspection; information required.

Each importer shall make application for inspection to the officer in charge, if one is stationed at the port where any product is to be offered for importation or, if not, to the Administrator, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, as long as possible in advance of the anticipated arrival of each consignment, except in the case of consignments of product expressly exempted from inspection by §§ 327.16 and 327.17. Each application shall state the approximate date on which the consignment is due to arrive at such port in the United States, the name of the ship or other carrier transporting it, the name of the

country from which the product was shipped, the place of destination, the quantity and kind of product, and whether fresh, cured, or canned. In case of consignments arriving in the United States by water, the application shall also state the port of first arrival in the United States.

§ 327.6 Import products; Program inspection, time and place.

- (a) Except as provided in §§ 327.16 and 327.17, all products offered for importation from any foreign country shall be inspected by a Program inspector before they shall be admitted into the United States.
- (b) All products required by this part to be inspected, which arrive in the United States by water at any port where a Program inspector is stationed and which are consigned to any place where a Program inspector is statoned, shall be inspected on the wharf at the time of unloading, except that if, upon the application of the consignee, or his agent, the officer in charge at such port shall so direct, the products may be inspected at any other place within the limits of the port, or shipped for inspection to the destination where a Program inspector is stationed.
- (c) All products required by this part to be inspected, which arrive in the United States by water at a port where a Program inspector is stationed, and which are consigned to any place where no Program inspector is stationed, shall be inspected on the wharf at the time of unloading, except that if, upon the application of the consignee, or his agent,

the officer in charge at such port shall so direct, the products may be inspected at any other place within the limits of the port.

(d) All products required by this part to be inspected, which arrive in the United States by water at a port where no Program inspector is stationed and which are consigned to any place where a Program inspector is stationed, shall be inspected at destination.

(e) All products required by this part to be inspected, which arrive in large quantities (carload or more) in the United States by water at a port where no Program inspector is stationed and which are consigned to any place where no Program inspector is stationed, shall be inspected at such place as the Administrator, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, on application of the consignee or his agent, or upon the request of the Customs officer at the port of arrival, shall direct.

(f) All products required by this part to be inspected, which arrive in small quantities (less than carload lots) in the United States by water at a port where no Program inspector is stationed and which are consigned to any place where no Program inspector is stationed, shall be shipped in customs custody under seal to the nearest point where an inspector of the Program is stationed for inspection at that point.

(g) All products required by this part to be inspected, which arrive in the United States otherwise than by water and which are consigned to any place where a Program inspector is stationed, shall be inspected at destination.

(h) All products required by this part to be inspected, which arrive in carload lots in the United States otherwise than by water, and which are consigned to any place where no Program inspector is stationed, shall proceed to destination in customs custody under seal for inspection at destination. In such cases the inspector of the Program or the Customs officer at the border port shall immediately telegraph the Administrator, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, all facts in connection with the shipment. Upon receipt of such telegraphic information the Administrator shall detail an inspector to the point where the products are destined to make the required inspection.

(i) All products required by this part to be inspected, which arrive in less than carload lots in the United States otherwise than by water at a border port where an inspector of the Program is stationed, and which are consigned to any place where no Program inspector is stationed, shall be inspected by the inspector of the Program at the border port.

(j) All products required by this part to be inspected and which arrive in less than carload lots in the United States otherwise than by water at a border port where no inspector of the Program is stationed, and which are consigned to any place where no Program inspector is stationed, shall proceed in customs custody under seal to the nearest point spection at that point.

(k) A sufficient sampling inspection shall be made of each consignment of foreign chilled fresh or frozen fresh meat, including defrosting if necessary, to determine its condition. Inspection standards for foreign chilled fresh or frozen fresh meat shall be the same as those used for domestic chilled fresh or frozen fresh meat. (See § 327.21.)

(1) Foreign canned products are required to be sound, healthful, wholesome, and otherwise not adulterated at the time they are offered for importation into the United States, Provided other requirements of this part are met, the determination of the acceptability of the product and the condition of the containers shall be based on the results of an examination of a statistical sample drawn from the consignment in accordance with instructions to Program inspectors. If the examination of the sample discloses that the product or the containers do not meet the acceptance level prescribed in the instructions, the consignment shall be refused entry. However, a consignment rejected for container defects but otherwise acceptable may be reoffered for inspection under the following conditions: (1) If the number and kinds of container defects found in the original sample do not exceed limits specified for this purpose in such instructions; and (2) if the defective cans in the consignment have been sorted out and reexported or destroyed under supervision of an inspector.

