

O.C.G.A. Title 26

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 26 Food, Drugs, and Cosmetics (Chs. 1 — 5)

TITLE 26 Food, Drugs, and Cosmetics

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O.C.G.A. § 26-1-1

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 1 General Provisions (§ 26-1-1)

26-1-1. Maintenance of information and referral service for persons and organizations desiring to donate food to nonprofit organizations; inspection of donated food.

- (a) The Department of Agriculture shall maintain an information and referral service for persons and organizations which have notified the department of their desire to donate food to nonprofit organizations.
- (b) Appropriate state and local departments and agencies are authorized to inspect donated food items for wholesomeness and may establish procedures for the handling of the food items.

History

Code 1933, § 105-1106, enacted by Ga. L. 1980, p. 69, § 1.

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O.C.G.A. Title 26, Ch. 2

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CHAPTER 2 Standards, Labeling, and Adulteration of Food

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O.C.G.A. § 26-2-1

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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 1 General Provisions (§§ 26-2-1 — 26-2-4)

26-2-1. Definitions of and standards for lard, mixed edible fats, and cottonseed oils.

The standards for lard, mixed edible fats, and cottonseed oils are defined as follows:

- (1) “Lard” means the fat of freshly slaughtered swine. It shall not be made from a diseased animal or any portion of an animal unfit for food or contain less than 99 percent of pure fat.
- (2) “Mixed edible fat” means a mixture which contains not less than 99 percent of sweet mixed fat and may consist of a mixture of refined cottonseed oil or other edible vegetable oils with sweet beef fat or other edible animal fat and shall be sold under a registered or proprietary brand and properly labeled with a distinctive trademark or name bearing the name of the manufacturer.
- (3) “Edible cottonseed oil” means refined cottonseed oil, free from disagreeable taste or odors. White cottonseed oil for edible purposes is cottonseed oil which has been refined in such a manner as to be nearly colorless, flavorless, and odorless. Winter cottonseed oils for edible purposes are those from which a portion of the stearine has been removed; they may be either white or yellow.

History

Ga. L. 1906, p. 83, § 21; Civil Code 1910, § 2115; Code 1933, § 42-111; Ga. L. 1956, p. 195, § 23.

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O.C.G.A. § 26-2-2

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26-2-2. Meat, fish, and poultry to be sold by net weight; exceptions; penalty.

(a) All meat, meat products, fish, and poultry offered or exposed for sale or sold commercially shall be sold by net weight only except when sold for immediate consumption on the premises or when sold as a cooked food but not in a package or when sold for breeding purposes or when sold as pets or for other purposes than for human or animal consumption.

(b) Any person who violates this Code section shall be guilty of a misdemeanor.

History

Ga. L. 1956, p. 75, §§ 1, 2.

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O.C.G.A. § 26-2-3

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26-2-3. Obstruction of inspectors and others in performance of duties.

Any manufacturer, dealer, or other person who shall impede, obstruct, hinder, or otherwise prevent or attempt to prevent any inspector or other person in the performance of his duty in collecting samples or otherwise in connection with this chapter shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not less than \$10.00 nor more than \$50.00. Any violation of this chapter, relating to feeding stuffs for domestic animals, shall be punished by a fine not exceeding \$50.00 or imprisonment not exceeding 30 days, or both, in the discretion of the court.

History

Ga. L. 1906, p. 83, § 20; Penal Code 1910, § 452; Code 1933, § 42-9905.

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O.C.G.A. § 26-2-4

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26-2-4. Labeling, sale, or advertising of spring water.

(a) As used in this Code section, the term “spring water” means water which is: (1) derived from an underground formation from which water flows naturally to the surface of the earth; (2) not derived from a municipal system or public water supply; and (3) collected only at the spring or through a bore hole into the same underground water-bearing zone; provided, however, that water collected with the assistance of external force to protect the water shall retain all the physical properties of and be of the same chemical composition and quality as the water that flows naturally to the surface.

(b) Any water which meets the definition of “spring water” as specified in subsection (a) of this Code section may lawfully be labeled, sold, advertised, and otherwise represented as “spring water” or “natural spring water,” notwithstanding any other contrary provision of any law or regulation of this state. No law or regulation of this state shall: (1) require or be construed to require any disclaimer in connection with such labeling, sale, advertisement, or representation; or (2) require or be construed to require such water to be additionally identified as any other type of water.

History

Code 1981, § 26-2-4, enacted by Ga. L. 1992, p. 1016, § 1; Ga. L. 2015, p. 5, § 26/HB 90.

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O.C.G.A. Title 26, Ch. 2, Art. 2

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Article 2 Adulteration and Misbranding of Food

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O.C.G.A. § 26-2-20

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26-2-20. Short title.

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

History

Ga. L. 1956, p. 195, § 1.

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O.C.G.A. § 26-2-21

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26-2-21. Definitions.

(a) As used in this article, the term:

- (1) “Commissioner” means the Commissioner of Agriculture.
- (2) “Contaminated with filth” applies to any food not securely protected from dust, dirt, and, as far as may be necessary, by all reasonable means, from all foreign or injurious contamination.
- (3) “Federal act” means the Federal Food, Drug, and Cosmetic Act (Title 21 U.S.C. Section 301, et seq., 52 Stat. Section 1040, et seq.).
- (4) “Food” means:
 - (A) Articles used for food or drink for human consumption;
 - (B) Chewing gum; and
 - (C) Articles used for components of any such articles.
- (5) “Food sales establishment” means retail and wholesale grocery stores; retail seafood stores and places of business; food processing plants, except those food processing plants which are currently required to obtain a license from the Commissioner under any other provision of law; bakeries; confectioneries; fruit, nuts, and vegetable stores or roadside stands; wholesale sandwich and salad manufacturers, including vending machines and operations connected therewith; and places of business and similar establishments, mobile or permanent, engaged in the sale of food primarily for consumption off the premises. Within a food sales establishment, there may be a food service component, not separately operated, which may serve customers on site. This food service component shall be considered as part of the food sales establishment. This term shall not include:
 - (A) The food sales component of any food service establishment defined in Code Section 26-2-370;
 - (B) Food service establishments as defined in Code Section 26-2-370;
 - (C) Establishments engaged in the sale of food primarily for consumption off the premises if such sale is an authorized part of and occurs upon the site of a fair or festival which:
 - (i) Is sponsored by a political subdivision of this state; and
 - (ii) Lasts 120 hours or less;
 - (D) Establishments engaged in the boiling, bottling, and sale of sugar cane syrup or sorghum syrup within this state, provided that such bottles contain a label listing the producer’s name and street address, all added ingredients, and the net weight or volume of the product; or
 - (E) Nonprofit food sales and food service provided under a permit issued pursuant to Article 14 of this chapter.
- (6) “Immediate container” does not include package liners.

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- (7)** “Label” means a display of written, printed, or graphic matter upon the immediate container of any article; and a requirement made by or under the authority of this article that any word, statement, or other information appear on the label shall not be considered to be complied with unless each such word, statement, or other information also appears on the outside wrapper or container, if there is any, of the retail package of such article, or is easily legible through the outside container or wrapper.
- (8)** “Labeling” means all labels and other written, printed, or graphic matter upon an article or any of its containers or wrappers or accompanying such article.
- (9)** “Official compendium” means the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, official National Formulary, or any supplement to any of them.
- (10)** “Person” means an individual, partnership, corporation, or association or any combination thereof.
- (b)** The provisions of this article regarding the selling of food shall be considered to include the manufacture, production, packaging, offer, exposure, possession, and holding of any such articles and the supplying or applying of any such articles in the conduct of any food establishment.

History

Ga. L. 1956, p. 195, § 2; Ga. L. 1971, p. 66, § 1; Ga. L. 1992, p. 1174, § 1; Ga. L. 1998, p. 1220, § 1; Ga. L. 2000, p. 1558, § 1; Ga. L. 2012, p. 1072, § 1/SB 300; Ga. L. 2020, p. 808, § 1/SB 345.

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26-2-22. Prohibited acts.

The following acts and the causing thereof within this state are prohibited:

- (1) The manufacture, sale or delivery, holding, storage, or offering for sale of any food that is adulterated or misbranded;
- (2) The adulteration or misbranding of any food;
- (3) The receipt in commerce of any food that is adulterated or misbranded and the delivery or proffered delivery thereof for pay or otherwise;
- (4) The sale, delivery for sale, holding for sale, or offering for sale of any article in violation of Code Section 26-2-37;
- (5) The dissemination of any false advertisement;
- (5.1) The failure to comply with testing, reporting, or record-keeping requirements provided by or pursuant to Code Section 26-2-27.1;
- (6) The refusal to permit entry or inspection, or to permit the taking of a sample, as authorized by Code Section 26-2-36;
- (7) The giving of a guaranty or undertaking, which guaranty or undertaking is false, except by a person who relied on a guaranty or undertaking to the same effect signed by, and containing the name and address of, the person residing in the State of Georgia from whom he received in good faith the food;
- (8) The removal or disposal of a detained or embargoed article in violation of Code Section 26-2-38;
- (9) The alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of or the doing of any other act with respect to a food, if such act is done while such article is held for sale and results in such article being adulterated or misbranded;
- (10) Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp, tag, label, or other identification device authorized or required by regulations promulgated pursuant to this article; and
- (11) The operation of a food sales establishment in violation of Code Section 26-2-25.

History

Ga. L. 1956, p. 195, § 3; Ga. L. 1971, p. 66, § 2; Ga. L. 1984, p. 22, § 26; Ga. L. 1985, p. 149, § 26; Ga. L. 2009, p. 441, § 1/SB 80.

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26-2-23. Injunctions for violations of Code Section 26-2-22.

In addition to the remedies provided for in this article, the Commissioner is authorized to apply to the superior court of the appropriate county for an injunction. Such court shall have jurisdiction, upon hearing and for cause shown, to grant a temporary or permanent injunction restraining any person from violating Code Section 26-2-22, notwithstanding the existence of an adequate remedy at law.

History

Ga. L. 1956, p. 195, § 4.

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26-2-24. Penalty for violation of Code Section 26-2-22; exceptions.

Any person who violates Code Section 26-2-22 shall be guilty of a misdemeanor, provided that:

- (1) No person shall be subject to the penalties provided in this article for having violated paragraph (1) or (3) of Code Section 26-2-22 if he or she establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in this state from whom he or she received in good faith the article, to the effect that such article is not adulterated or misbranded within the meaning of this article and designating this article;
- (2) No publisher, radiobroadcast licensee, or agency or medium for the dissemination of an advertisement, except the manufacturer, packer, distributor, or seller of the article to which a false advertisement relates, shall be liable under this Code section by reason of the dissemination by him or her of such false advertisement unless he or she has refused, on the request of the Commissioner, to furnish the Commissioner the name and post office address of the manufacturer, packer, distributor, seller, or advertising agency who caused him or her to disseminate such advertisement; and
- (3) If the removal or disposal of a detained or embargoed article creates a significant eminent threat or danger to human health, any person who violates paragraph (8) of Code Section 26-2-22 by removing or disposing of such detained or embargoed article and introducing or attempting to introduce said article into commerce for the purpose of human consumption or processing for human consumption in violation of Code Section 26-2-38 shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not less than one nor more than two years.

History

Ga. L. 1956, p. 195, § 5; Ga. L. 1998, p. 189, § 1.

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26-2-25. Licensing of food sales establishments; revocation; notice and hearing; transferability; posting of license; fees; rules and regulations.

(a) It shall be unlawful for any person to operate a food sales establishment without having first obtained a license from the Commissioner. No license issued under this article shall be suspended or revoked except for health and sanitation reasons or violations of this article and until the licensee to be affected shall be provided with reasonable notice thereof and an opportunity for hearing, as provided under Chapter 13 of Title 50, the “Georgia Administrative Procedure Act.” Licenses issued under this article shall be renewed annually and shall not be transferable with respect to persons or location. Each food sales establishment licensed pursuant to this Code section shall post such license on the premises in an open and conspicuous manner so as to be visible to the public. Neither the state nor any county, municipality, or consolidated government shall issue or renew any business or occupation license or permit for any food sales establishment until the establishment complies with the requirements of this article.

