

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

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

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

(a) Reserved.

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

(c) Reserved.

(d) Reserved.

(e) Commissioner. The Commissioner of the Georgia Department of Agriculture, the Administrator. When used in these Rules, the Commissioner shall also mean any person duly authorized by him to carry out the provisions of these regulations.

(f) Program. The Meat Inspection Program of the Georgia Department of Agriculture.

(g) Inspector. An inspector of the program.

(h) Program Employee. Any inspector or other individual employed by the Department who is authorized by the Commissioner to do any work or perform any duty in connection with the program.

(i) Official establishment. Any slaughtering, cutting, boning, meat canning, curing, smoking, salting, packing, rendering, or similar establishment at which inspection is maintained under the regulations in this chapter.

(j) District Supervisor. The District Supervisor of a district.

(k) District. One of the geographical areas designated as a district by the Department of Agriculture.

(l) Reserved.

(m) Firm. Any partnership, association, or other unincorporated business organization.

(n) Meat broker. Any person engaged in the business of buying or selling carcasses, parts of carcasses, meat or meat food products of livestock on commission, or otherwise negotiating purchases or sales of such articles other than for his own account or as an employee of another person.

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

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

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

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

(s) Reserved.

(t) Reserved.

(u) Reserved.

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

(w) Edible. Intended for use as human food.

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

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

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

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

1. If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;
2. If it bears or contains any of the following:

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

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

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

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

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

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

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

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

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

8. If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is; or

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

(bb) "Inspected and passed" or "Georgia inspected and passed" or "Georgia inspected and passed by Department of Agriculture" (or any authorized abbreviation thereof). This term means that the

product so identified has been inspected and passed under the regulations in this chapter, and at the time it was inspected, passed, and identified, it was found to be not adulterated.

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

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

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

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

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

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

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

1. If 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 40-10-1-.19 of this chapter with respect to the quantity of contents;

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

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

(i) It conforms to such definition and standard, and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(tt) Feral Swine. Nondomestic descendants of domestic swine that have either escaped or were released and subsequently developed survival skills necessary to thrive in the wild. Some are out-crossed with "Russian Boar".

(uu) 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.

(vv) 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.

(ww) Meat food product. Any article capable of use as human food which is made wholly or in part from any meat or other portion of the carcass of any cattle, sheep, swine or goats, except those exempted from definition as a meat food product by the

Commissioner in specific cases or by the regulations in 40-10-1-.18 or 40-10-1-.19 of this chapter, upon a determination that they contain meat or other portions of such carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry, and provided that they comply with any requirements that are imposed in such cases or regulations as conditions of such exemptions to assure that the meat or other portions of such carcasses contained in such articles are not adulterated and that such articles are not represented as meat food products. This term, as applied to food products of equines, shall have a meaning comparable to that provided in this paragraph with respect to cattle, sheep, swine, and goats.

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

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

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

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

(bbb) 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.

(ccc) Dead livestock. The body (cadaver) of livestock which has died otherw ise than by slaughter.

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

1. Central nervous system disorder;
2. Abnormal temperature (high or low);
3. Difficult breathing;
4. Abnormal swellings;
5. Lack of muscular coordination;

6. Inability to walk normally or stand;

7. Any of the diseases for which livestock is required to be condemned on antemortem inspection in accordance with the regulations in part 40-10-1-.11 of this chapter.

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

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

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

(hhh) 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.

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

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

Authority O.C.G.A. Secs. 26-2-60, 26-2-80.

40-10-1-.04 Exemptions.

(1) Exemptions:

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

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

2. The further processing by any individual of hunter-killed feral swine, as defined in 40-10-1-.02(2)(tt), delivered by the hunter, and the transportation in commerce of the carcass, parts thereof, meat and meat food products of such hunter-killed feral swine exclusively for use by the hunter and members of his household and non-paying guests and employees; provided that persons engaged in such processing do not utilize the same facilities for the slaughter and further processing of other livestock or poultry, or for the receipt, storage, processing, or distribution of other meat and/or poultry food products; and provided that the dressing and further processing of hunter-killed feral swine is conducted under sanitary conditions as prescribed in 40-10-1-.10 [as described in Title 9 of the Code of Federal Regulations 416.1 – 416.6]. All products prepared under this exemption shall be plainly marked "Not for Sale" as provided in 40-10-1-.18(16) of this chapter, immediately after being prepared, and are kept so identified until delivered to the owner.

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

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

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

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

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

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

(b) Exempted custom prepared products.

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

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

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

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

(c) Reserved.

(d) Exempted retail prepared products.

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

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

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

(ii) Grinding and freezing products made from meat;

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

(iv) Breaking bulk shipments of products;

(v) Wrapping or rewrapping products.

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

One-half carcass pounds

Cattle 300

Calves 37.5

Sheep 27.5

Swine 100

Goats 25

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

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

6. For the purpose of this paragraph, operations conducted at a restaurant central kitchen facility shall be considered as being conducted at a restaurant if the restaurant central kitchen prepares meat or meat food products that are ready-to-eat when they leave such facility (i.e., no further

cooking or other preparation is needed, except that they may be reheated prior to serving if chilled during transportation), transported directly to a receiving restaurant by its own employees, without intervening transfer or storage, maintained in a safe, unadulterated condition during transportation and served in meals or as entrees only to customers at restaurants or through vending machines, owned or operated by the same person that owns or operates such facility, and which otherwise meets the requirements of this paragraph; provided that the requirements of 40-10-1-.22 apply to such facility. Provided further that the exempt facility may be subject to inspection requirements under the Act (GMIA) for as long as the Commissioner determines that the sanitary conditions or practices of the facility or the processing procedure or methods at the facility are such that any of its meat or meat food products are rendered adulterated. When the Commissioner has made such determination and subjected a restaurant central kitchen facility to such inspection requirements, the operator of such facility shall be afforded an opportunity to dispute the Commissioner's determination in a hearing pursuant to the rules of practice which will be adopted for this proceeding.

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

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

(e) Whenever any complaint is received by the Commissioner from any person alleging that any retail store claiming exemption under this paragraph (d) has been operated in violation of the conditions prescribed in this section for exemption, and the Commissioner, upon investigation of the complaint, has reason to believe that any such violation has occurred he shall so notify the operator of the retail store and afford him reasonable opportunity to present his views informally with respect to the matter. Thereafter, if the Commissioner still has reason to believe that such a violation has occurred, and that a requirement that the operator keep records concerning the operations of the retail store would effectuate the purposes of the Act, the Commissioner shall order the operator to maintain complete, accurate, and legible records of total monthly purchases and of total monthly sales of meat, meat byproducts, and meat food products, in terms of dollar values of the products involved. Such records shall separately show total sales to household consumers and total sales to other consumers and shall be maintained for the period prescribed in 40-10-1-.22(3) of this chapter. If the operator maintains copies of bills of lading, receiving and shipping invoices, warehouse receipts, or similar documents which give the information required herein, additional records are not required by this subparagraph.

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

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

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

Authority O.C.G.A. Secs. 26-2-60, 26-2-80.