(m) Program inspectors or Customs officers at border or seaboard ports shall report the sealing of cars, trucks, or other means of conveyance, and the sealing or identification of containers of foreign product on Form MI-410 to Program officers in charge at points where such product is to be inspected.

(n) Representative samples of canned product designated by the Administrator in instructions to Program inspectors shall be incubated under supervision of such inspectors by holding the samples for no less than 10 days at 95° ±2° F The necessary incubation facilities shall be provided by the importers or their agents.

(o) Pamphlets detailing the sampling plans, acceptance levels, and other requirements in connection with inspection of imported products as set forth in the instructions to inspectors under paragraphs (1) and (n) of this section will be furnished to interested persons upon request.

§ 327.7 Import products; movement prior to inspection; sealing; handling; bond; facilities and assistance.

(a) (1) No product required by this part to be inspected shall be moved, prior to inspection, from the port of first arrival in the United States, or, if arriving by water, from the wharf where unloaded, unless it is conveyed in cars, trucks, or other means of conveyance, sealed in compliance with this section or in containers corded and sealed or otherwise identified in accordance with this section, except when such sealing

where an inspector is stationed for in- and identification are deemed not to be necessary by the officer in charge because other equally adequate controls are used.

(2) Cars, trucks, other means of conveyance, or containers in which any product is conveyed in accordance with this part, prior to inspection, from the port of first arrival in the United States, or, if arriving by water, from the wharf where unloaded, shall be sealed with Customs seals or official import meat seals of the Department as prescribed in § 312.5(b) of this subchapter or, in the case of containers, otherwise identified as provided for in subparagraph (3) of this paragraph, except when such sealing and identification are deemed not to be necessary by the officer in charge because other equally adequate controls are used. Containers shall be securely corded before being offered for sealing. Official import meat seals shall be affixed by Program inspectors unless there is no Program inspector assigned to such port or wharf where the product is entered, in which case the seals shall be affixed by Customs officers.

(3) In lieu of cording and sealing containers, the carrier or importer may furnish and attach to each outside container of product a warning notice on bright yellow paper, not less than 5 by 8 inches in size, containing the following legend in black type of a conspicuous

(Name of Truck Line or Carrier)

NOTICE

This container of meat or meat product must be delivered intact to an inspector of the Consumer Protection Programs, U.S. Department of Agriculture.

WARNING

Pailure to comply with these instructions will result in penalty action being taken against the holder of the Customs entry bond.

If the product is found to be acceptable upon inspection the container will be marked as U.S. inspected and passed and this warning notice defaced.

(b) No person shall affix, break, alter, deface, mutilate, remove, or destroy any official import meat seal of the Department, except Customs officers or Program inspectors or as provided for in paragraph (h) of this section.

(c) No product shall be removed from any car, wagon, other means of conveyance, or container sealed with an official import meat seal of the Department except under the supervision of a Program inspector or a Customs officer, or as provided for in paragraph (h) of this section.

(d) No product required by this part to be inspected shall be moved, prior to inspection from any port, or, if arriving by water from the wharf where first unloaded, to any place other than the place designated by, or in accordance with, this part as the place where the same shall be inspected.

(e) No product required by this part to be inspected shall be conveyed, prior to inspection, from any port, or, if arriving by water, from the wharf where first unloaded, in any manner other than in compliance with this part.

(f) No product required by this part to be inspected shall be delivered to the consignee or his agent prior to inspection, unless the consignee shall furnish a bond, in form prescribed by the Secretary of the Treasury, conditioned that the product shall be returned, if demanded, to the collector of the port where the same is offered for clearance through the customs.

(g) The consignee or his agent shall furnish such facilities and shall provide such assistance for handling and marking product offered for importation as Program inspectors may require.

(h) In case of a wreck or similar extraordinary emergency, the official import meat seal of the Department on a car, truck, or other means of conveyance may be broken by the carrier, and, if necessary, the articles may be reloaded into another means of conveyance for transportation to destination. In all such cases, the carrier shall immediately report the facts by telegraph to the Administrator, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, Such report shall include the following information:

(1) Nature of the emergency.