(b) The Commissioner shall charge the following fees for the licenses issued pursuant to subsection (a) of this Code section. The fee structure shall be based on the level of risk, procedural effort, and inspection time needed for each food sales establishment:

- (1) Tier 5 \$300.00
- (2) Tier 4 250.00
- (3) Tier 3 200.00
- (4) Tier 2 150.00
- (5) Tier 1 100.00

(c) The Department of Agriculture shall establish rules and regulations by which to assign each food sales establishment to a proper tier and to collect the fees provided for in this Code section.

History

Ga. L. 1971, p. 66, § 3; Ga. L. 2002, p. 815, § 1; Ga. L. 2010, p. 9, § 1-57/HB 1055.

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26-2-26. When food deemed adulterated.

A food shall be deemed to be adulterated if:

- (1) 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 food shall not be considered adulterated under this paragraph if the quantity of such substance in such food does not ordinarily render it injurious to health;
- (2) It bears or contains any added poisonous or added deleterious substance which is unsafe within the meaning of Code Section 26-2-27. In regard to pesticide residues, a food shall be deemed to be adulterated and unsafe if it bears a pesticide residue in excess of a tolerance established by the United States Environmental Protection Agency under the Federal Food, Drug, and Cosmetic Act or if it bears a residue of a pesticide for which no tolerance has been established or is currently in effect for that food, if such residue appears at a level which is readily quantifiable by methods of assay for pesticide residues employed by the Commissioner on the date of the assay;
- (3) It consists in whole or in part of a diseased or contaminated, filthy, putrid, or decomposed substance or if it is otherwise unfit for food;
- (4) It has been produced, prepared, packed, or held under unsanitary conditions whereby it may have become contaminated with filth or whereby it may have been rendered diseased, unwholesome, or injurious to health;
- (5) It is the product of a diseased animal or an animal that has died otherwise than by slaughter or an animal that has been fed upon the uncooked offal from a slaughterhouse;
- (6) Its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health;
- (7) Any valuable constituent has been in whole or in part omitted or abstracted therefrom;
- (8) Any substance has been substituted wholly or in part therefor;
- (9) Damage or inferiority has been concealed in any manner;
- (10) 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;
- (11) It is confectionary and it bears or contains any alcohol or nonnutritive article or substance except harmless coloring, harmless flavoring, harmless resinous glaze not in excess of four-tenths of 1 percent, harmless natural wax not in excess of four-tenths of 1 percent, harmless natural gum, and pectin, provided that this paragraph shall not apply to any confection containing less than one-half of 1 percent by volume of alcohol derived solely from the use of flavoring extracts or to any chewing gum by reason of its containing harmless nonnutritive masticatory substances; or
- (12) It bears or contains a coal-tar color other than one from a batch which has been certified under authority of the federal act.

History

Ga. L. 1956, p. 195, § 10; Ga. L. 1990, p. 8, § 26; Ga. L. 1990, p. 318, § 1.

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26-2-27. Poisonous or deleterious substances in food; exception for required substances.

(a) Any poisonous or deleterious substance added to any food, except where such substance is required in the production thereof or cannot be avoided by good manufacturing practice, shall be deemed to be unsafe for purposes of the application of paragraph (2) of Code Section 26-2-26.

(b) When a poisonous or deleterious substance is required in the production of food or cannot be avoided by good manufacturing process, the Commissioner shall promulgate regulations limiting the quantity therein or thereon to such extent as the Commissioner finds necessary for the protection of public health; and any quantity exceeding the limits so fixed shall also be deemed to be unsafe for purposes of the application of paragraph (2) of Code Section 26-2-26. While such a regulation is in effect limiting the quantity of any such substance in the case of any food, such food shall not, by reason of bearing or containing any added amount of such substance, be considered to be adulterated within the meaning of paragraph (1) of Code Section 26-2-26.

(c) In determining the quantity of added poisonous or deleterious substances to be tolerated in or on different articles of food, the Commissioner shall take into account the extent to which the use of such substance is required or cannot be avoided in the production of each such article and the other ways in which the consumer may be affected by the same or other poisonous or deleterious substances.

History

Ga. L. 1956, p. 195, § 13.

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26-2-27.1. Testing of specimens from food processing centers; consistency in standards; cost; retention of records from testing; exemption.

(a) As used in this Code section, the term “food processing plant” means a commercial operation that manufactures food for human consumption and does not provide food directly to a consumer from that location. Such term shall not include a commercial operation that produces raw agricultural commodities and whose end product remains a raw agricultural product.

(b)

(1)

(A) In order to protect the public health, safety, and welfare and ensure compliance with this article, the Commissioner shall by rule or regulation establish requirements for regular testing of samples or specimens of foods and ingredients by food processing plants for the presence of poisonous or deleterious substances or other contaminants rendering such foods or ingredients injurious to health. Such rules or regulations shall identify the specific classes or types of food processing plants, foods, ingredients, and poisonous or deleterious substances or other contaminants that shall be subject to such testing requirements and the frequency with which such tests shall be performed by food processing plants.

(B) The Commissioner shall also promulgate rules and regulations establishing minimum standards and requirements for a written food safety plan, such as a hazard analysis critical control point plan, that may be submitted by an operator of a food processing plant to document and describe the procedures used at such plant to prevent the presence of hazards such as poisonous or deleterious substances or other contaminants that would render finished foods or finished ingredients as manufactured at such plant injurious to health, including preventive controls, monitoring to ensure the effectiveness of such controls, and records of corrective actions, including actions taken in response to the presence of known hazards. If an operator of a food processing plant, in its discretion, submits to the department a written food safety plan for such plant and such plan conforms to rules and regulations promulgated for purposes of this subparagraph, then such food processing plant shall comply with the requirements of such written food safety plan, including, but not limited to, any test regimen provided by such plan, in lieu of complying with a test regimen established by rules or regulations promulgated by the Commissioner pursuant to subparagraph (A) of this paragraph.

(C)

(i) The Commissioner shall impose a civil penalty for a violation of this subsection.

(ii) The department shall adopt rules and regulations establishing a schedule of civil penalties that shall be imposed under this subsection. Civil penalties imposed pursuant to this subsection shall not exceed \$5,000.00 for each violation; provided, however, that a food processing plant that knowingly fails to comply with the provisions of subparagraph (B) of this paragraph shall be punished by the imposition of a \$7,500.00 civil penalty. In addition to such civil penalty, within

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30 days of the determination by the Commissioner that such violation has occurred, such food processing plant shall submit to the Commissioner a written plan pursuant to subparagraph (B) of this paragraph.

(iii) For purposes of this subsection, each day a violation continues after the period established for compliance by the Commissioner shall be considered a separate violation.

(iv) When a civil penalty is imposed under this subsection, such penalty shall be subject to review in the manner prescribed by Article 1 of Chapter 13 of Title 50, known as the "Georgia Administrative Procedure Act."

(2) In addition to any regular tests required pursuant to paragraph (1) of this subsection, the Commissioner may order any food processing plant to have samples or specimens of its foods and ingredients tested for the presence of any poisonous or deleterious substances or other contaminants whenever in his or her determination there are reasonable grounds to suspect that such foods or ingredients may be injurious to health.

(c) Any food processing plant subject to any testing requirements pursuant to this Code section shall cause such required tests to be performed in accordance with testing standards and procedures established by rules and regulations of the Commissioner. Testing standards and procedures established by the Commissioner under this paragraph shall be consistent with standards presented in the federal Food and Drug Administration's Bacterial Analytical Manual and standards developed by the Association of Analytical Communities International, International Organization for Standardization, or another internationally recognized certification body.

(d) A food processing plant shall be responsible for the cost of any testing required pursuant to this Code section and may conduct such testing either internally or via a third party, provided that subsection (c) of this Code section applies in either case.

(e)

(1) Whenever any person or firm that operates a food processing plant in this state obtains information from testing of samples or specimens of finished foods or finished food ingredients as manufactured at such food processing plant which, based on a confirmed positive test result, indicates the presence of a substance that would cause a manufactured food bearing or containing the same to be adulterated within the meaning of paragraph (1) of Code Section 26-2-26, such person or firm shall report such test result to the department within 24 hours after obtaining such information.

(2) Any person who knowingly fails to make the report required by paragraph (1) of this subsection shall be guilty of a misdemeanor. The punishment provided for in this subsection shall be supplemental to any other applicable provisions of law.

(f) Records of the results of any tests required pursuant to this Code section shall be kept by a food processing plant and made available to the department for inspection for a period of not less than two years from the date the results were reported by the laboratory. Any person who knowingly violates this subsection shall be guilty of a misdemeanor. The punishment provided for in this subsection shall be supplemental to any other applicable provisions of law.

(g) This Code section shall not apply to any food processing plant operating under a federal grant of inspection from the United States Department of Agriculture Food Safety and Inspection Service.

(h) Any person who knowingly introduces into commerce finished foods or finished food ingredients as manufactured at a food processing plant knowing that it contains a substance that would cause a manufactured food bearing or containing the same to be adulterated within the meaning of paragraph (1) of Code Section 26-2-26 shall be guilty of a felony, and, upon conviction, shall be punished by imprisonment for not less than one nor more than 20 years, a fine not to exceed \$20,000.00, or both. The punishment provided for in this subsection shall be supplemental to any other applicable provisions of law.

History

Code 1981, § 26-2-27.1, enacted by Ga. L. 2009, p. 441, § 2/SB 80; Ga. L. 2010, p. 465, §§ 2, 3, 4/HB 883.

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O.C.G.A. § 26-2-28

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26-2-28. When food deemed misbranded.

A food shall be deemed to be misbranded if:

- (1) Its labeling is false or misleading in any particular;
- (2) It is offered for sale under the name of another food;
- (3) It is an imitation of another food for which a definition and standard of identity have been prescribed by regulations as provided by Code Section 26-2-35; or if it is an imitation of another food that is not subject to paragraph (7) of this Code section, unless its label bears, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated;
- (4) Its container is so made, formed, or filled as to be misleading;
- (5)

(A) In package form, unless it bears a label containing:

- (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.

However, under division (ii) of subparagraph (A) of this paragraph, reasonable variations shall be permitted, and exemptions as to small packages shall be established by regulations prescribed by the Commissioner; and a food shall not be deemed misbranded because of omission of the information required by division (i) of subparagraph (A) of this paragraph where such omission is authorized in writing by the Commissioner.

(B) The Commissioner may authorize the omission from the label of packaged food of the name and place of business of the manufacturer, packer, or distributor upon a showing of undue hardship because of the size of the package, the material of which the package is made, or the disproportionate cost of compliance. Before authorizing such omission, the Commissioner shall require the filing of a certificate of territorial responsibility in a form prescribed by him. Failure to maintain on file with the Commissioner a correct current statement of territorial responsibility in accordance with the Commissioner's requirements shall terminate any such authorization previously granted;

- (6) Any word, statement, or other information required by or under authority of this article to appear on the label or 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) It purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulations as provided by Code Section 26-2-35, unless:
 - (A) It conforms to such definition and standard; and

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- (B)** 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)** It purports to be or is represented as:
- (A)** A food for which a standard of quality has been prescribed by regulations as provided by Code Section 26-2-35 and its quality falls below such standard, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard; or
- (B)** A food for which a standard or standards of fill of container have been prescribed by regulation as provided by Code Section 26-2-35, 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)**
- (A)** It is not subject to paragraph (7) of this Code section, unless it bears labeling clearly giving:
- (i)** The common or usual name of the food, if any such name exists; 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, other than those sold as such, may be designated as spices, flavorings, and colorings without naming each;
- (B)** To the extent that compliance with the requirements of division (ii) of subparagraph (A) of this paragraph is impractical or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the Commissioner;
- (C)** The requirements of division (ii) of subparagraph (A) of this paragraph shall not apply to any carbonated beverage, the ingredients of which have been fully and correctly disclosed, to the extent prescribed by division (ii) of subparagraph (A) of this paragraph, to the Commissioner in an affidavit;
- (10)** 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 determines to be, and by regulations prescribes, as necessary in order fully to inform purchasers as to its value for such uses;
- (11)** 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 paragraph is impracticable, exemptions shall be established by regulations promulgated by the Commissioner; or
- (12)** It is a product intended as an ingredient of another food and when used according to the directions of the purveyor will result in the final food product being adulterated or misbranded.

