

**(d) Sales under false or misleading name, other marking or labeling or in containers of misleading form or size; trade names, and other marking, labeling, and containers approved by Secretary**

No article subject to this subchapter shall be sold or offered for sale by any person, firm, or corporation, in commerce, under any name or other marking or labeling which is false or misleading, or in any container of a misleading form or size, but established trade names and other marking and labeling and containers which are not false or misleading and which are approved by the Secretary are permitted.

**(e) Use withholding directive respecting false or misleading marking, labeling, or container; modification of false or misleading matter; hearing; withholding use pending proceedings; finality of Secretary's action; judicial review; application of section 194 of title 7**

If the Secretary has reason to believe that any marking or labeling or the size or form of any container in use or proposed for use with respect to any article subject to this subchapter is false or misleading in any particular, he may direct that such use be withheld unless the marking, labeling, or container is modified in such manner as he may prescribe so that it will not be false or misleading. If the person, firm, or corporation using or proposing to use the marking, labeling or container does not accept the determination of the Secretary, such person, firm, or corporation may request a hearing, but the use of the marking, labeling, or container shall, if the Secretary so directs, be withheld pending hearing and final determination by the Secretary. Any such determination by the Secretary shall be conclusive unless, within thirty days after receipt of notice of such final determination, the person, firm, or corporation adversely affected thereby appeals to the United States court of appeals for the circuit in which such person, firm, or corporation has its principal place of business or to the United States Court of Appeals for the District of Columbia Circuit. The provisions of section 194 of title 7 shall be applicable to appeals taken under this section.

**(f) Lamb and mutton**

The Secretary, consistent with United States international obligations, shall establish standards for the labeling of sheep carcasses, parts of sheep carcasses, sheepmeat, and sheepmeat food products.

(Mar. 4, 1907, ch. 2907, title I, §7, formerly 5th par., 34 Stat. 1262; renumbered §7 and amended Pub. L. 90-201, §§1, 3(a), 6, Dec. 15, 1967, 81 Stat. 584, 588; Pub. L. 96-88, title V, §509(b), Oct. 17, 1979, 93 Stat. 695; Pub. L. 104-127, title II, §279, Apr. 4, 1996, 110 Stat. 979.)

REFERENCES IN TEXT

The Federal Food, Drug, and Cosmetic Act, referred to in subsec. (c)(2), is act June 25, 1938, ch. 675, 52 Stat. 1040, as amended, which is classified generally to chapter 9 (§301 et seq.) of this title. For complete classification of this Act to the Code, see section 301 of this title and Tables.

Either Act and these Acts, referred to in subsec. (c)(2), mean the Federal Meat Inspection Act and the

Federal Food, Drug, and Cosmetic Act. The Federal Meat Inspection Act is act Mar. 4, 1907, ch. 2907, titles I to IV, as added Dec. 15, 1967, Pub. L. 90-201, 81 Stat. 584, and amended, which are classified generally to subchapters I to IV (§601 et seq.), respectively, of this chapter. For complete classification of this Act to the Code, see Short Title note under section 601 of this title and Tables.

CODIFICATION

Section was formerly classified to section 75 of this title.

AMENDMENTS

1996—Subsec. (f). Pub. L. 104-127 added subsec. (f).

1967—Subsec. (a). Pub. L. 90-201, §§3(a), 6(a), (b), struck out “interstate or foreign” before “commerce” and provisions prohibiting sales of meat or meat food products in interstate or foreign commerce under any false or deceptive names and permitting trade names or names which are usual to such products and are not false and deceptive and are approved by the Secretary of Agriculture, now incorporated in subsec. (d), and designated remaining provisions as subsecs. (a), respectively.

Subsecs. (b) to (e). Pub. L. 90-201, §6(c), added subsecs. (b) to (e).

CHANGE OF NAME

“Secretary of Health and Human Services” substituted for “Secretary of Health, Education, and Welfare” in subsec. (c)(2) pursuant to section 509(b) of Pub. L. 96-88, which is classified to section 3508(b) of Title 20, Education.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-201 effective Dec. 15, 1967, except that with respect to equines (other than horses) and their carcasses and parts thereof, meat, and meat food products thereof, amendment effective upon expiration of sixty days after Dec. 15, 1967, see section 20(b) of Pub. L. 90-201, set out as an Effective Date note under section 601 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 601, 674 of this title.

**§ 608. Sanitary inspection and regulation of slaughtering and packing establishments; rejection of adulterated meat or meat food products**

The Secretary shall cause to be made, by experts in sanitation or by other competent inspectors, such inspection of all slaughtering, meat canning, salting, packing, rendering, or similar establishments in which cattle, sheep, swine, goats, horses, mules and other equines are slaughtered and the meat and meat food products thereof are prepared for commerce as may be necessary to inform himself concerning the sanitary conditions of the same, and to prescribe the rules and regulations of sanitation under which such establishments shall be maintained; and where the sanitary conditions of any such establishment are such that the meat or meat food products are rendered adulterated, he shall refuse to allow said meat or meat food products to be labeled, marked, stamped or tagged as “inspected and passed.”

(Mar. 4, 1907, ch. 2907, title I, §8, formerly 6th par., 34 Stat. 1262; renumbered §8 and amended Pub. L. 90-201, §§1, 3, 12(a), (f), Dec. 15, 1967, 81 Stat. 584, 588, 592.)

## CODIFICATION

Section was formerly classified to section 76 of this title.