- (2) Place where seals were broken,
- (3) Points of shipment and destination.
- (4) Identity of the means of conveyance, such as the initials and number of the car.
- (5) Identity of the means of conveyance into which the articles are loaded.
 - (6) Kind and quantity of articles.

§ 327.8 Import products; equipment and means of conveyance used in handling to be maintained in sanitary condition.

Compartments of steamships, sailing vessels, railroad cars, and other means of conveyance transporting any product to the United States, and all trucks, chutes, platforms, racks, tables, tools, utensils, and all other devices used in moving and handling any product offered for importation into the United States, shall be maintained in a sanitary condition.

§ 327.9 Burlap wrapping for foreign meat.

Burlap shall not be used as a wrapping for foreign meat unless the meat is first wrapped with a good grade of paper or cloth of a kind which will prevent contamination with lint or other foreign material.

§ 327.10 Samples; inspection of consignments; refusal of entry; marking.

(a) Program inspectors may take, without cost to the United States, for laboratory examination, samples of any product which is subject to analysis, from each consignment offered for importation, except that such samples shall not be taken of any product offered for importation under § 327.16.

(b) The outside containers of all products offered for importation from any foreign country and accompanied with a foreign inspection certificate as required by this part, which, upon inspection by Program inspectors, are found not to be adulterated or misbranded and to be otherwise eligible for entry into the United States under this part, or the products themselves if not in containers, shall be marked with the official inspection legend prescribed in § 312.7 of this subchapter. All products so marked, in compliance with this part, shall be admitted into the United States, insofar as such admittance is regulated under the Act.

(c) If the inspection of the portion of product withdrawn from a consignment indicates that the consignment is adulterated or misbranded or otherwise is not eligible for entry under this part, the consignment shall be identified as "U.S. Refused Entry" and handled as prescribed in § 327.13(a). The consignments refused entry may be marked "U.S. Refused Entry" if the officer in charge deems such marking necessary to maintin their identity.

§ 327.11 Receipts to importers for import product samples.

In order that importers may be assured that samples of foreign products collected for laboratory examination are to be used exclusively for that purpose, official receipts shall be issued and delivered to importers, or their agents, by inspectors for all samples of foreign products collected. The official receipt shall be prepared in duplicate, over the signature of the inspector who collects the samples, and shall show the name of the importer. country of origin, quantity and kind of product collected, date of collection, and that the sample was collected for laboratory examination. The duplicate copy of the receipt shall be retained by officers in charge as their office record.

§ 327.12 Foreign canned or packaged products bearing trade labels; sampling and inspection.

(a) Samples of foreign canned or packaged products bearing on their immediate containers trade labels which have not been approved under § 317.3 of this subchapter shall be collected and forwarded to the laboratory by the Program inspector for examination, and the products shall be held pending receipt of the report of the laboratory findings and the results of the examination of trade labels and the marks on shipping containers.

(b) Foreign canned or packaged products bearing trade labels and other markings which have been approved under § 317.3 of this subchapter shall be inspected for soundness and checked for net weight. Samples may be collected for laboratory examination, but the products may be released under customs' bond pending the report of laboratory findings.

(c) A sample shall be taken from each consignment of foreign canned products or packaged products. The method of sample selection and the sample size shall be prescribed in instructions to Program employees.1 § 327.13 Foreign products offered for importation; reporting of findings to customs; handling of articles refused entry.

(a) Program inspectors shall report their findings as to any product which has been inspected in accordance with this part, to the Director of Customs at the port where the same is offered for clearance through the customs, and shall request the Director to refuse admission to any product which is designated as "U.S. refused entry", and to direct that the same be exported by the consignee within the time specified in this section, unless the consignee, within such specified time shall cause the destruction thereof for human food purposes under the supervision of a Program inspector: Provided. That in the case of product refused entry solely because of misbranding, in lieu of exportation or destruction the product may be brought into compliance with the requirements of this part, under supervision of an authorized representative of the Administrator. Such specified time shall be 30 days after such notice is given to the Customs officer, unless a different time is fixed by the Administrator upon application to him. If any such product is destroyed for human food purposes or misbranded product is brought into compliance under this paragraph, under the supervision of a Program inspector, he shall give prompt notice thereof to the Director.