History

Ga. L. 1956, p. 195, § 11; Ga. L. 1966, p. 180, § 1; Ga. L. 1982, p. 3, § 26.

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O.C.G.A. § 26-2-29

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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 2 Adulteration and Misbranding of Food (§§ 26-2-20 — 26-2-41)

26-2-29. Misleading advertisements; certain practices declared misleading.

- (a) An advertisement of a food shall be deemed to be false if it is misleading in any particular.
- (b) By way of illustration only and without limiting the scope of subsection (a) of this Code section, the following practices employed in the advertisement of a food are declared to be misleading:
- (1) Causing actual confusion or actual misunderstanding as to the source, sponsorship, approval, or certification of food;
 - (2) Using deceptive representations or designations of geographic origin in connection with food;
 - (3) Representing that food has sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that it does not have or that a person has a sponsorship, approval, status, affiliation, or connection that he does not have;
 - (4) Representing that food is of a particular standard, quality, or grade if it is not; or
 - (5) Making false or misleading statements concerning the food of another.

History

Ga. L. 1956, p. 195, § 14; Ga. L. 1989, p. 260, § 1.

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26-2-30. Factors to be taken into account in determining whether labels or advertisements are misleading.

If an article is alleged to be misbranded because the labeling is misleading or if an advertisement is alleged to be false because it is misleading, then, in determining whether the labeling or advertisement is misleading, there shall be taken into account, among other things, not only representations made or suggested by statements, words, designs, devices, sound, or any combination thereof, but also the extent to which the labeling or advertisement fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the article to which the labeling or advertisement relates under the conditions of use prescribed in the labeling or advertisement thereof or under such conditions of use as are customary or usual.

History

Ga. L. 1956, p. 195, § 2.

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26-2-30.1. Beef produced without antibiotics or growth hormones; “Georgia lean” beef.

- (a) The Commissioner of Agriculture is authorized to promulgate and adopt rules and regulations for the labeling of beef and for the purpose of certifying beef as having been produced without feeding, injecting, or implanting antibiotics or growth hormones in the animal from which such beef was produced.
- (b) The Commissioner of Agriculture is authorized to promulgate and adopt rules and regulations and to establish standards for the labeling and certification of beef as “Georgia lean.”

History

Code 1981, § 26-2-30.1, enacted by Ga. L. 1986, p. 1089, § 1.

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26-2-31. [Reserved] Repacking of flour, grits, hominy, and cornmeal; exceptions.

History

Ga. L. 1889, p. 170, § 1; Ga. L. 1890-91, p. 236, § 1; Civil Code 1895, § 1622; Penal Code 1895, §§ 550, 551; Civil Code 1910, § 1865; Penal Code 1910, §§ 562, 563; Code 1933, §§ 42-318, 42-9902; Ga. L. 1958, p. 652, § 1; repealed by Ga. L. 1999, p. 642, § 1, effective July 1, 1999.

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26-2-32. Honey and imitation honey labels.

(a) It shall be unlawful for any person to package any product and label the product as “honey” or “imitation honey,” or to use the word “honey” in any prominent location on the label of such product, or to sell or offer for sale any product which is labeled “honey” or “imitation honey” or which contains a label with the word “honey” prominently displayed thereon, unless such product is pure honey manufactured by honeybees.

(b) Any person who violates any provisions of this Code section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$500.00 nor more than \$1,000.00 or by confinement for a total term not to exceed 12 months, or both.

History

Ga. L. 1974, p. 450, § 1; Ga. L. 1990, p. 391, § 1.

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26-2-33. Enforcement of article by Commissioner; employment of personnel.

(a) The Commissioner is charged with the duty of enforcing this article and rules, regulations, and standards adopted and promulgated under this article in establishments that have the majority of square footage of building floor space used for the operation of food sales as defined in Code Section 26-2-21. The measurement of square footage shall consider indoor and outdoor dining areas as part of food service as defined in Code Section 26-2-370. The Commissioner shall employ the necessary personnel and shall fix their compensation and prescribe their duties. Duly authorized representatives are authorized to enter upon and inspect the premises of any food sales establishment.

(b) Notwithstanding any other provision of this article, food service establishments as defined in Code Section 26-2-370 shall be inspected and regulated under Article 13 of this chapter and shall not be subject to inspection or enforcement under this article.

History

Ga. L. 1956, p. 195, § 15; Ga. L. 2000, p. 1558, § 2.

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26-2-34. Promulgation of regulations; notice and hearing for proposed amendments; variances or waivers.

- (a) The authority to promulgate regulations for the efficient enforcement of this article is vested in the Commissioner. The Commissioner is authorized to make the regulations promulgated under this article conform, insofar as practicable, with those promulgated under the federal act.
- (b) Hearings authorized or required by this article shall be conducted by the Commissioner or such officer, agent, or employee as the Commissioner may designate for the purpose.
- (c) Before promulgating any regulation authorized by Code Sections 26-2-35 and 26-2-37 and paragraph (10) of Code Section 26-2-28, the Commissioner shall give appropriate notice of the proposal and of the time and place for a hearing. The regulation so promulgated shall become effective on a date fixed by the Commissioner, which date shall not be prior to 30 days after its promulgation. Such regulation may be amended or repealed in the same manner as is provided for its adoption, except that, in the case of a regulation amending or repealing any such regulation, the Commissioner, to such an extent as is deemed necessary, in order to prevent undue hardship, may disregard the foregoing provisions regarding notices, hearing, or effective date.
- (d)
- (1) For purposes of this subsection, the term:
- (A) “Substantial hardship” means a significant, unique, and demonstrable economic, technological, legal, or other type of hardship to the person requesting a variance or waiver which impairs the ability of the person to continue to function in the regulated practice or business.
- (B) “Variance” means a decision by an agency to grant a modification to all or part of the literal requirements of a rule to a person who is subject to the rule.
- (C) “Waiver” means a decision by an agency not to apply all or part of a rule to a person who is subject to the rule.
- (2) The Commissioner may grant a variance or waiver to any rule promulgated pursuant to this Code section when a person subject to such rule demonstrates that the purpose of the underlying statute upon which the rule is based can be or has been achieved by other specific means which are agreeable to the person seeking the variance or waiver and that strict application of the rule would create a substantial hardship to such person.
- (3) This subsection shall not apply, and no variance or waiver shall be sought or authorized, if the granting of such variance or waiver would be harmful to the public health, safety, or welfare.

History

Ga. L. 1956, p. 195, § 15; Ga. L. 2017, p. 619, § 1/SB 78.

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26-2-34.1. Confidential information.

The following information, records, and data obtained by the Department of Agriculture from the federal Food and Drug Administration pursuant to a contract or commissioning agreement shall be deemed confidential and shall not be open to inspection by the public, to the extent that it was obtained or furnished on a confidential basis or is exempt from disclosure under 5 U.S.C. Sec. 552, the federal Freedom of Information Act: trade secrets; confidential commercial information; information under the federal deliberative process privilege; information compiled for law enforcement purposes; or information expressly required to be kept confidential by other federal laws.

History

Code 1981, § 26-2-34.1, enacted by Ga. L. 2020, p. 486, § 1/SB 381.

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26-2-35. Food regulations.

(a) Whenever in the judgment of the Commissioner such action will promote honesty and fair dealing in the interest of the consumers, the Commissioner shall promulgate regulations fixing and establishing for any food or any class of food a reasonable definition and standard of identity and, if applicable, a reasonable standard of quality and fill of container.

(b) In prescribing a definition and a standard of identity for any food or class of food in which optional ingredients are permitted, the Commissioner shall, for the purpose of promoting honesty and fair dealing in the interest of consumers, designate the optional ingredients which shall be named on the label. The definitions and standards so promulgated shall conform so far as practicable to the definitions and standards promulgated under authority of the federal act.

History

Ga. L. 1956, p. 195, § 9.

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26-2-36. Right of entry in food establishments and transport vehicles; examination of samples obtained.

(a) The Commissioner or his duly authorized agent shall have free access during all hours of operation and at all other reasonable hours to any factory, warehouse, or establishment in which food is manufactured, processed, packed, or held for introduction into commerce and any vehicle being used to transport or hold such foods to commerce for the purposes:

(1) Of inspecting such factory, warehouse, establishment, or vehicle, any records of pathogen destruction, and any records of testing of samples or specimens of foods or ingredients for the presence of poisonous or deleterious substances or other contaminants and the results thereof as may be required pursuant to Code Section 26-2-27.1, to determine if any of the provisions of this article are being violated; and

(2) Of securing samples or specimens of any food, after paying or offering to pay for such sample.

(b) It shall be the duty of the Commissioner to make or cause to be made examinations of samples secured under subsection (a) of this Code section to determine whether or not this article is being violated.

History

Ga. L. 1956, p. 195, § 16; Ga. L. 2009, p. 441, § 3/SB 80.

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26-2-37. Temporary permits.

(a) Whenever the Commissioner finds, after investigation, that the distribution in Georgia of any class of food may, by reason of contamination with microorganisms during manufacture, processing, or packing thereof in any locality, be injurious to health and that such injurious nature cannot be adequately determined after such articles have entered commerce, he then, and in such case only, shall promulgate regulations providing for the issuance to manufacturers, processors, or packers of such class of food in such locality of permits to which shall be attached such conditions governing the manufacture, processing, or packing of such class of food, for such temporary period of time, as may be necessary to protect the public health; and, after the effective date of such regulations and during such temporary period, no person shall introduce or deliver for introduction into commerce any such food manufactured, processed, or packed by any such manufacturer, processor, or packer unless such manufacturer, processor, or packer holds a permit issued by the Commissioner as provided by such regulations.

(b) The Commissioner is authorized to suspend immediately upon notice any permit issued under authority of this Code section if it is found that any of the conditions of the permit have been violated. The holder of a permit so suspended shall be privileged at any time to apply for the reinstatement of such permit. The Commissioner shall, immediately after prompt hearing and inspection of the establishment, reinstate such permit if it is found that adequate measures have been taken to comply with and maintain the conditions of the permit as originally issued or as amended.

(c) Any officer or employee duly designated by the Commissioner shall have access to any factory or establishment, the operator of which holds a permit from the Department of Agriculture, for the purpose of ascertaining whether or not the conditions of the permit are being complied with. Denial of access for such inspection shall be grounds for suspension of the permit until such access is freely given by the owner or operator.

History

Ga. L. 1956, p. 195, § 12.

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26-2-38. Detention or embargo of adulterated or misbranded food.

(a) Whenever a duly authorized agent of the Commissioner finds or has probable cause to believe that any food is adulterated or misbranded within the meaning of this article, such agent shall affix to such article or to any container, field, building, or structure which contains such article a tag or other appropriate marking, giving notice that such article is, or is suspected of being, adulterated or misbranded and has been detained or embargoed and warning all persons not to remove or dispose of such article by sale or otherwise until permission for removal or disposal is given by the agent or the court. It shall be unlawful for any person to remove or dispose of such detained or embargoed article by sale or otherwise without permission of the Commissioner. Upon application, the Commissioner shall grant permission to move or dispose of such article to a safe and secure area and in a safe and secure manner.

(b) When an article detained or embargoed under subsection (a) of this Code section has been found by such agent to be adulterated or misbranded, he shall bring an action for condemnation of such article in the superior court of the county where the article is detained or embargoed. When such agent has found that an article so detained or embargoed is not adulterated or misbranded, he shall remove the tags or other markings.

(c) If the court finds that a detained or embargoed article is adulterated or misbranded, such article shall, after entry of the decree, be destroyed at the expense of the claimant thereof under the supervision of the Commissioner and all court costs and fees, and storage and other proper expenses shall be taxed against the claimant of such article or his agent, provided that, when the adulteration or misbranding can be corrected by proper labeling or processing of the article, the court, after entry of the decree and after such costs, fees, and expenses have been paid and a good and sufficient bond conditioned that such article shall be so labeled or processed, has been executed, may by proper order direct that such article be delivered to the claimant thereof for such labeling or processing under the supervision of an agent of the Commissioner. The expense of such supervision shall be paid by the claimant. Such shall be returned to the claimant of the article on representation to the court by the Commissioner that the article is no longer in violation of this article and that the expense of such supervision has been paid.

