

- Sec. 459. Compliance by all establishments.
- 460. Miscellaneous activities subject to regulation.
 - (a) Prohibition of inspection of articles not intended for use as human food; denaturation or other identification prior to distribution in commerce; inedible articles.
 - (b) Recordkeeping requirements; persons liable; scope of disclosure; access to places of business; examination of records, facilities, and inventories; copies; samples.
 - (c) Registration of business, name of person, and trade names.
 - (d) Regulation of transactions, transportation, or importation of dead, dying, disabled or diseased poultry or carcasses to prevent use as human food.
 - (e) Federal provisions applicable to State or Territorial business transactions of a local nature and not subject to local authority.
- 461. Offenses and punishment.
 - (a) Violations; liability of agents, employees, and employers.
 - (b) Liability of carrier.
 - (c) Assaulting, resisting, or impeding certain persons; murder; punishments.
- 462. Reporting of violations; notice; opportunity to present views.
- 463. Rules and regulations.
 - (a) Storage and handling of poultry products; violation of regulations.
 - (b) Other necessary rules and regulations.
 - (c) Oral presentation of views.
- 464. Exemptions.
 - (a) Persons exempted.
 - (b) Territorial exemption.
 - (c) Personal slaughtering; custom slaughtering; name and address of the poultry producer or processor in lieu of other labeling requirements; small enterprises; slaughterers or processors of specified number of turkeys; poultry producers raising poultry on own farms.
 - (d) Pizzas containing poultry products.
 - (e) Applicability of adulteration and misbranding provisions to articles exempted from inspection.
 - (f) Suspension or termination of exemption.
- 465. Limitations upon entry of poultry products and other materials into official establishments.
- 466. Imports.
 - (a) Compliance with standards and regulations; status after importation.
 - (b) Rules and regulations; destruction and exportation of refused imports.
 - (c) Storage, cartage and labor charges for imports refused admission.
 - (d) Domestic standards and processing facilities applicable; enforcement.
- 467. Inspection services.
 - (a) Refusal or withdrawal; hearing; business unfitness based upon certain convictions; persons responsibly connected with the business.
 - (b) Hearing to determine validity of withdrawal or refusal of inspection services; continuation of withdrawal or refusal.
 - (c) Finality and conclusiveness of determination; judicial review; record.

- Sec. 467a. Administrative detention; duration; pending judicial proceedings; notification of government authorities; release; removal of official marks.
- 467b. Seizure and condemnation.
 - (a) Proceedings in rem; libel of information; jurisdiction; disposal by destruction or sale; proceeds into the Treasury; sales restrictions; bonds; court costs and fees, storage, and other expenses against claimants; jury trial; United States as plaintiff.
 - (b) Condemnation or seizure under other provisions unaffected.
- 467c. Federal court jurisdiction of enforcement and injunction proceedings and other kinds of cases; limitations; United States as plaintiff; subpoenas.
- 467d. Administration and enforcement; applicability of penalty provisions; conduct of inquiries; power and jurisdiction of courts.
- 467e. Non-Federal jurisdiction of federally regulated matters; prohibition of additional or different requirements for establishments with inspection services and as to marking, labeling, packaging, and ingredients; recordkeeping and related requirements; concurrent jurisdiction over distribution for human food purposes of adulterated or misbranded and imported articles; other matters.
- 467f. Federal Food, Drug, and Cosmetic Act applications.
 - (a) Exemptions; authorities under food, drug, and cosmetic provisions unaffected.
 - (b) Enforcement proceedings; detainer authority of representatives of Secretary of Health and Human Services.
- 468. Cost of inspection; overtime.
- 469. Authorization of appropriations.
- 470. Reports to Congress.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 321 of this title; title 7 sections 138f, 6519.

§ 451. Congressional statement of findings

Poultry and poultry products are an important source of the Nation's total supply of food. They are consumed throughout the Nation and the major portion thereof moves in interstate or foreign commerce. It is essential in the public interest that the health and welfare of consumers be protected by assuring that poultry products distributed to them are wholesome, not adulterated, and properly marked, labeled, and packaged. Unwholesome, adulterated, or misbranded poultry products impair the effective regulation of poultry products in interstate or foreign commerce, are injurious to the public welfare, destroy markets for wholesome, not adulterated, and properly labeled and packaged poultry products, and result in sundry losses to poultry producers and processors of poultry and poultry products, as well as injury to consumers. It is hereby found that all articles and poultry which are regulated under this chapter are either in interstate or foreign commerce or substantially affect such commerce, and that regulation by the Secretary of Agriculture and cooperation by the States and other jurisdictions as contemplated by this chapter are appropriate

to prevent and eliminate burdens upon such commerce, to effectively regulate such commerce, and to protect the health and welfare of consumers.

(Pub. L. 85-172, § 2, Aug. 28, 1957, 71 Stat. 441; Pub. L. 90-492, § 2, Aug. 18, 1968, 82 Stat. 791.)