(b) Upon the request of the Director of Customs at the port where a product is offered for clearance through the customs, the consignee of the product shall, at his own expense, immediately return to the Director any product which has been delivered to consignee under § 327.7 and subsequently designated "U.S. refused entry" or found in any respect not to comply with the requirements in this part. All such product shall be returned in cars, trucks, or other means of convevance, or in corded containers, sealed with the official import meat seal of the Department unless such sealing is deemed not to be necessary by the officer in charge because other equally adequate controls are used.

(c) All charges for storage, cartage, and labor with respect to any product which was imported contrary to the Act shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against such product and any other product thereafter imported by or for such owner or consignee.

Marking of products and labeling of immediate containers thereof for importation.

(a) Product which is offered for importation, and which is susceptible of marking, shall, whether or not enclosed in an immediate container, bear the name of the country of origin, preceded by the words "product of"; the establishment number assigned by the foreign meat inspection system and certified to the Program: and such other markings as are necessary for compliance with Part 316 of this subchapter. When such markings are imprints of stamps or brands made with branding ink, such ink shall be harmless and shall create permanent imprints. In case the name of the country of origin appears as part of an official mark of the national foreign government and such name is prominently and legibly displayed, the words "product of" may be omitted.

(b) In addition to the marking of products required under paragraph (a) of this section, the immediate container of any product offered for importation:

(1) Shall bear a label showing in accordance with § 317.2 of this subchapter all information required by that section (except that the establishment number assigned by the foreign meat inspection system and certified to the Program and the official inspection mark of the foreign meat inspection system shall be shown instead of the official inspection legend of the United States) and in addition the name of the country of origin preceded by the words "product of," immediately under the name or descriptive designation of the product as required by § 317.2: Provided, That such establishment number may be omitted from a label lithographed directly on a can if said number is lithographed or embossed elsewhere on the can; and

(2) Shall, if such immediate container is a sealed metal container, have the establishment number assigned by the foreign meat inspection authority and certified by the Program embossed or lithographed on the sealed metal container, and such establishment number shall not be covered or obscured by any label or

other means.

(c) All marks, and other labelings for use on or with immediate containers, as well as private brands on carcasses or parts of carcasses shall be submitted for approval, to the Director, Technical Services Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, and approved as provided in Part 317 of this subchapter, before products bearing such marks, labeling or brands will be admitted into the United States: Provided, That the marks of inspection of foreign systems embossed on metal containers or branded on carcasses or parts thereof need not be submitted for approval; and stencils, box dies, labels, and brands may be used on such immediate containers as tierces, barrels, drums, boxes, crates, and large-size fiberboard containers of foreign products provided the markings made by such articles are applicable to the product and are not false or misleading and are used with the approval of the officer in charge.

§ 327.15 Outside containers of foreign products; marking and labeling; application of official inspection legend.

- (a) The outside container in which any immediate container of foreign product is shipped to the United States shall bear, in English, in a prominent and legible manner:
- (1) The name or descriptive designation of the product in accordance with § 317.2 of this subchapter:
- (2) The name of the country of origin: and
- (3) The establishment number assigned by the foreign meat inspection system and certified to the Program.

^{&#}x27;The instructions may be obtained, upon request, from the Processed Food Inspection Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(b) All labeling used with an outside container of foreign product must be approved in accordance with Part 317

of this subchapter.

(c) All outside containers of products which have been inspected and passed in accordance with this part shall be marked by a Program employee or under his supervision with the official import meat inspection mark prescribed in § 312.7.

§ 327.16 Small importations for importer's own consumption; requirements,

Any product offered for importation in a quantity of 50 pounds or less which was purchased by the importer outside the United States for his own consumption, is eligible for importation into the United States from any country without compliance with the provisions in other sections of this part but subject to applicable requirements under other laws, including the regulations in Part 94 of this title. However, Program employees may inspect any product offered for importation under this section to determine whether it is within the class eligible for importation under this paragraph. Products imported in compliance with this paragraph may be transported to their destination in the course of importation or subsequently in commerce if covered by a certificate as required by § 325.12 of this subchapter.

§ 327.17 Returned U.S. inspected and marked products.

U.S. inspected and passed and so marked products exported to and returned from foreign countries will be admitted into the United States without compliance with this part upon notification to and approval of the Director, Processed Food Inspection Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, in specific cases.