(d) Whenever the Commissioner or any of his authorized agents shall find in any room, building, vehicle for transportation, or other structure any meat, seafood, poultry, vegetables, fruit, or other perishable articles which are unsound, which contain any filthy, decomposed, or putrid substances, or which might be poisonous or deleterious to health or otherwise unsafe, the same shall be declared to be a nuisance and the Commissioner or his authorized agent shall immediately condemn or destroy or in any other manner render the same unsalable as human food.

History

Ga. L. 1956, p. 195, § 6; Ga. L. 1986, p. 197, § 1; Ga. L. 1998, p. 189, § 2.

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26-2-39. Summaries of judgments, decrees, and court orders; dissemination of information in the interest of health and protection of consumers against fraud.

- (a) The Commissioner may cause to be published from time to time reports summarizing all judgments, decrees, and court orders which have been rendered under this article, including the nature of the charge and the disposition thereof.
- (b) The Commissioner may also cause to be disseminated such information regarding food as the Commissioner deems necessary in the interest of public health and the protection of the consumer against fraud.
- (c) Nothing in this Code section shall be construed to prohibit the Commissioner from collecting, reporting, and illustrating the results of the investigations of the Commissioner.

History

Ga. L. 1956, p. 195, § 17.

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26-2-40. Minor violations of article.

Nothing in this article shall be construed as requiring the Commissioner to report, for the institution of proceedings under this article, minor violations of this article whenever the Commissioner believes that the public interest will be adequately served in the circumstances by a suitable written notice or warning.

History

Ga. L. 1956, p. 195, § 8.

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26-2-41. Prosecution of violations; notice to defendant prior to institution of criminal proceeding.

It shall be the duty of each prosecuting attorney to whom the Commissioner reports any violation of this article to cause appropriate proceedings to be instituted in the appropriate court without delay and to prosecute the same in the manner provided by law. Before any violation of this article is reported to any prosecuting attorney for the institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given appropriate notice and an opportunity to present his views before the Commissioner or his designated agent orally or in writing, in person, or by attorney, with regard to such contemplated proceedings.

History

Ga. L. 1956, p. 195, § 7.

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O.C.G.A. Title 26, Ch. 2, Art. 3

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Article 3 Meat Inspection

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O.C.G.A. § 26-2-60

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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.

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

History

Ga. L. 1969, p. 1028, § 33.

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26-2-61. Legislative intent.

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

Ga. L. 1969, p. 1028, § 2.

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O.C.G.A. § 26-2-62

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26-2-62. Definitions.

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

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.

(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

Ga. L. 1969, p. 1028, § 20.

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26-2-64. Concurrent enforcement jurisdiction.

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

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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26-2-80. Promulgation of regulations.

The Commissioner is authorized to promulgate, from time to time, such regulations as are necessary to effectuate the purpose of this article.

History

Ga. L. 1969, p. 1028, § 31.

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26-2-81. Powers of Commissioner; access to documentary evidence and witnesses; false reports; failure to file reports.

(a) The Commissioner shall also have power:

(1) To gather and compile information concerning and to investigate from time to time the organization, business, conduct, practices, and management of any person, firm, or corporation subject to this article and the relation thereof to other persons, firms, and corporations; and

(2) To require, by regulation, persons, firms, and corporations subject to this article, or any class of them, to file with the Commissioner, in such form as he may prescribe, annual or special, or both annual and special, reports or answers in writing to specific questions, furnishing to the Commissioner such information as he may require as to the organization, business, conduct, practices, management, and relation to other persons, firms, and corporations of the person, firm, or corporation filing such reports or answers in writing. Such reports and answers shall be made under oath, or otherwise as the Commissioner may prescribe, and shall be filed with the Commissioner within such reasonable period as he may prescribe, unless additional time is granted in any case by the Commissioner.

(b) For the purposes of this article, the Commissioner shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documentary evidence of any person, firm, or corporation being investigated or proceeded against and may require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence of any person, firm, or corporation relating to any matter under investigation. The Commissioner, hearing officer, or other designate may sign subpoenas and may administer oaths and affirmations, examine witnesses, and receive evidence.

(1) The attendance of witnesses and the production of documentary evidence may be required at any designated place of hearing. In case of disobedience to a subpoena, the Commissioner may apply to the superior court for an order requiring the attendance and testimony of witnesses and the production of documentary evidence.

(2) The appropriate superior court may, in case of contumacy or refusal to obey a subpoena issued to any person, firm, or corporation, issue an order requiring such person, firm, or corporation to appear before the Commissioner, or to produce documentary evidence if so ordered, or to give evidence touching the matter in question; and any failure to obey the order of the court may be punished by such court as a contempt thereof.

(c)

(1)

(A) It shall be unlawful for any person, firm, or corporation willfully to:

(i) Make, or cause to be made, any false entry or statement of fact in any report required to be made under this article;

(ii) Make, or cause to be made, any false entry in any account, record, or memorandum kept by any person, firm, or corporation subject to this article;

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(iii) Neglect or fail to make, or cause to be made, full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the business of such person, firm, or corporation;

(iv) Remove out of the jurisdiction of this state or mutilate, alter, or by any other means falsify or conceal any documentary evidence of any such person, firm, or corporation; or

(v) Refuse to submit to the Commissioner or to any of his authorized agents, for the purpose of inspection and taking copies, any documentary evidence of any such person, firm, or corporation in his possession or within his control.

(B) Any person or the officers or agents of any firm or corporation who violate this subsection shall, upon conviction, be punished by imprisonment of not more than three years or by a fine not to exceed \$5,000.00, or both.

(2) If any person, firm, or corporation required by this article to file any annual or special report fails so to do within the time fixed by the Commissioner for filing the report and such failure shall continue for 30 days after notice of such default, such person, firm, or corporation shall forfeit to this state the sum of \$100.00 for each and every day of the continuance of such failure, which forfeiture shall be payable into the state treasury and shall be recoverable in a civil action in the name of the state brought in the county where the person, firm, or corporation has his or its principal office or in any county in which he or it shall do business. It shall be the duty of the Attorney General to prosecute for the recovery of such forfeitures.

(3) Information obtained by the Commissioner pursuant to the authority of this article shall not be made public by any officer or employee of this state without the authorization of the Commissioner. Such information and records shall not be subject to Article 4 of Chapter 18 of Title 50, providing for the inspection of public records.

History

Ga. L. 1969, p. 1028, § 27; Ga. L. 2003, p. 140, § 26.

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26-2-82. Administrative penalties; judicial review.

The Commissioner, in order to enforce this article or any orders, rules, and regulations promulgated pursuant thereto, may issue an administrative order imposing a penalty not to exceed \$1,000.00 for each violation whenever the Commissioner, after a hearing, determines that any person has violated this article or any regulations or orders promulgated under this article. The hearing and any administrative review thereof shall be conducted in accordance with the procedure for contested cases under Chapter 13 of Title 50, the "Georgia Administrative Procedure Act." Any person who has exhausted all administrative remedies available and who is aggrieved or adversely affected by any final order or action of the Commissioner shall have the right of judicial review thereof in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act." All penalties recovered as provided for in this article shall be paid into the state treasury. The Commissioner may file in the superior court of the county where the person under order resides or, if said person is a corporation, in the county wherein the corporation maintains its principal place of business or in the county wherein the violation occurred a certified copy of a final order of the Commissioner unappealed from, or of a final order of the Commissioner affirmed upon appeal, whereupon said court shall render judgment in accordance therewith and notify the parties. Such judgment shall have the same effect, and all proceedings in relation thereto shall thereafter be the same, as though said judgment has been rendered in an action duly heard and determined by said court. The penalty prescribed in this Code section shall be concurrent, alternative, and cumulative with any and all other civil, criminal, or alternative rights, remedies, forfeitures, or penalties provided, allowed, or available to the Commissioner with respect to any violation of this article and any orders, rules, or regulations promulgated pursuant thereto.

History

Ga. L. 1979, p. 1037, § 1.

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26-2-83. Withdrawal of meat inspection service.

(a) The Commissioner is authorized to refuse to provide or to withdraw inspection service under Code Sections 26-2-100 through 26-2-115 and to revoke or suspend any license issued by the Department of Agriculture to any person, firm, or corporation subject to this article who shall violate any of the laws of this state pertaining to the department or any of the rules and regulations of the department promulgated pursuant to such laws, or who is unfit to engage in any business requiring inspection under Code Sections 26-2-100 through 26-2-115 because the applicant or recipient has been convicted in any federal or state court of:

(1) Any felony; or

(2) More than one violation of any law, other than a felony, based upon the acquiring, handling, or distributing of unwholesome, mislabeled, or deceptively packaged food or upon fraud in connection with transactions in food.

(b) This Code section shall not affect in any way other provisions of this article for withdrawal of inspection services under Code Sections 26-2-100 through 26-2-115 from establishments failing to maintain sanitary conditions or to destroy condemned carcasses, parts, meat, or meat food products.

(c) For the purpose of this Code section, a person shall be deemed to be responsibly connected with the business if he was a partner, officer, director, holder, or owner of 10 percent or more of its voting stock or an employee in a managerial or executive capacity.

History

Ga. L. 1969, p. 1028, § 21.

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26-2-84. Detention of carcasses, meat, and meat food products suspected of being adulterated or misbranded; removal of official marks.

Whenever any carcass, part of a carcass, meat, or meat food product of cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, or other equines, or any product exempted from the definition of a meat food product, or any dead, dying, disabled, or diseased cattle, sheep, swine, nontraditional livestock, rabbit, goat, or equine is found by any authorized representative of the Commissioner upon any premises where it is held for purposes of, or during or after, distribution and there is reason to believe that any such article is adulterated or misbranded and is capable of use as human food, or that it has not been inspected, in violation of Part 3 of this article or Title I of the Federal Meat Inspection Act or the Federal Food, Drug, and Cosmetic Act, or that such article or animal has been or is intended to be distributed in violation of any such provisions, it may be detained by such representative for a period not to exceed 20 days, pending action under Code Section 26-2-86 or notification of any federal authorities having jurisdiction over such article or animal; and it shall not be moved by any person, firm, or corporation from the place at which it is located when so detained, until released by such representative. All official marks may be required by such representative to be removed from such article or animal before it is released unless it appears to the satisfaction of the Commissioner that the article or animal is eligible to retain such marks.

History

Ga. L. 1969, p. 1028, § 22; Ga. L. 1974, p. 453, § 1; Ga. L. 1982, p. 3, § 26; Ga. L. 1995, p. 244, § 13; Ga. L. 1996, p. 1219, § 2; Ga. L. 2008, p. 458, § 9/SB 364.

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O.C.G.A. § 26-2-85

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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 2 Enforcement of Article (§§ 26-2-80 — 26-2-88)

26-2-85. Seizure and condemnation of carcasses, meat, and meat food products; release bond; costs.

- (a) Any carcass, part of a carcass, meat, or meat food product of cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, or other equines, or any dead, dying, disabled, or diseased cattle, sheep, swine, nontraditional livestock, rabbit, goat, or equine, that is being transported or is held for sale in this state after such transportation, and that is or has been prepared, sold, transported, or otherwise distributed or offered or received for distribution in violation of this article, is capable of use as human food and is adulterated or misbranded, or in any other way is in violation of this article, shall be liable to be proceeded against and seized and condemned, at any time, on an action for condemnation to be brought by the Commissioner in the superior court of the county in which the article or animal is found.
- (b) If the article or animal is condemned, it shall, after entry of the decree, be disposed of by destruction or sale as the court may direct. The proceeds, if sold, less the court costs and fees and storage and other proper expenses, shall be paid into the state treasury. The article or animals shall not be sold contrary to the provisions of this article or the Federal Meat Inspection Act or the Federal Food, Drug, and Cosmetic Act.
- (c) Upon the execution and delivery of a good and sufficient bond conditioned that the article or animal shall not be sold or otherwise disposed of contrary to this article or the laws of the United States, the court may direct that such article or animal be delivered to the owner thereof subject to such supervision by authorized representatives of the Commissioner as is necessary to ensure compliance with the applicable laws.
- (d) When a decree of condemnation is entered against the article or animal and it is released under bond or destroyed, court costs and fees and storage and other proper expenses shall be awarded against the person, if any, intervening as claimant of the article or animal.
- (e) This Code section shall in no way derogate from authority for condemnation or seizure conferred by other provisions of this article or other laws but shall be cumulative to such other authority.

