

**RULES  
OF  
GEORGIA DEPARTMENT OF AGRICULTURE**

**CHAPTER 40-7-5  
ADDITIONAL REGULATIONS APPLICABLE TO  
RETAIL SALE OF FRESH AND FROZEN SEAFOOD, MEAT,  
POULTRY AND OTHER FOODS FROM MOBILE VEHICLES**

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**40-7-5-.01 DEFINITIONS.**

- (1) **"Meat"** means the carcass or any part of any carcass of any animal or any by-product thereof in any form.
- (2) **"Mobile Vehicle"** is interpreted as any vehicle that is mobile and includes land vehicles, air vehicles, and water vehicles (shrimp boats and other vessels which are mobile by water).
- (3) **"Poultry"** means domestic fowl including, but not limited to, water fowl such as geese and ducks; birds which are bred for meat or egg production; game birds such as pheasants, partridge, quail, and grouse, as well as guinea fowl, pigeons, doves, and peafowl; ratites; and all other avian species.
- (4) **"Regulatory authority"** means the local, state, or federal enforcement body or authorized representative having jurisdiction over a food establishment or food processing plant.
- (5) **"Seafood"** means all fresh or frozen fish and all fresh or frozen shellfish, such as shrimp, oysters, clams, scallops, lobsters, crayfish, and other similar fresh or frozen edible products, but such term shall not include canned or salted seafood.

**40-7-5-.02 RETAIL SALE OF FRESH SEAFOOD, MEAT OR POULTRY FROM MOBILE VEHICLES.**

- (1) A license must be obtained for each vehicle in operation prior to putting each vehicle into service. The original license shall be conspicuously displayed on the vehicle during sales. The vehicle shall be made available for inspection prior to the licensing process and once every six months thereafter, for as long as it remains in service.
- (2) The vehicle's storage and sales areas shall be completely enclosed. Screens are acceptable only to make the vehicle enclosed at the time the vehicle is stopped to sell. Screens shall be of a sufficient mesh size to eliminate the entry of flies and other insects. Air screens that are adequate and effective can be used in lieu of screens.
- (3) Floors and walls of vehicle shall be made of material having a smooth surface and maintained in a clean and sanitary condition.
- (4) The vehicle shall have adequate toilet & facilities unless such facilities are readily accessible.
- (5) The vehicle shall have lavatory facilities with hot and cold running water under pressure and cake, powder or liquid soap shall be made available with individual paper, individual cloth, or other type towels.