- § 327.18 Imported products to be handled and transported as domestic; entry into official establishments; exception.
- (a) All imported products, after entry into the United States, shall be deemed and treated as domestic products and shall be subject to the applicable provisions of the Act and the regulations in this subchapter and the applicable requirements under the Federal Food, Drug, and Cosmetic Act, except that products imported under § 327.16 are required to comply only with the requirements of that Act and §§ 327.16 and 325.12 of this subchapter.
- (b) Imported products inspected, passed, and marked in accordance with this part may, subject to the provisions of Part 318 of this subchapter, be taken into official establishments and be mixed with or added to any product in such establishments which has been inspected and passed therein.
- (c) Imported product which has been inspected, passed, and marked under this part may be transported in the course of importation or subsequently in commerce only upon compliance with Part 325 of this subchapter.

§ 327.19 Specimens for laboratory examination and similar purposes.

The provisions in this part do not apply to specimens of products for laboratory examination, research, or similar purposes when authorized importation by the Administrator under conditions specified by him in specific cases, including requirements of denaturing or other identification to deter their use for human food. Authorization will not be given for the importation of any products contrary to the provisions of Part 94 of this chapter.

§ 327.20 Importation of foreign inedible

No inedible grease, inedible tallow, or other inedible rendered fat shall be admitted into the United States unless it has been first denatured as prescribed in § 325.13 of this subchapter and the containers marked as prescribed by § 316.15 of this subchapter or unless it is identified and handled as prescribed by § 325.-11 (c) or (d) of this subchapter.

- § 327.21 Special inspection procedures for chilled fresh or frozen boneless manufacturing meat.
- (a) Definitions; sampling; standards. (1) Frozen boneless manufacturing meat is meat, frozen in the fresh state from cattle, sheep, swine, goats, horses, mules, or other equines that has all bone removed and is cut into pieces or trimmings, frozen into a compact block of any shape and suitable for slicing or chopping in the manufacturing of meat food products. Individual pieces or trimmings must not be smaller than a 2-inch cube or a piece comparable in size. As used in this section, the term "frozen" includes "chilled fresh," and "lot" means any amount of frozen boneless manufacturing meat of one species, similarly packaged, shipped from one establishment, and offered for import inspection under one or more foreign inspection certifi-
- (2) All lots of imported frozen boneless manufacturing meat will be sampled and such samples defrosted for inspection in accordance with this paragraph. The inspector will select from each lot the appropriate number of cartons specified by the table of sampling plans contained in the current U.S. Department of Agriculture Manual of Meat Inspection Procedures.' The total sample for inspection will consist of the necessary number of 12-pound units drawn from these cartons. The 12-pound units selected will be completely defrosted and subjected to a thorough examination.
- (b) Lots refused entry. Reinspection (including resampling) will be provided for any lot of frozen boneless manufacturing meat which was refused entry under this section on the basis of the original evaluation of the sample thereof, only if there is reason to question the

judgment of the inspector in making the evaluation. If, in other cases, any portion of any lot refused entry is identified by markings as consisting of any particular type of meat (e.g., as made from beef trimmings or from chucks or rounds) which differs from all other types of meat in the lot or is identified by a production date or shift mark which distinguishes it from all other meat in the lot, the eligibility of each such portion of the lot for importation will be evaluated upon the basis of the original inspection findings and in accordance with standards specified for this purpose in instructions is-sued to the inspectors.* Portions of the lot so found eligible for entry will be admitted and the remainder of the lot will be refused entry.

- (c) Certain lots found to qualify as lots for entry. If it is found upon initial evaluation of the sample of any lot of frozen boneless manufacturing meat that the lot as a whole meets the inspection standard for entry but such lot includes any portion identified by markings as consisting of any particular type of meat different than all other types of meat in the lot or identified by a different production date or shift mark than the remainder of the lot, the eligibility for importation of such portion of the lot shall be evaluated, upon the basis of the original inspection findings and in accordance with standards specified for this purpose in instructions issued to the inspectors.2 Any portion of the lot found ineligible for entry upon such evaluation will be refused entry and the remainder of the lot will be admitted.
- (d) Lots for which unloading is delayed. If a portion of a lot is unloaded from a ship on any day and the unloading of the remainder of the lot is being delayed beyond the following day, the eligibility for importation of each portion which is identified by markings as consisting of any particular type of meat different than all other types of meat in the lot or identified by a different production date or shift mark than the remainder of the lot, may be evaluated at the importer's request separately in accordance with standards specified for this purpose in instructions issued to the inspectors."