History

Ga. L. 1969, p. 1028, § 23; Ga. L. 1974, p. 453, § 1; Ga. L. 1995, p. 244, § 14; Ga. L. 1996, p. 1219, § 3; Ga. L. 2008, p. 458, § 10/SB 364.

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O.C.G.A. § 26-2-86

Current through the 2022 Regular Session of the General Assembly.

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26-2-86. Injunctions.

In addition to other remedies provided for in this article, the Commissioner is authorized to apply to the superior court of the appropriate county for an injunction. Such court shall have jurisdiction, upon hearing and for cause shown, to grant a temporary or permanent injunction restraining any person from violating any provision of this article, notwithstanding whether or not there exists an adequate remedy at law or the fact that the conduct sought to be enjoined is in violation of the criminal provisions of this article.

History

Ga. L. 1969, p. 1028, § 24.

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26-2-87. Minor violations.

Nothing in this article shall be construed as requiring the Commissioner to report, for prosecution or for the institution of an action or injunction proceedings, minor violations of this article, whenever he believes that the public interest will be adequately served by a suitable written notice or warning.

History

Ga. L. 1969, p. 1028, § 26.

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26-2-88. Penalties for fraud or distribution of adulterated articles; penalties for slaughter or distribution of diseased or cancerous animals.

(a) Any person, firm, or corporation who violates this article with intent to defraud or who distributes or attempts to distribute an article that is adulterated, except as defined in subparagraph (H) of paragraph (1) of Code Section 26-2-62, shall be subject to imprisonment for not more than three years or a fine of not more than \$10,000.00, or both, provided that no person, firm, or corporation shall be subject to penalties under this subsection for receiving for transportation any article or animal in violation of this article if such receipt was made in good faith, unless such person, firm, or corporation refuses to furnish, on request of a representative of the Commissioner, the name and address of the person from whom he received such article or animal and copies of all documents, if there are any, pertaining to the delivery of the article or animal to him.

(b) Any person who unlawfully slaughters any diseased or cancerous animal for purposes of selling any part of the carcass for human consumption or who knowingly distributes or attempts to distribute any part of such a carcass for human consumption shall be guilty of a felony and punished by imprisonment for not less than three years or more than ten years or by a fine of not less than \$10,000.00 or more than \$50,000.00, or both.

(c) Any person who violates any of the provisions of this article for which a penalty is not otherwise prescribed in this article or who violates any rule or regulation promulgated under this article shall be guilty of a misdemeanor.

History

Ga. L. 1969, p. 1028, §§ 25, 29; Ga. L. 1982, p. 980, §§ 1, 2; Ga. L. 1985, p. 149, § 26; Ga. L. 1986, p. 10, § 26.

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O.C.G.A. § 26-2-100

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26-2-100. Duties of inspectors.

The Commissioner shall appoint, from time to time, inspectors to make examination and inspection of all cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, and other equines, the inspection of which is provided for, and of all carcasses and parts thereof, and of all meats and meat food products thereof, and of the sanitary conditions of all establishments in which such meat and meat food products are prepared. Said inspectors shall refuse to stamp, mark, tag, or label any carcass or any part thereof, or meat food product therefrom, prepared in any establishment described in this chapter until the same shall have actually been inspected and found to be not adulterated. Said inspectors shall perform such other duties as are provided by this article and by the rules and regulations to be promulgated by the Commissioner.

History

Ga. L. 1969, p. 1028, § 13; Ga. L. 1974, p. 453, § 1; Ga. L. 1995, p. 244, § 15; Ga. L. 1996, p. 1219, § 4; Ga. L. 2008, p. 458, § 11/SB 364.

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26-2-100.1. Examinations and inspections of nontraditional livestock carcasses, meats, and meat food products.

All examinations and inspections of nontraditional livestock carcasses and parts thereof, of nontraditional livestock meats and meat food products thereof, of sanitary conditions of all establishments in which nontraditional livestock meat and meat food products are prepared, and any other examination or inspection of nontraditional livestock and products thereof under or pursuant to this article shall be conducted by and through a voluntary inspection program with all costs thereof paid by the establishment slaughtering the nontraditional livestock or preparing such meat or meat food product, at rates established by the Commissioner.

History

Code 1981, § 26-2-100.1, enacted by Ga. L. 1995, p. 244, § 16; Ga. L. 1996, p. 1219, § 5; Ga. L. 2008, p. 458, § 12/SB 364.

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26-2-101. Inspections and examinations; administration in conjunction with Article 2 of this chapter.

All inspections and examinations made under this article shall be such and made in such manner as described in the rules and regulations promulgated by the Commissioner, if not inconsistent with this article. This article may be administered in conjunction with the administration of Article 2 of this chapter.

History

Ga. L. 1969, p. 1028, § 13; Ga. L. 2003, p. 140, § 26.

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26-2-102. Inspection of animals prior to slaughter or preparation; examination and slaughtering of diseased animals; examination and inspection of method; right of Commissioner to deny or suspend inspections.

- (a) For the purpose of preventing the use in commerce of meat food products which are adulterated, the Commissioner shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of all cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, and other equines before they shall be allowed to enter into any slaughtering, packing, meat-canning, rendering, or similar establishment in this state in which slaughtering and preparation of meat and meat food products of such animals are conducted for commerce.
- (b) All cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, and other equines found on such inspection to show symptoms of disease shall be set apart and slaughtered separately from all other cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, or other equines; and, when so slaughtered, the carcasses of said cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, or other equines shall be subject to a careful examination and inspection, all as provided by the rules and regulations promulgated by the Commissioner.
- (c) For the purpose of preventing the inhumane slaughtering of livestock, the Commissioner shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of the method by which cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, and other equines are slaughtered and handled in connection with slaughter in the slaughtering establishments inspected under this article. The Commissioner may refuse to provide inspection to a new slaughtering establishment or may cause inspection to be suspended temporarily at a slaughtering establishment if the Commissioner finds that any cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, or other equines have been slaughtered or handled in connection with slaughter at such establishment by any method not in accordance with paragraph (2) of Code Section 26-2-110 and Code Section 26-2-110.1 until the establishment furnishes assurances satisfactory to the Commissioner that all slaughtering and handling in connection with slaughter of livestock shall be in accordance with such a method.

History

Ga. L. 1969, p. 1028, § 3; Ga. L. 1974, p. 453, § 1; Ga. L. 1981, p. 657, § 1; Ga. L. 1995, p. 244, § 17; Ga. L. 1996, p. 1219, § 6; Ga. L. 2008, p. 458, § 13/SB 364.

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26-2-103. Post-mortem inspection and marking of carcasses and parts; disposition of condemned carcasses and parts; reinspection; removal of inspectors.

(a) The Commissioner shall cause to be made, by inspectors appointed for that purpose, a post-mortem examination and inspection of the carcasses and parts thereof of all cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, and other equines, capable of use as human food, to be prepared at any slaughtering, meat-canning, salting, packing, rendering, or similar establishment in this state in which such articles are prepared for commerce.

(b) The carcasses and parts thereof of all such animals found to be not adulterated shall be marked, stamped, tagged, or labeled as “Inspected and Passed”; and said inspectors shall label, mark, stamp, or tag as “Inspected and Condemned,” all carcasses and parts thereof of animals found to be adulterated; and all carcasses and parts thereof thus inspected and condemned shall be made unfit for human consumption by such establishment in the presence of an inspector; and the Commissioner may remove inspectors from any establishment which fails so to destroy any such condemned carcass or part thereof.

(c) Inspectors, after the first inspection, shall, when they deem it necessary, reinspect said carcasses or parts thereof to determine whether since the first inspection the same have become adulterated. If any carcass or any part thereof shall, upon examination and inspection subsequent to the first examination and inspection, be found to be adulterated, it shall be made unfit for human consumption by such establishment in the presence of an inspector. The Commissioner may remove inspectors from any establishment which fails to destroy any such condemned carcass or part thereof.

History

Ga. L. 1969, p. 1028, § 4; Ga. L. 1974, p. 453, § 1; Ga. L. 1982, p. 3, § 26; Ga. L. 1995, p. 244, § 18; Ga. L. 1996, p. 1219, § 7; Ga. L. 2008, p. 458, § 14/SB 364.

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26-2-104. Inspection of carcasses, parts, meat, and meat products brought into or returned to slaughtering or packing establishments; limitations on entry of carcasses, parts, meat, and meat products.

(a) Code Sections 26-2-102 and 26-2-103 shall apply to all carcasses or parts of carcasses of cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, and other equines, or the meat or meat products thereof, capable of use as human food, which may be brought into any slaughtering, meat-canning, salting, packing, rendering, or similar establishment where inspection under this part is maintained; and such examination and inspection shall be had before the carcasses or parts thereof shall be allowed to enter into any department wherein the same are to be treated and prepared for meat food products.

(b) Code Sections 26-2-102 and 26-2-103 shall also apply to all such products which, after having been issued from any such slaughtering, meat-canning, salting, packing, rendering, or similar establishment, shall be returned to the same or to any similar establishment where such inspection is maintained.

(c) The Commissioner may limit the entry of carcasses, parts of carcasses, meat, and meat food products, and other materials into any establishment at which inspection under this part is maintained, under such conditions as he may prescribe, to assure that allowing the entry of such articles into such inspected establishments will be consistent with the purposes of this article.

History

Ga. L. 1969, p. 1028, § 5; Ga. L. 1974, p. 453, § 1; Ga. L. 1995, p. 244, § 19; Ga. L. 1996, p. 1219, § 8; Ga. L. 2008, p. 458, § 15/SB 364.

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26-2-105. Inspection of meat food products where prepared; inspection markings; disposition of condemned meat food products; removal of inspectors.

- (a) The Commissioner shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of all meat food products prepared in any slaughtering, meat-canning, salting, packing, rendering, or similar establishment where such articles are prepared for commerce.
- (b) For the purpose of any examination and inspection, said inspectors shall have access at all times, by day or night, whether the establishment be operated or not, to every part of said establishment.
- (c) The inspectors shall mark, stamp, tag, or label as “Inspected and Passed” all such products found to be not adulterated; and said inspectors shall label, mark, stamp, or tag as “Inspected and Condemned” all such products found adulterated; and all such condemned meat food products shall be made unfit for human consumption, as provided for in Code Section 26-2-103. The Commissioner may remove inspectors from any establishment which fails to destroy such condemned meat food products.

History

Ga. L. 1969, p. 1028, § 6.

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26-2-106. Inspection of meat and meat food products in retail and other food service establishments; disposition of condemned meat; sale or display of noninspected meat or meat food products.

(a) The Commissioner shall periodically require meat inspectors to inspect meat and meat products located within or held for sale or consumption in retail establishments and other food service establishments for the purpose of ascertaining whether the same has been inspected by a federal or state meat inspector. Any meat or meat product which does not appear to have been inspected previously by a federal or state meat inspector shall be labeled as unfit for sale and shall not be sold. Any meat found to be adulterated shall be made unfit for human consumption, as provided for in Code Section 26-2-103. For the purpose of any examination and inspection said inspectors shall have access to every part of said establishment during normal hours of operation or at such other times when meat processing operations are being conducted. Said inspectors shall be accompanied by the owner or his authorized agent.

(b) It shall be unlawful for any retail establishment and other food service establishments to sell or display for sale any meat or meat food products which shall have been found by said inspectors to be adulterated or which have not been inspected by a federal or state meat inspector.

History

Ga. L. 1971, p. 56, § 2; Ga. L. 2016, p. 426, § 3/HB 815.

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26-2-107. Labeling of meat, meat food products, and carcasses; standards and definitions; use of false or misleading labels or containers.

