

## O.C.G.A. § 26-2-60

Current through the 2022 Regular Session of the General Assembly.

***Official Code of Georgia Annotated > TITLE 26 Food, Drugs, and Cosmetics (Chs. 1 — 5) > CHAPTER 2 Standards, Labeling, and Adulteration of Food (Arts. 1 — 18) > Article 3 Meat Inspection (Pts. 1 — 4) > PART 1 General Provisions (§§ 26-2-60 — 26-2-64)***

### **26-2-60. Short title.**

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This article may be cited as the “Georgia Meat Inspection Act.”

### **History**

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Ga. L. 1969, p. 1028, § 33.

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## O.C.G.A. § 26-2-61

Current through the 2022 Regular Session of the General Assembly.

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### 26-2-61. Legislative intent.

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Meat and meat food products are an important source of the nation's total supply of food. It is essential to the public interest that the health and welfare of consumers be protected by assuring that meat and meat food products distributed to them are wholesome, not adulterated, and properly marked, labeled, and packaged. Unwholesome, adulterated, or misbranded meat or meat food products are injurious to the public welfare, destroy markets for wholesome, not adulterated, and properly labeled and packaged meat and meat food products, and result in sundry losses to livestock producers and processors of meat and meat food products as well as injury to consumers. The unwholesome, adulterated, mislabeled, or deceptively packaged articles can be sold at lower prices and compete unfairly with the wholesome, not adulterated, and properly labeled and packaged articles, to the detriment of consumers and the public generally. It is hereby found that regulation by the Commissioner and cooperation by this state and the United States as contemplated by this article are appropriate to the health and welfare of consumers and otherwise effectuate the purposes of this article.

### History

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Ga. L. 1969, p. 1028, § 2.

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## O.C.G.A. § 26-2-62

Current through the 2022 Regular Session of the General Assembly.

**Official Code of Georgia Annotated > TITLE 26 Food, Drugs, and Cosmetics (Chs. 1 — 5) > CHAPTER 2 Standards, Labeling, and Adulteration of Food (Arts. 1 — 18) > Article 3 Meat Inspection (Pts. 1 — 4) > PART 1 General Provisions (§§ 26-2-60 — 26-2-64)**

### 26-2-62. Definitions.

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As used in this article, the term:

- (1) “Adulterated” shall apply to any carcass, part thereof, meat, or meat food product under one or more of the following circumstances:
  - (A) 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 subparagraph if the quantity of such substance in or on such article does not ordinarily render it injurious to health;
  - (B)
    - (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 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 which 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 721 of the Federal Food, Drug, and Cosmetic Act; or
    - (v) If an article which is not adulterated under division (ii), (iii), or (iv) of this subparagraph bears or contains any pesticide chemical, food additive, or color additive which is prohibited by regulations of the Commissioner in establishments at which inspection is maintained under Code Sections 26-2-100 through 26-2-115;
  - (C) 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;
  - (D) 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;
  - (E) If it is in whole or in part the product of an animal which has died otherwise than by slaughter;
  - (F) If its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health;
  - (G) 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;

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- (H)** 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
- (I)** 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.
- (2)** “Animal food manufacturer” means any person, firm, or corporation engaged in the business of manufacturing or processing food for animals, such food being derived wholly or in part from carcasses or parts or products of the carcasses of cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, or other equines.
- (3)** “Capable of use as human food” shall apply to any carcass or part or product of a carcass of any animal, unless it is denatured or otherwise identified as required by regulations prescribed by the Commissioner to deter its use as human food, or unless it is naturally inedible by humans.
- (4)** “Commissioner” means the Commissioner of Agriculture of the State of Georgia or his delegate.
- (5)** “Federal Food, Drug, and Cosmetic Act” means the act so entitled and acts amendatory thereof or supplementary thereto.
- (6)** “Federal Meat Inspection Act” means the act so entitled as amended by the Wholesome Meat Act.
- (7)** “Firm” means any partnership, association, or other unincorporated business organization.
- (8)** “Intrastate commerce” means commerce within this state.
- (9)** “Label” means a display of written, printed, or graphic matter upon the immediate container, not including package liners, of any article.
- (10)** “Labeling” means all labels and other written, printed, or graphic matter upon any article or any of its containers or wrappers or accompanying such article.
- (11)** “Meat broker” means any person, firm, or corporation engaged in the business of buying or selling, on commission, carcasses, parts of carcasses, meat, or meat food products of cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, or other equines, or otherwise negotiating purchases or sales of such articles other than for his or her own account or as an employee of another person, firm, or corporation.
- (12)** “Meat food product” means any product 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, nontraditional livestock, rabbits, or goats, excepting products which contain meat or other portions of such carcasses only in a relatively small proportion or which historically have not been considered by consumers as products of the meat food industry and which are exempted from definition as a meat food product by the Commissioner under such conditions as the Commissioner may prescribe by regulation to assure that the meat or other portions of such carcasses contained in such product are not adulterated and that such products 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, nontraditional livestock, rabbits, and goats.
- (13)** “Misbranded” shall apply to any carcass, part thereof, meat, or meat food product under one or more of the following circumstances:
- (A)** If its labeling is false or misleading in any particular;
  - (B)** If it is offered for sale under the name of another food;
  - (C)** 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;