- (6) The vehicle shall be equipped with approved sink having at least two compartments. This sink shall have hot and cold running water under pressure.
- (7) Water used in this operation shall be potable and from an approved source. The vehicle shall have an approved storage tank of such size which would be adequate for the vehicle's operation, unless, the vehicle can be connected to a water supply at each point of operation.
- (8) Liquid waste shall drain into an approved holding tank for disposal later in an approved manner, unless the vehicle can be connected to an approved disposal system at each point of operation.
- (9) All products stored or offered for sale shall be held in leak proof containers unless a method is devised so water accumulation from the melting of ice on the produce can drain into a liquid waste disposal system as described in (8) above.
- (10) All fresh seafood or poultry shall be maintained at 41 degrees Fahrenheit or less. This can be accomplished by maintaining adequate ice on the seafood or poultry without mechanical refrigeration or a combination of ice and mechanical refrigeration. All meat shall be maintained at 41 degrees Fahrenheit or less by mechanical refrigeration only.
- (11) Oysters in the shell shall only be sold from vehicles that have mechanical refrigeration sufficient to maintain this product at 45 degrees Fahrenheit or less.
- (12) All food shall be protected from contamination, from dust, dirt, foreign or injurious contamination and from cross-contamination by other type food products.
- (13) All phases of the retail transaction shall be accomplished within the enclosed vehicle. This would include obtaining the particular product requested by a customer from storage within the vehicle, weighing the product and packaging the product.
- (14) An approved scale shall be used in weighing products for sale and the scale shall be placed so that the customer can easily see the weight registered.
- (15) The name, address and telephone number of the firm shall be conspicuously displayed on the vehicle during sales.
- (16) Advertisements must be completely in accordance with the labeling of the containers. The price per pound of each product must be included in the advertisement.
- (17) Approved storage facilities to service the vehicle shall be used.
- (18) In addition to the above, applicable parts of the Georgia Department of Agriculture laws, rules and regulations covering foods would also apply.
- (19) Firms presently licensed for sale from vehicles must comply with these regulations within 90 days from the date of their adoption.
- (20) When weighed, packed, and labeled at a facility currently licensed and inspected by the Department, fresh shrimp may be sold from a land based mobile vehicle to the exclusion of 40-7-5-.02 (2), (4), (5), (6), (7), (8), and (13) in this section.
  - (a) All prepackaged fresh shrimp must comply with Chapter 40-7-1-.13 and 40-15-3 of the Department's regulations.
  - (b) When it has been determined by the Department that prepackaged fresh shrimp have not been stored, handled, labeled, or offered for sale in compliance with these regulations, the shrimp shall be deemed adulterated or misbranded and subject to embargo or disposal by the Department. The Department may temporarily or permanently issue an order to embargo, condemn, destroy, or otherwise dispose of all prepackaged shrimp found to be adulterated or improperly identified.
- (21) When weighed, packed, and labeled at a facility currently licensed and inspected by a Regulatory Authority; fresh meat, poultry, and seafood may be sold from a land based mobile vehicle to the exclusion of 40-7-5-.02 (2), (4), (5), (6), (7), (8), and (13) in this section.

- (a) All prepackaged fresh meat, poultry, and seafood must comply with Chapter 40-7-1-.13 and 40-15-3 of the Department's regulations.
- (b) When it has been determined by the Department that prepackaged fresh meat, poultry, or seafood have not been stored, handled, labeled, or offered for sale in compliance with these regulations, the product shall be deemed adulterated or misbranded and subject to embargo or disposal by the Department. The Department may temporarily or permanently issue an order to embargo, condemn, destroy, or otherwise dispose of all prepackaged product found to be adulterated or improperly identified.

**40-7-5-.03 RETAIL SALE OF FROZEN SEAFOOD, MEAT, POULTRY AND OTHER FOOD.**

- (1) A license must be obtained for each vehicle in operation prior to putting each vehicle into service. The original license shall be conspicuously displayed on the vehicle during sales. The vehicle shall be made available for inspection prior to the licensing process and once every six months thereafter, for as long as it remains in service.
- (2) Advertisements must be completely in accordance with the labeling on the containers. The price per pound of random weight products must be included in the advertisement. Standard weight packages may show a total price only in the advertisement.
- (3) An approved scale shall be available and placed so that the customer can easily see the weight registered.
- (4) Toilet and lavatory facilities must be available and conveniently located. Lavatories shall have hot and cold running water under pressure and cake, powder or liquid soap shall be made available with individual paper, individual cloth or other type towels. Hot water shall be made available.
- (5) Refrigerated vehicles must have a workable mechanical refrigeration system as the primary refrigeration source. Products shall remain in the vehicle until sold. Frozen foods shall be maintained frozen and all sales must be by unbroken box or package.
- (6) The name, address and telephone number of the firm shall be conspicuously displayed on the vehicle at all times during sales.
- (7) Sample boxes shall not be displayed off refrigeration. Products sold to customers at locations other than the vehicle must be picked up by the customer from the vehicle.
- (8) Approved storage facilities to service the vehicle shall be used.
- (9) In addition to the above, applicable parts of the Georgia Department of Agriculture laws, rules and regulations covering foods would also apply.
- (10) Firms presently licensed for sale from vehicles must comply with these regulations within 90 days from the date of their adoption.