(a) When any meat or meat food product which has been inspected as provided for in Code Sections 26-2-102 through 26-2-106, and marked as “Inspected and Passed” shall be placed or packed in any can, pot, tin, canvas, or other receptacle or covering in any establishment where inspection under this article is maintained, the person, firm, or corporation preparing said product shall attach a label to said can, pot, tin, canvas, or other receptacle or covering, under supervision of an inspector, which label shall state that the contents thereof have been “Inspected and Passed” under this article. No inspection and examination of meat or meat food products deposited or enclosed in cans, tins, pots, canvas, or other receptacles or coverings in any establishment where inspection under this article is maintained shall be deemed to be complete until such meat or meat food products have been sealed or enclosed in said can, tin, pot, canvas, or other receptacle or covering under the supervision of an inspector.

(b) All carcasses, parts of carcasses, meat, and meat food products inspected at any establishment under the authority of this article and found to be not adulterated shall at the time they leave the establishment bear, in distinctly legible form, directly thereon or on their containers, as the Commissioner may require, the information required under paragraph (13) of Code Section 26-2-62.

(c) The Commissioner, whenever he determines such action is necessary for the protection of the public, may prescribe the styles and sizes of type to be used with respect to material required to be incorporated in labeling to avoid false or misleading labeling of any articles or animals subject to this part or to Part 4 of this article; definitions and standards of identity or composition for articles subject to this part and standards of fill of container for such articles not inconsistent with any such standards established under the Federal Food, Drug, and Cosmetic Act or under the Federal Meat Inspection Act; and there shall be consultation between the Commissioner and the secretary of agriculture of the United States prior to the issuance of such standards to avoid inconsistency between such standards and the federal standards.

(d) No article subject to this part shall be sold or offered for sale by any person, firm, or corporation under any name or other marking or labeling which is false or misleading, or in any container of a misleading form or size. Established trade names and other marking and labeling and containers which are not false or misleading and which are approved by the Commissioner are permitted.

(e) If the Commissioner 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 part 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 Commissioner, such person, firm, or corporation may request a hearing; but the use of the marking, labeling, or container shall, if the Commissioner so directs, be withheld pending hearing and final determination by the Commissioner. Any hearing conducted pursuant to this subsection shall be in accordance with Chapter 13 of Title 50, the “Georgia Administrative Procedure Act.”

History

Ga. L. 1969, p. 1028, § 7.

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26-2-108. Sanitary inspections of slaughter and packing establishments; sanitation regulations; labeling adulterated meat and meat food products.

The Commissioner shall cause to be made, by experts in sanitation or by other competent inspectors, such inspection as may be necessary to inform himself or herself about the sanitary conditions of all slaughtering, meat-canning, salting, packing, rendering, or similar establishments in which cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, and other equines are slaughtered and the meat and meat food products thereof are prepared for commerce. The Commissioner shall 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, the Commissioner shall refuse to allow the meat or meat food products to be labeled, marked, stamped, or tagged as “Inspected and Passed.”

History

Ga. L. 1969, p. 1028, § 8; Ga. L. 1974, p. 453, § 1; Ga. L. 1995, p. 244, § 20; Ga. L. 1996, p. 1219, § 9; Ga. L. 2008, p. 458, § 16/SB 364.

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26-2-109. Inspection of animals and food products thereof slaughtered and prepared at nighttime.

The Commissioner shall cause an examination and inspection of all cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, and other equines, and the food products thereof, slaughtered and prepared in the establishments described in this part. Such inspection shall be made during the nighttime as well as during the daytime, when the slaughtering of said cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, and other equines or the preparation of said food products is conducted during the nighttime.

History

Ga. L. 1969, p. 1028, § 9; Ga. L. 1974, p. 453, § 1; Ga. L. 1995, p. 244, § 21; Ga. L. 1996, p. 1219, § 10; Ga. L. 2008, p. 458, § 17/SB 364.

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26-2-110. Slaughter, preparation, sale, or transportation of animals, meat, or meat food products generally.

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

- (1) Slaughter any such animals or prepare any such articles which are capable of use as human food, at any establishment preparing such articles for commerce except in compliance with this article;
- (2) Slaughter or handle in connection with such slaughter any such animals in any manner not declared to be humane under Code Section 26-2-110.1;
- (3) Sell, transport, offer for sale or transportation, or receive for transportation, in commerce:
 - (A) Any such articles which:
 - (i) Are capable of use as human food; and
 - (ii) Are adulterated or misbranded at the time of such sale, transportation, offer for sale or transportation, or receipt for transportation; or
 - (B) Any articles required to be inspected under this part unless they have been so inspected and passed; or
- (4) With respect to any such articles which are capable of use as human food, do 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.

History

Ga. L. 1969, p. 1028, § 10; Ga. L. 1974, p. 453, § 1; Ga. L. 1981, p. 657, § 2; Ga. L. 1995, p. 244, § 22; Ga. L. 1996, p. 1219, § 11; Ga. L. 2008, p. 458, § 18/SB 364.

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O.C.G.A. § 26-2-110.1

Current through the 2022 Regular Session of the General Assembly.

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26-2-110.1. Approved methods for handling and slaughtering of animals; designation by Commissioner of methods of handling and slaughtering.

(a) For purposes of this article, the following methods of slaughtering and handling are declared to be humane:

(1) In the case of cattle, calves, horses, mules, sheep, swine, nontraditional livestock, rabbits, and other livestock, all animals are to be rendered insensible to pain by a single blow or gunshot or by an electrical, chemical, or other means which is rapid and effective before being shackled, hoisted, thrown, cast, or cut; or

(2) By slaughtering and handling in connection with such slaughtering in accordance with the ritual requirements of the Jewish faith or any other religious faith that prescribes a method of slaughter whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument.

(b) In addition to the methods prescribed in subsection (a) of this Code section, the Commissioner may designate as humane any methods of slaughtering and handling which have been so designated by the United States secretary of agriculture on or before April 7, 1981, pursuant to United States Code Section 7-1904. The Commissioner is further authorized to designate as humane other methods of slaughtering and handling which have been demonstrated by research, investigation, and experimentation to be humane with reference to the speed and scope of slaughtering operations and with reference to other existing methods and then current scientific knowledge.

History

Ga. L. 1981, p. 657, § 3; Ga. L. 1995, p. 244, § 23; Ga. L. 1996, p. 1219, § 12; Ga. L. 2008, p. 458, § 19/SB 364.

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O.C.G.A. § 26-2-111

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26-2-111. Labeling and preparation of carcasses, meat, and meat food products of equines.

No person, firm, or corporation shall sell, transport, offer for sale or transportation, or receive for transportation, in commerce, any carcasses of horses, mules, or other equines, or parts of such carcasses, or the meat or meat food products thereof unless they are plainly and conspicuously marked or labeled or otherwise identified as required by regulations promulgated by the Commissioner to show the kinds of animals from which they were derived. When required by the Commissioner with respect to establishments at which inspection is maintained under this part, such animals and their carcasses, parts thereof, meat, and meat food products shall be prepared in establishments separate from those in which cattle, sheep, swine, rabbits, or goats are slaughtered or their carcasses, parts thereof, meats, or meat food products are prepared.

History

Ga. L. 1969, p. 1028, § 12; Ga. L. 1974, p. 453, § 1.

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O.C.G.A. § 26-2-112

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26-2-112. Inspection exceptions; labeling and handling of custom slaughtered and prepared meat or meat food products.

(a) Except as provided in subsection (c) of this Code section, the provisions of this part requiring inspection of the slaughter of animals and the preparation of the carcasses, parts thereof, meat, and meat food products at establishments conducting such operations shall not apply to:

- (1) The slaughtering by any person of animals of his or her own raising and the preparation by him or her and transportation in commerce of the carcasses, parts thereof, meat, and meat food products of such animals exclusively for use by him or her and members of his or her household and his or her nonpaying guests and employees;
- (2) The custom slaughter by any person, firm, or corporation of cattle, sheep, swine, nontraditional 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 animals exclusively for use in the household of such owner by the owner and members of his or her household and his or her nonpaying guests and employees; nor to the custom preparation by any person, firm, or corporation of carcasses, parts thereof, meat, or meat food products derived from the slaughter by any person of cattle, sheep, swine, nontraditional livestock, rabbits, or goats of his or her 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 or her and members of his or her household and his or her nonpaying guests and employees, provided that, in cases where such person, firm, or corporation engages in such custom operations at an establishment at which inspection under this article is maintained, the Commissioner may exempt from such inspection at such establishment any animals slaughtered or any meat or meat food products otherwise prepared on such custom basis. Custom operations at any establishment shall be exempt from inspection requirements as provided by this Code section only if the establishment complies with regulations which the Commissioner is authorized to promulgate to assure that any carcasses, parts thereof, meat, or meat food products, wherever handled on a custom basis, or any containers or packages containing such articles are separated at all times from carcasses, parts thereof, meat, or meat food products prepared for sale; that all such articles prepared on a custom basis or any containers or packages containing such articles are plainly marked "Not for Sale" immediately after being prepared and kept so identified until delivered to the owner; and that the establishment conducting the custom operation is maintained and operated in a sanitary manner; or
- (3) The slaughtering 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 2,500 rabbits per year.

(b) The provisions of this article requiring inspection of the slaughter of animals and the preparation of carcasses, parts thereof, meat, and meat food products shall 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 for sale in normal retail quantities or service of such articles to consumers at such establishments.

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(c) The slaughter of animals and preparation of articles referred to in paragraph (2) of subsection (a) and in subsection (b) of this Code section shall be conducted in accordance with such sanitary conditions as the Commissioner may by regulations prescribe. Notwithstanding subsection (a) of this Code section, the Commissioner or his delegate is authorized to enter upon the premises of any establishment which is exempt from regular inspections under the provisions of subsection (a) of this Code section and inspect such establishment and any facilities, carcasses, parts thereof, meat, meat food products, containers, and packaging to determine whether such establishment qualifies for exemption from regular inspections and is otherwise in compliance with the laws of this state and the rules and regulations of the Commissioner adopted pursuant thereto.

(d) The adulteration and misbranding provisions of this part, other than the requirement of the inspection legend, shall apply to articles which are not required to be inspected under this Code section.

History

Ga. L. 1969, p. 1028, § 14; Ga. L. 1971, p. 57, § 1; Ga. L. 1974, p. 453, § 1; Ga. L. 1977, p. 849, §§ 1, 2; Ga. L. 1984, p. 22, § 26; Ga. L. 1989, p. 335, § 1; Ga. L. 1995, p. 244, § 24; Ga. L. 1996, p. 1219, § 13; Ga. L. 2008, p. 458, § 20/SB 364.

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O.C.G.A. § 26-2-113

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26-2-113. Storage and handling regulations for carcasses, meat, and meat food products.

The Commissioner may by regulations prescribe conditions under which carcasses, parts of carcasses, meat, and meat food products of cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, or other equines, capable of use as human food, shall be stored or otherwise handled by any person, firm, or corporation engaged in the business of buying, selling, freezing, storing, or transporting such articles whenever the Commissioner deems such action necessary to assure that such articles will not be adulterated or misbranded when delivered to the consumer.

History

Ga. L. 1969, p. 1028, § 15; Ga. L. 1974, p. 453, § 1; Ga. L. 1995, p. 244, § 25; Ga. L. 1996, p. 1219, § 14; Ga. L. 2008, p. 458, § 21/SB 364.

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26-2-114. Fraudulent practices.

- (a) No brand manufacturer, printer, or other person, firm, or corporation shall cast, print, lithograph, or otherwise make any device containing any official mark or simulation thereof, or any label bearing any such mark or simulation, or any form of official certificate or simulation thereof, except as authorized by the Commissioner.
- (b) No person, firm, or corporation shall:
- (1) Forge any official device, mark, or certificate;
 - (2) Without authorization from the Commissioner, use any official device, mark, or certificate, or simulation thereof, or alter, detach, deface, or destroy any official device, mark, or certificate;
 - (3) Contrary to the regulations promulgated by the Commissioner, fail to use or to detach, deface, or destroy any official device, mark, or certificate;
 - (4) Knowingly possess, without promptly notifying the Commissioner or his representative, any official device, or any counterfeit, simulated, forged, or improperly altered official certificate, or any device or label, or any carcass of any animal, or part or product thereof, bearing any counterfeit, simulated, forged, or improperly altered official mark;
 - (5) Knowingly make any false statement in any shipper's certificate or other nonofficial or official certificate provided for in the regulations prescribed by the Commissioner; or
 - (6) Knowingly represent that any article has been inspected and passed or exempted under this article when, in fact, it has, respectively, not been so inspected and passed or exempted.