AMENDMENTS

1968—Pub. L. 90-492 inserted provisions stating it to be necessary that the health and welfare of consumers be protected by assuring that poultry products distributed to them are wholesome, not adulterated, and properly marked, labeled, and packaged, provisions that misbranded poultry products impair the effective regulation of poultry products and destroy markets for wholesome, not adulterated, and properly labeled and packaged poultry products, and result in sundry losses to poultry producers and processors of poultry and poultry products, as well as injury to consumers, and provisions that all articles and poultry which are regulated by this chapter are either in interstate or foreign commerce or substantially affect such commerce and that regulation by the Secretary of Agriculture and cooperation by the states and other jurisdictions as contemplated by this chapter are appropriate to serve the specified aims, and struck out provisions that all poultry and poultry products which have or are required to have inspection under this chapter are either in the current of interstate or foreign commerce or directly affect such commerce, provisions that that part entering directly into the current of interstate or foreign commerce cannot be effectively inspected and regulated without also inspecting and regulating all poultry and poultry products in the same establishment, and provisions authorizing the Secretary to designate major consuming areas.

EFFECTIVE DATE OF 1968 AMENDMENT

Section 20 of Pub. L. 90-492 provided that: "This Act [see Short Title of 1968 Amendment note below] shall become effective upon enactment [Aug. 18, 1968] except as provided in paragraphs (a) through (c):

"(a) The provisions of subparagraphs (a)(2)(A) and (a)(3) of section 9 of the Poultry Products Inspection Act, as amended by section 9 of this Act [section 458(a)(2)(A) and (a)(3) of this title], shall become effective upon the expiration of sixty days after enactment hereof [Aug. 18, 1968].

"(b) Section 14 of this Act, amending section 15 of the Poultry Products Inspection Act [section 464 of this title], shall become effective upon the expiration of sixty days after enactment hereof [Aug. 18, 1968].

"(c) Paragraph 11(d) of the Poultry Products Inspection Act, as added by section 11 of this Act [section 460(d) of this title], shall become effective upon the expiration of sixty days after enactment hereof [Aug. 18, 1968]."

EFFECTIVE DATE

Section 29, formerly section 22, of Pub. L. 85-172, as renumbered by Pub. L. 90-492, § 17, Aug. 18, 1968, 82 Stat. 805, provided that: "This Act [this chapter] shall take effect upon enactment [Aug. 28, 1957], except that no person shall be subject to the provisions of this Act [this chapter] prior to January 1, 1959, unless such person after January 1, 1958, applies for and receives inspection for poultry or poultry products in accordance with the provisions of this Act [this chapter] and pursuant to regulations promulgated by the Secretary hereunder, in any establishment processing poultry or poultry products in commerce or in a designated major consuming area. Any person who voluntarily applies for and receives such inspection after January 1, 1958, shall be subject, on and after the date he commences to receive such inspection, to all of the provisions and penalties provided for in this Act [this chapter] with respect to all poultry or poultry products handled in the establishment for which such said application for inspection is made."

SHORT TITLE OF 1968 AMENDMENT

Section 1 of Pub. L. 90-492 provided: "That this Act [enacting sections 467a to 467f and 470 of this title, amending this section and sections 452 to 461, 463 to 465, and 467 of this title, and enacting provisions set out as notes under this section] may be cited as the 'Wholesome Poultry Products Act'."

SHORT TITLE

Section 1 of Pub. L. 85-172 provided: "That this Act [enacting this chapter and provisions set out as notes under this section] may be cited as the 'Poultry Products Inspection Act'."

SEPARABILITY

Section 19 of Pub. L. 90-492 provided that: "If any provisions of this Act or of the amendments made hereby [see Short Title of 1968 Amendment note above] or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and the remaining amendments and of the application of such provision to other persons and circumstances shall not be affected thereby."

Section 28, formerly section 21, of Pub. L. 85-172, as renumbered by Pub. L. 90-492, § 17, Aug. 18, 1968, 82 Stat. 805, provided that: "If any provision of this Act [this chapter] or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby."

FOOD ADDITIVES AMENDMENT OF 1958

Pub. L. 85-929, § 7, Sept. 6, 1958, 72 Stat. 1789, provided that: "Nothing in this Act [amending sections 321, 331, 342, 346, and 348 of this title and section 210 of Title 42, The Public Health and Welfare, and enacting provisions set out as notes under sections 321 and 342 of this title] shall be construed to exempt any meat or meat food product or any person from any requirement imposed by or pursuant to the Poultry Products Inspection Act (21 U.S.C. 451 and the following) [this chapter] or the Meat Inspection Act of March 4, 1907, 34 Stat. 1260, as amended and extended (21 U.S.C. 71 and the following) [see section 601 et seq. of this title]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 321, 454 of this title.

ACT REFERRED TO IN OTHER SECTIONS

The Wholesome Poultry Products Act is referred to in section 1053 of this title.

§ 452. Congressional declaration of policy

It is hereby declared to be the policy of the Congress to provide for the inspection of poultry and poultry products and otherwise regulate the processing and distribution of such articles as hereinafter prescribed to prevent the movement or sale in interstate or foreign commerce of, or the burdening of such commerce by, poultry products which are adulterated or misbranded. It is the intent of Congress that when poultry and poultry products are condemned because of disease, the reason for condemnation in such instances shall be supported by scientific fact, information, or criteria, and such condemnation under this chapter shall be achieved through uniform inspection standards and uniform applications thereof.

(Pub. L. 85-172, § 3, Aug. 28, 1957, 71 Stat. 441; Pub. L. 90-492, § 3, Aug. 18, 1968, 82 Stat. 792.)

AMENDMENTS

1968—Pub. L. 90-492 inserted provisions declaring the policy of Congress to be to otherwise regulate the proc-