§ 327.22 Official import meat inspection marks and seals.

The official import meat inspection mark and official import meat seal are those described in §§ 312.5(b) and 312.7 of this subchapter.

PART 329—DETENTION; SEIZURE AND CONDEMNATION; CRIMINAL OFFENSES

Sec.

329.1 Article or livestock subject to administrative detention.

329.2 Method of detention; form of detention tag.

³ Copies of such table are available, upon request, from the Processed Food Inspection Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250

The instructions may be obtained, upon request, from the Processed Food Inspection Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Sec.

329.3 Notification of detention to the owner of the article or livestock detained, or his agent, or person having

329.4 Notification of governmental authorities having jurisdiction over article or livestock detained; form of written notification.

329.5 Movement of article or livestock detained; removal of official marks.

329.6 Articles or livestock subject to judicial seizure and condemnation.

329.7 Procedure for seizure, condemnation and disposition.

329.8 Authority for condemnation or seizure under other provisions of law.

329.9 Criminal offenses.

AUTHORITY: The provisions of this Part 329 issued under sec. 21, Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. Supp., sec. 601 et seq.), and Public Law 91-342; Talmadge-Aiken Act of Sept. 28, 1962 (7 U.S.C. 450); Act of July 24, 1919 (7 U.S.C. 394); subsection 21 (b), Federal Water Pollution Control Act, as amended by Public Law 91-224 and by other laws.

§ 329.1 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 Secretary upon any premises where it is held for the purposes of, or during or after distribution in, commerce or it is otherwise subject to Title I or II of the Act, and there is reason to believe that:

(a) Any such article is adulterated or misbranded and is capable of use as hu-

man food; or

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

§ 329.2 Method of detention; form of detention tag.

An authorized representative of the Secretary shall detain any article or livestock to be detained under this part, by affixing an official "U.S. Detained Tag" (Form CP-483) to such article or livestock.

§ 329.3 Notification of detention to the owner of the article or livestock detained, or his agent, or person having custody.

When any article or livestock is detained under this part, an authorized representative of the Secretary shall give oral notification to the owner of the article or livestock detained if he can be ascertained and notified, and, if not, to his

agent or the immediate custodian of the article or livestock, and promptly furnish the person so notified with a completed "Preliminary Notice of Detention" (Form CP-479). Within 48 hours after the detention of any article or livestock, an authorized representative of the Secretary shall, if the detention is to continue, give written notification to the owner of the article or livestock detained by furnishing him a "Notice of Detention" (Form CP-484), or if such owner cannot be ascertained and notified within such period of time, furnish such notice to his agent, or the carrier or other person having custody of the article or livestock detained. The notification (Form CP-484),1 with a copy of CP-479 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.

§ 329.4 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 Secretary 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.

§ 329.5 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 Secretary: 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 Secretary: And provided further, That the article or livestock so moved will be detained by an authorized representative of the Secretary 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. The notification "Notice of Termination of Detention" (Form CP-487)1 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.

§ 329.6 Articles or livestock subject to judicial seizure and condemnation.

Any carcass, part of a 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 title I or II of the Act, or is held for sale in the United States after such transportation, is subject to seizure and condemnation, in a judicial proceeding pursuant to section 403 of the Act if such article 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.

§ 329.7 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 United States district court, or other proper court specified in section 404 of the Act, within the jurisdiction of which the article or livestock is found.

§ 329.8 Authority for condemnation or seizure under other provisions of 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.

§ 329.9 Criminal offenses.

The Act contains criminal provisions with respect to numerous offenses specified in the Act, including but not limited to bribery of Program employees, receipt of gifts by Program employees, and forcible assaults on, or other interference with, Program employees while engaged in, or on account of, the performance of their official duties under the Act.

PART 330 [RESERVED] PART 331 [RESERVED] PART 335 [RESERVED]

[P.R. Dec. 70-13052; Filed, Oct. 2, 1970; 8:45 a.m.]

¹ Copy filed with Office of the Federal Register as part of original document,