History

Ga. L. 1969, p. 1028, § 11.

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26-2-115. Use of “Georgia” in trademark, trade name, service mark, or advertisement.

(a) It shall be unlawful for any person, partnership, firm, or corporation to use the word “Georgia” in any trademark, trade name, service mark, or advertisement in connection with any meat or meat food product which is not equal to or better than U.S. grade “good.”

(b) Any person who violates this Code section shall be guilty of a misdemeanor.

History

Ga. L. 1971, p. 757, § 1.

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26-2-116. Applicability of part to federally inspected slaughtering and packing establishments.

The ante mortem, post-mortem, and sanitary inspection services provided for in this part are not required at any slaughtering, meat-canning, salting, packing, rendering, or similar establishment at which such services are furnished by the United States Department of Agriculture pursuant to the Federal Meat Inspection Act.

History

Ga. L. 1969, p. 1028, § 32.

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O.C.G.A. Title 26, Ch. 2, Art. 3, Pt. 4

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PART 4 Meat Processors and Related Industries

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26-2-130. Buying, selling, transporting, or receiving of dead, dying, disabled, or diseased animals.

No person, firm, or corporation engaged in the business of buying, selling, or transporting in commerce dead, dying, disabled, or diseased animals, or any parts of the carcasses of any such animals, shall buy, sell, transport, offer for sale or transportation, or receive for transportation any dead, dying, disabled, or diseased cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, or other equines, or parts of the carcasses of any such animals, unless such transaction or transportation is made in accordance with such regulations as the Commissioner may promulgate, to assure that such animals, or the unwholesome parts or products thereof, will be prevented from being used for human food purposes.

History

Ga. L. 1969, p. 1028, § 19; Ga. L. 1974, p. 453, § 1; Ga. L. 1995, p. 244, § 26; Ga. L. 1996, p. 1219, § 15; Ga. L. 2008, p. 458, § 22/SB 364.

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26-2-131. Registration of dealers in dead, dying, diseased, or disabled animals.

No person, firm, or corporation shall engage in business as a meat broker, renderer, or animal food manufacturer or engage in business as a wholesaler of any carcasses, or parts or products of the carcasses, of any cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, or other equines, whether intended for human food or other purposes, or engage in business as a public warehouseman storing any such articles, or engage in the business of buying, selling, or transporting in commerce any dead, dying, disabled, or diseased animals of the specified kinds, or parts of such carcasses of any such animals unless, when required by regulations of the Commissioner, he or she has registered with the Commissioner his or her name and the address of each place of business at which, and all trade names under which, he or she conducts such business.

History

Ga. L. 1969, p. 1028, § 18; Ga. L. 1974, p. 453, § 1; Ga. L. 1995, p. 244, § 27; Ga. L. 1996, p. 1219, § 16; Ga. L. 2008, p. 458, § 23/SB 364.

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26-2-132. Maintenance and inspection of records.

(a) The following classes of persons, firms, and corporations shall keep such records as will fully and correctly disclose all transactions involved in their businesses; and all persons, firms, and corporations subject to such requirements shall, at all reasonable times, upon notice by a duly authorized representative of the Commissioner, afford such representative and any duly authorized representative of the secretary of agriculture of the United States accompanied by such representative of the Commissioner access to their places of business and opportunity to examine the facilities, inventory, and records thereof, to copy all such records, and to take reasonable samples of their inventory upon payment of the fair market value therefor:

- (1) Any persons, firms, or corporations that engage for commerce in the business of slaughtering any cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, or other equines or preparing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, of any such animals for use as human food or animal food;
- (2) Any persons, firms, or corporations that engage in the business of buying or selling (as meat brokers, wholesalers, or otherwise) or transporting in commerce or storing in or for such commerce any carcasses, or parts or products of carcasses, of any such animals; and
- (3) Any persons, firms, or corporations that engage in business as renderers or engage in the business of buying, selling, or transporting any dead, dying, disabled, or diseased cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, or other equines, or parts of such carcasses.

(b) Any record required to be maintained by this Code section shall be maintained for such period of time as the Commissioner may by regulations prescribe.

History

Ga. L. 1969, p. 1028, § 17; Ga. L. 1974, p. 453, § 1; Ga. L. 1995, p. 244, § 28; Ga. L. 1996, p. 1219, § 17; Ga. L. 2008, p. 458, § 24/SB 364.

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26-2-133. Identification of carcasses, meat, or meat food products not intended for human use.

No person, firm, or corporation shall buy, sell, transport, offer for sale or transportation, or receive for transportation any animal, carcasses, or parts thereof, meat, or meat food products of any such animals, which are not intended for use as human food unless they are denatured or otherwise identified as required by the regulations of the Commissioner or are naturally inedible by humans.

History

Ga. L. 1969, p. 1028, § 16.

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Article 4 Advertisement and Sale of Meat Generally

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26-2-150. Legislative intent.

The General Assembly declares that purchasers and consumers have a right to expect and demand honesty and fair practices in the sale of meat for human consumption. It is the purpose of this Code section and Code Sections 26-2-151 through 26-2-154 to ensure that honest, fair, and ethical practices are followed in the advertising and sale of meat for human consumption and to authorize the Commissioner of Agriculture to take all actions necessary to ensure that such practices are followed. The General Assembly views with alarm the fact that misleading and false advertising and sales tactics have been used in the sale of meat to Georgia consumers. It is to stop these practices that the General Assembly has enacted this Code section and Code Sections 26-2-151 through 26-2-154. The consumer has a right to know what he is buying and the true cost of the meat which he is purchasing for consumption.

History

Ga. L. 1974, p. 1030, § 1; Ga. L. 2003, p. 140, § 26.

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26-2-151. Promulgation of rules and regulations regarding deceptive advertising of meat.

The Commissioner of Agriculture is authorized to promulgate and adopt rules and regulations necessary or convenient to carry out Code Section 26-2-150, this Code section, and Code Sections 26-2-152 through 26-2-154 and to prevent the deceptive advertising of meat.

History

Ga. L. 1974, p. 1030, § 4; Ga. L. 2003, p. 140, § 26.

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26-2-152. Advertisement or sale of beef, pork, and lamb; “bait and switch” advertising.

(a) It shall be unlawful for any person, partnership, firm, company, or corporation to advertise, sell, or offer for sale any carcass cuts of beef, pork, or lamb without prominently disclosing the price per pound of such beef, pork, or lamb in all such advertisements or on the packaging or display case in which the meat is displayed or offered for sale. This Code section shall not apply to the sale of beef, pork, or lamb when sold for immediate consumption on the premises or where sold as an unpackaged, cooked food or where sold for purposes other than for human consumption.

(b) It shall be unlawful for any person, partnership, firm, company, or corporation to employ “bait and switch” advertising or sales techniques in connection with the sale of beef, pork, or lamb or to use any other advertising or sales technique which is calculated to deceive, or which in fact deceives, purchasers of beef, pork, or lamb as to what they are purchasing or its quality or quantity. “Bait and switch” as used in this subsection shall mean, but shall not be limited to, the advertising of products with the intent not to sell the products as advertised; or advertising products with the intent not to supply reasonably expected public demand, unless the advertisement discloses a limitation of quantity; or advertising a product which by accepted standards is inferior, with the expectation of switching the consumer to a product of accepted standard at a higher price.

(c)

(1) As used in this subsection the term:

(A) “Animal” means any animal, including cattle, swine, sheep, goats, fish, and poultry, including eggs, raised for the production of an edible product or products intended for human consumption. The term also includes “game animals” as such term is defined in Code Section 27-1-2.

(B) “Food” means articles used or processed for human consumption and components of any such articles.

(2) It shall be unlawful for any person, partnership, firm, company, or corporation to label, advertise, or otherwise represent any food produced or sold in this state as meat or any product from an animal unless each product is clearly labeled by displaying the following terms prominently and conspicuously on the front of the package, labeling cell cultured products with “lab-grown,” “lab-created,” or “grown in a lab” and plant based products as “vegetarian,” “veggie,” “vegan,” “plant based,” or other similar term indicating that the product is plant based and does not include the flesh, offal, or other by-product of any part of the carcass of a live animal that has been slaughtered.

History

Ga. L. 1974, p. 1030, § 2; Ga. L. 2020, p. 303, § 1/SB 211.

O.C.G.A. § 26-2-152

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26-2-153. Sale of partial or whole carcasses.

It shall be unlawful for any person, partnership, firm, company, or corporation to advertise, sell, or offer for sale any quarter, half, three-quarters, or whole animal carcass for use as food for human consumption without disclosing in such advertisement and to the purchaser at the time of sale the minimum number of pounds of retail cuts contained in such quarter, half, three-quarters, or whole animal carcass. In determining the minimum number of pounds of red meat from such carcass, the person, partnership, firm, company, or corporation shall refer to currently effective United States Department of Agriculture charts and tables of yield grades.

History

Ga. L. 1974, p. 1030, § 3.

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26-2-154. Penalty for violation of Code Sections 26-2-150 through 26-2-153.

Any person, partnership, firm, company, or corporation violating the provisions of Code Sections 26-2-150 through 26-2-153 or any rule or regulation adopted by the Commissioner of Agriculture pursuant to Code Sections 26-2-150 through 26-2-153 shall be guilty of a misdemeanor.

History

Ga. L. 1974, p. 1030, § 5.

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O.C.G.A. § 26-2-155

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 4 Advertisement and Sale of Meat Generally (§§ 26-2-150 — 26-2-161)

26-2-155. Food service establishment display of information if serving imported beef.

(a) All food service establishments in this state, as defined in Code Section 26-2-370, which serve carcass beef, or cuts derived from such carcass, imported from a foreign country, shall conspicuously display or attach to their menus the words: “We serve beef imported from a foreign country.”

(b) Any person, firm, or corporation who violates this Code section shall be guilty of a misdemeanor.

History

Ga. L. 1972, p. 917, §§ 1, 2.

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O.C.G.A. § 26-2-156

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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 4 Advertisement and Sale of Meat Generally (§§ 26-2-150 — 26-2-161)

26-2-156. Slaughter of horses for human consumption or other purposes.

(a) No person, partnership, association, corporation, or firm shall slaughter a horse in this state for the purpose of selling or offering for sale for human consumption or for other than human consumption the horse meat derived from such slaughtered animal unless:

- (1) Such horse shall have remained on the business premises for at least four consecutive days prior to its slaughter;
- (2) The vehicle license plate number and state of issue of any motor vehicle and any trailer used to transport such horse to the business premises is recorded and retained at such premises;
- (3) An identifying description of such horse is maintained at such premises;
- (4) The person delivering or selling the horse or horses is identified by his driver's license number and address and said number is recorded on the bill of sale; and
- (5) Satisfactory records, pursuant to rules and regulations of the Department of Agriculture, are kept to show information required in paragraphs (1) through (3) of this subsection.

(b) Any person, partnership, association, corporation, or firm violating this Code section shall be guilty of a misdemeanor.

History

Ga. L. 1979, p. 846, §§ 1, 3.

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26-2-157. Sale of horse meat — Sign; label.

No horse meat shall be sold or offered for sale in this state for human consumption unless at the place of sale there shall be posted in a conspicuous location a sign bearing the words “HORSE MEAT FOR SALE.” No sausage, ground meat, canned, or processed meat containing horse meat shall be sold for human consumption unless the package bears a label stating the proportionate amount of horse meat contained therein and unless there is likewise kept and maintained in a conspicuous place a sign showing that the meat offered for sale contains horse meat.

History

Ga. L. 1943, p. 475, § 2.

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O.C.G.A. § 26-2-158

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26-2-158. Sale of horse meat — Seller to inform purchaser.

It shall be unlawful for any person, firm, or corporation to sell horse meat in any form for human consumption unless the person, firm, or corporation selling the meat shall inform the purchaser thereof at the time of sale that the purchaser is obtaining horse meat.

History

Ga. L. 1943, p. 475, § 3.

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26-2-159. Promulgation of regulations.