## AMENDMENTS

1967—Pub. L. 90-201, §§3, 12(a), (f), struck out “interstate or foreign” before “commerce” and “of Agriculture” after “Secretary”, included horses, mules, and other equines in the list of animals, and substituted “adulterated” for “unclean, unsound, unhealthful, unwholesome, or otherwise unfit for human food”, respectively.

## EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-201 effective Dec. 15, 1967, except that with respect to equines (other than horses) and their carcasses and parts thereof, meat, and meat food products thereof, amendment effective upon expiration of sixty days after Dec. 15, 1967, see section 20(b) of Pub. L. 90-201, set out as an Effective Date note under section 601 of this title.

**§ 609. Examination of animals and food products thereof, slaughtered and prepared during nighttime**

The Secretary shall cause an examination and inspection of all cattle, sheep, swine, goats, horses, mules and other equines, and the food products thereof, slaughtered and prepared in the establishments hereinbefore described for the purposes of commerce to be made during the nighttime as well as during the daytime when the slaughtering of said cattle, sheep, swine, goats, horses, mules, and other equines, or the preparation of said food products is conducted during the nighttime.

(Mar. 4, 1907, ch. 2907, title I, §9, formerly 7th par., 34 Stat. 1262; renumbered §9 and amended Pub. L. 90-201, §§1, 3, 12(a), Dec. 15, 1967, 81 Stat. 584, 588, 592; Pub. L. 99-641, title IV, §403(d)(1), Nov. 10, 1986, 100 Stat. 3570.)

## CODIFICATION

Section was formerly classified to section 77 of this title.

## AMENDMENTS

1986—Pub. L. 99-641 temporarily inserted “, except as provided in section 606 of this title,” after first reference to “other equines, and”. See Effective and Termination Dates of 1986 Amendment note below.

1967—Pub. L. 90-201, §§3, 12(a), struck out “interstate or foreign” before “commerce” and “of Agriculture” after “Secretary” and included horses, mules, and other equines in the list of animals, respectively.

## EFFECTIVE AND TERMINATION DATES OF 1986 AMENDMENT

Section 403(d)(1) of Pub. L. 99-641 provided that the amendment made by that section is effective only during the 6-year period beginning Nov. 10, 1986.

Amendment by Pub. L. 99-641 effective Nov. 10, 1986, except that this section as in effect immediately before Nov. 10, 1986, applies with respect to establishments until the Secretary of Agriculture first issues rules and regulations to implement the amendments made by section 403(a) of Pub. L. 99-641 to section 606 of this title, see section 408 of Pub. L. 99-641, set out as a note under section 606 of this title.

## EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-201 effective Dec. 15, 1967, except that with respect to equines (other than horses) and their carcasses and parts thereof, meat, and meat

food products thereof, amendment effective upon expiration of sixty days after Dec. 15, 1967, see section 20(b) of Pub. L. 90-201, set out as an Effective Date note under section 601 of this title.

## CONSTRUCTION AND EFFECT OF AMENDMENTS BY PUB. L. 99-641

For provisions relating to construction and effect of temporary amendments by section 403 of Pub. L. 99-641, see sections 403(e) and 404 of Pub. L. 99-641, set out as notes entitled “Inspection Services for Establishments Not Participating in Total Plant Quality-Control Program” and “Savings Provision”, respectively, under section 606 of this title.

**§ 610. Prohibited acts**

No person, firm, or corporation shall, with respect to any cattle, sheep, swine, goats, horses, mules, or other equines, or any carcasses, parts of carcasses, meat or meat food products of any such animals—

**(a) Slaughtering animals or preparation of articles capable of use as human food**

slaughter any such animals or prepare any such articles which are capable of use as human food at any establishment preparing any such articles for commerce, except in compliance with the requirements of this chapter;

**(b) Humane methods of slaughter**

slaughter or handle in connection with slaughter any such animals in any manner not in accordance with the Act of August 27, 1958 (72 Stat. 862; 7 U.S.C. 1901-1906);

**(c) Sales, transportation, and other transactions**

sell, transport, offer for sale or transportation, or receive for transportation, in commerce, (1) any such articles which (A) are capable of use as human food and (B) are adulterated or misbranded at the time of such sale, transportation, offer for sale or transportation, or receipt for transportation; or (2) any articles required to be inspected under this subchapter unless they have been so inspected and passed;

**(d) Adulteration or misbranding**

do, with respect to any such articles which are capable of use as human food, any act while they are being transported in commerce or held for sale after such transportation, which is intended to cause or has the effect of causing such articles to be adulterated or misbranded.

(Mar. 4, 1907, ch. 2907, title I, §10, formerly 8th par., 34 Stat. 1262; renumbered §10 and amended Pub. L. 90-201, §§1, 7, Dec. 15, 1967, 81 Stat. 584, 589; Pub. L. 95-445, §3, Oct. 10, 1978, 92 Stat. 1069.)

## REFERENCES IN TEXT

Act of August 27, 1958, referred to in subsec. (b), is Pub. L. 85-765, Aug. 27, 1958, 72 Stat. 862, as amended, which is classified generally to chapter 48 (§1901 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Tables.

Sections 1903 and 1905 of Title 7, included within reference to Act of August 27, 1958, were repealed by Pub. L. 95-445, §5(b), Oct. 10, 1978, 92 Stat. 1069, effective as set forth in section 7 of Pub. L. 95-445, set out as an Effective Date of 1978 Amendment note under section 603 of this title.