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- (D)** If its container is so made, formed, or filled as to be misleading;
- (E)** 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, provided that reasonable variations may be permitted and exemptions as to small packages may be established by regulations promulgated by the Commissioner;
- (F)** If any word, statement, or other information required by or under authority of this article 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;
- (G)** 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 regulations of the Commissioner under Code Section 26-2-107, unless it conforms to such definition and standard and 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;
- (H)** 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 regulations of the Commissioner under Code Section 26-2-107 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;
- (I)** If it is not subject to the provisions of subparagraph (G), unless its label bears:
- (i)** The common or usual name of the food, if there is any; and
  - (ii)** In case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings may, when authorized by the Commissioner, be designated as spices, flavorings, and coloring without naming each, provided that, to the extent that compliance with the requirements of this division is impracticable or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the Commissioner;
- (J)** 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 the Commissioner, after consultation with the secretary of agriculture of the United States, determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers as to its value for such uses;
- (K)** If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact, provided that, to the extent that compliance with the requirements of this subparagraph is impracticable, exemptions shall be established by regulations promulgated by the Commissioner; or
- (L)** If it fails to bear, directly thereon or on its container, as the Commissioner may by regulations prescribe, 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.
- (13.1)** “Nontraditional livestock” means:
- (A)** The species of Artiodactyla (even-toed ungulates) listed as antelope, bison, buffalo, catalo, elk, deer other than white-tailed deer, and water buffalo that are held and possessed legally under the wild animal provisions of Chapter 5 of Title 27; and

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**(B)** Any avian species which are grown commercially for slaughter and preparation as human food but are not amenable to the Federal Poultry Products Inspection Act; provided, however, that such term shall not include any such avian species raised for recreational purposes which are not sold at wholesale or retail.

**(14)** “Official certificate” means any certificate prescribed by regulations of the Commissioner for issuance by an inspector or other person performing official functions under this article.

**(15)** “Official device” means any device prescribed or authorized by the Commissioner for use in applying any official mark.

**(16)** “Official inspection legend” means any symbol prescribed by regulations of the Commissioner showing that an article was inspected and passed in accordance with this article.

**(17)** “Official mark” means the official inspection legend or any other symbol prescribed by regulations of the Commissioner to identify the status of any article or animal under this article.

**(18)** “Pesticide chemical,” “food additive,” “color additive,” and “raw agricultural commodity” shall have the same meanings for purposes of this article as under the Federal Food, Drug, and Cosmetic Act.

**(19)** “Prepared” means slaughtered, canned, salted, rendered, boned, cut up, or otherwise manufactured or processed.

**(20)** “Renderer” means any person, firm, or corporation engaged in the business of rendering carcasses or parts or products of the carcasses of cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, or other equines, except rendering conducted under inspection under Code Sections 26-2-100 through 26-2-115.

**(21)** “Retail establishment” means any establishment which sells, offers for sale, or displays for sale to the public any meat or meat product, whether prepared or otherwise, including any establishment in which meat or meat products are sold for consumption off the premises thereof.

## History

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Ga. L. 1969, p. 1028, § 1; Ga. L. 1971, p. 56, § 1; Ga. L. 1974, p. 453, § 1; Ga. L. 1995, p. 244, § 12; Ga. L. 1996, p. 1219, § 1; Ga. L. 2008, p. 458, § 8/SB 364; Ga. L. 2016, p. 426, § 1/HB 815; Ga. L. 2020, p. 808, § 2/SB 345.

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### **26-2-63. Federal and state cooperation.**

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(a) The Georgia Department of Agriculture, acting by and through the Commissioner, is designated as the state agency which shall be responsible for cooperating with the secretary of agriculture of the United States under the provisions of the Federal Meat Inspection Act and other related federal acts; and said department is directed to cooperate with the secretary of agriculture of the United States in developing and administering the meat inspection program of this state under this article to assure that its requirements will be at least equal to those imposed under Titles I and IV of the Federal Meat Inspection Act and in developing and administering the program of this state under Part 4 of this article in such a manner as will effectuate the purposes of this article and applicable federal acts.

(b) In such cooperative efforts, the Commissioner is authorized to accept from the secretary advisory assistance in planning and otherwise developing the state program; technical and laboratory assistance and training, including necessary curricular and instructional materials and equipment; and financial and other aid for administration of such a program. The Commissioner is further authorized to spend public funds of this state appropriated for administration of this article in furtherance of the cooperative program.

(c) The Commissioner is authorized to recommend to the secretary of agriculture such officials or employees of this state as the Commissioner shall designate for appointment to the advisory committees provided for in the Federal Meat Inspection Act; and the Commissioner shall serve as the representative of the Governor for consultation with the secretary under such act.

### **History**

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Ga. L. 1969, p. 1028, § 20.

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### **26-2-64. Concurrent enforcement jurisdiction.**

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Consistent with the Federal Meat Inspection Act, 21 U.S.C. Section 601, et seq., the Commissioner may exercise concurrent jurisdiction with the secretary of agriculture of the United States and may enforce this article and any regulations promulgated pursuant thereto without regard to licensing agency.

### **History**

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Ga. L. 1969, p. 1028, § 28; Ga. L. 2007, p. 620, § 1/HB 433; Ga. L. 2016, p. 426, § 2/HB 815.

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