The Department of Agriculture is authorized to promulgate proper regulations for the carrying out of Code Sections 26-2-157 and 26-2-158, this Code section, and Code Sections 26-2-160 and 26-2-161 and to assist prosecuting attorneys in the enforcement thereof.

History

Ga. L. 1943, p. 475, § 4; Ga. L. 2003, p. 140, § 26.

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26-2-160. Sale of dog meat for human consumption; label on packages.

It shall be unlawful for any person, firm, or corporation to distribute or offer for sale for human consumption any dog meat in the State of Georgia; and all dog meat sold in this state for any purpose, other than human consumption, shall be sold in packages only. The packages shall carry a label showing the contents, for what use it is intended, and stating that said contents are "NOT FOR HUMAN CONSUMPTION." The words "not for human consumption" shall be in conspicuous type.

History

Ga. L. 1943, p. 475, § 1.

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26-2-161. Penalty for violations of Code Section 26-2-157, 26-2-158, 26-2-159, or 26-2-160.

Any person, firm, or corporation violating the terms of Code Section 26-2-157, 26-2-158, 26-2-159, or 26-2-160 shall be guilty of a misdemeanor and, upon conviction thereof shall be fined an amount not exceeding \$1,000.00 or imprisoned for a period not exceeding 12 months, or both, at the discretion of the court.

History

Ga. L. 1943, p. 475, § 5; Ga. L. 1982, p. 3, § 26.

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O.C.G.A. Title 26, Ch. 2, Art. 5

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 5 Animals Suspected of Bearing Any Residue Causing Contaminated Meat (§§ 26-2-180 — 26-2-186)

Article 5 Animals Suspected of Bearing Any Residue Causing Contaminated Meat

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O.C.G.A. § 26-2-180

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26-2-180. Definitions.

As used in this article, the term:

- (1) “Commissioner” means the Commissioner of Agriculture.
- (2) “Contaminate” means to cause the loss of wholesomeness for human consumption.

History

Ga. L. 1976, p. 335, § 1.

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O.C.G.A. § 26-2-181

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26-2-181. Promulgation of rules and regulations.

The Commissioner is authorized to promulgate rules and regulations to govern the sampling and inspection of animals, poultry, and products quarantined or detained pursuant to this article and to implement and enforce this article.

History

Ga. L. 1976, p. 335, § 5.

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26-2-182. Animals, poultry, or products thereof suspected of bearing substance causing contamination — Inspection and quarantine; notice to owners or keepers.

(a) The Commissioner or his duly authorized representative is authorized to inspect and quarantine or detain upon the premises where found any animals, poultry, or animal and poultry products suspected of bearing or containing a residue of any pesticide, insecticide, herbicide, drug, or any substance that would cause the resultant meat or product to be deemed contaminated.

(b) Notice of the quarantine or detention shall be given to the owners or keepers of said animals, poultry, or products and to the owners or operators of the premises where the suspected contaminated matter is found.

History

Ga. L. 1976, p. 335, § 2.

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26-2-183. Animals, poultry, or products thereof suspected of bearing substance causing contamination — Sampling; removal from quarantine on order of Commissioner.

All animals, poultry, or animal and poultry products suspected of bearing or containing a contaminating residue shall be quarantined or detained at the premises where found until sufficient sampling conducted under the authority of the Commissioner has been completed to determine that the resultant meat or product is wholesome and fit for human consumption. No such animal, poultry, or product shall be moved from quarantine or detention except by order of the Commissioner.

History

Ga. L. 1976, p. 335, § 3.

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26-2-184. Animals, poultry, or products thereof suspected of bearing substance causing contamination — Destruction; compliance with federal tolerances.

If animals, poultry, or animal and poultry products quarantined or detained contain such contaminating residue that remains in excess of a safe level for human consumption, the Commissioner is authorized to order the animals, poultry, or animal and poultry products to be destroyed in a manner prescribed for the particular contaminating residue. Tolerances established by the United States Food and Drug Administration shall be complied with in enforcing this and other Code sections of this article.

History

Ga. L. 1976, p. 335, § 4.

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26-2-185. Injunctions.

In addition to the remedies provided in this article and notwithstanding the existence of any other remedy at law and notwithstanding the pendency of any criminal prosecution, the Commissioner is authorized to apply to the superior courts of this state for injunctive relief. Such courts shall have the jurisdiction, upon hearing and for cause shown, to grant a temporary or permanent injunction or ex parte restraining order enjoining or restraining the violation or continuation of a violation of this article or for the failure or refusal to comply with this article or any rule or regulation promulgated under this article.

History

Ga. L. 1976, p. 335, § 7.

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26-2-186. Penalties.

Any person who violates this article or the rules and regulations promulgated under this article shall be guilty of a misdemeanor.

History

Ga. L. 1976, p. 335, § 6.

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O.C.G.A. Title 26, Ch. 2, Art. 6

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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 6 Meat, Poultry, and Dairy Processing Plants (§§ 26-2-200 — 26-2-215)

Article 6 Meat, Poultry, and Dairy Processing Plants

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O.C.G.A. § 26-2-200

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26-2-200. Definitions.

As used in this article, the term:

- (1) “Commissioner” means the Commissioner of Agriculture.
- (2) “Meat” or “meat products” means the carcass or part of any carcass of any animal or fowl or any by-product thereof in any form.
- (3) “Meat, poultry, or dairy processing plant” means: any abattoir, slaughterhouse, poultry killing or processing plant, milk depot, milk processing plant, or any other establishment for the killing, storage, dressing, manufacture, preparation, or processing of any animal, fowl, or dairy product or any by-product thereof for human consumption.
- (4) “Person” means any person, firm, corporation, or association of persons, or combination thereof.

History

Ga. L. 1956, p. 748, § 1.

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O.C.G.A. § 26-2-201

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26-2-201. Supervision and control of sanitary conditions in dairies and meat, poultry, and dairy processing plants; designation of inspectors.

- (a) The Commissioner shall have supervision and control over the sanitary conditions of all dairies and meat, poultry, or dairy processing plants in this state.
- (b) The Commissioner shall maintain an adequate system of inspection and shall employ or designate qualified personnel to assist in the administration of this article. He shall fix the compensation of all personnel employed by him.
- (c) The Commissioner is also vested with the authority to designate licensed veterinarians and city or county health authorities as inspectors as he deems advisable.

History

Ga. L. 1914, p. 148, § 1; Code 1933, §§ 42-401, 42-402; Ga. L. 1956, p. 748, §§ 2, 10.

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26-2-202. Promulgation of rules and regulations.

- (a) The Commissioner is authorized to adopt rules and regulations to carry out this article.
- (b) The Commissioner shall adopt sanitary standards and specifications that are not less than those recognized and approved by the United States Department of Agriculture or the United States Department of Health and Human Services for like products and premises.

History

Ga. L. 1914, p. 148, § 1; Code 1933, § 42-401; Ga. L. 1956, p. 748, § 3.

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26-2-203. Power of inspection.

In the performance of his duties, the Commissioner or any of his duly authorized representatives is authorized to enter and inspect, at any reasonable time, any dairy, or any meat, poultry, or dairy processing plant, or any vehicle where any dairy, animal, or poultry product, any by-product thereof, or any part thereof is held, stored, transported, or offered for sale.

History

Ga. L. 1914, p. 148, § 3; Code 1933, § 42-403; Ga. L. 1956, p. 748, § 8; Ga. L. 2003, p. 140, § 26.

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26-2-204. Inspection of dairy, meat, or poultry plants; correction of unsanitary conditions; take and test samples; evidentiary value thereof.

The Commissioner shall cause to be inspected at such times as he may deem proper each dairy and each meat, poultry, or dairy processing plant within this state. He shall require the correction of all unsanitary conditions found therein. He may take samples of dairy, poultry, or meat products or parts or portions thereof and cause them to be analyzed or tested by the state chemist. Such analyses or test records shall be preserved by the Commissioner and when sworn to by the state chemist shall be prima-facie evidence of violations of this article, rules and regulations, or standards or specifications adopted pursuant to this article.

History

Ga. L. 1914, p. 148, § 3; Code 1933, § 42-403; Ga. L. 1956, p. 748, § 7.

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26-2-205. Wholesomeness inspection of meat, poultry, and dairy products offered for sale; inspection of livestock slaughtered; marking system for inspection purposes; standards and specifications; exception.

The Commissioner is authorized to adopt and maintain an adequate system of wholesomeness inspection as to all meat, poultry, or dairy products offered for sale in this state. He shall be authorized to employ or designate qualified personnel necessary to maintain such inspection program. The Commissioner is authorized to require an ante mortem and post-mortem inspection of all livestock slaughtered by licensees under this article for sale as food in this state. He shall be authorized to adopt an appropriate marking system so as to identify those carcasses of animals inspected and passed as fit for human consumption. The Commissioner is authorized to adopt standards and specifications for meat, poultry, and dairy products and the processing thereof. Nothing contained in this Code section shall be applicable to any person slaughtering livestock or poultry or processing meat, poultry, or dairy products for home consumption.

History

Ga. L. 1959, p. 168, § 1.

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26-2-206. Wholesomeness inspection of meat, poultry, or dairy processing plants on cost basis or less.

The Commissioner is authorized to make the wholesomeness inspection provided in Code Section 26-2-205 available to meat, poultry, or dairy processing plants licensed under this article on the basis of actual costs. He is further authorized when sufficient funds are available to make such service available without cost.

History

Ga. L. 1959, p. 168, § 2.

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26-2-207. Dairy equipment and premises to be maintained in clean and sanitary condition; supply of clean, pure water; adequate drainage.

No person shall operate a dairy within this state unless the equipment and premises shall be maintained in a clean and sanitary condition. Each dairy shall have an adequate supply of clean, pure water and an adequate supply of clean, hot water and adequate drainage of the premises.

History

Ga. L. 1956, p. 748, § 4.

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26-2-208. Sale, offer for sale, or possession of dairy, animal, or poultry products, under other than sanitary conditions; when conditions other than sanitary deemed to exist.

- (a) No person, firm, or corporation shall sell, offer for sale, or have in his possession for sale any dairy, animal, or poultry product or any by-product thereof that has been produced, manufactured, transported, handled, stored, or processed under other than sanitary conditions.
- (b) Conditions other than sanitary shall be deemed to exist where any or all of the following conditions exist:
- (1) Premises, buildings, handling or storage space, or equipment, in a state of decay;
 - (2) Floors and side walls or other parts of any space of building covered or coated with decaying matter;
 - (3) Sufficient insect screens not provided or maintained;
 - (4) Insufficient drainage;
 - (5) Inadequate supply of pure water;
 - (6) Inadequate supply of hot water;
 - (7) Any animal or fowl held on the premises in unsanitary lots, pens, or cages or fed uncooked animal offal; or
 - (8) Where putrid odors exist.
- (c) The enumeration of these conditions shall not be exclusive and the Commissioner shall determine whether unsanitary conditions exist.

History

Ga. L. 1914, p. 148, § 2; Code 1933, § 42-402; Ga. L. 1956, p. 748, § 6.

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26-2-209. Permanent license for meat processing plants; revocation or suspension; notice and hearing.

To assure the protection of the consuming public, no person shall operate a meat processing plant in this state without having first obtained a permanent license from the Commissioner; provided, however, that any meat processing plant operating under a federal grant of inspection from the United States Department of Agriculture, Food Safety Inspection Service, shall be exempt from such license requirement. There shall be no fee for such license. The license shall be kept on file in each place of business. The license shall not be transferable. The Georgia Department of Agriculture may refuse to grant inspection, and any such license may be revoked or suspended by the Commissioner for the violation of this article or rules and regulations or sanitary standards and specifications adopted pursuant to this article. The Commissioner shall notify the licensee of the reasons why he or she intends to revoke or suspend the license, and the licensee shall be entitled to a hearing before the Commissioner within ten days after receipt of such notice of intention to revoke or suspend. At such hearing the Commissioner shall consider the circumstances and shall give the licensee reasonable time to correct the conditions or circumstances that caused the notice of intention to revoke or suspend the license to be given.

History

Ga. L. 1956, p. 748, § 5; Ga. L. 2007, p. 620, § 2/HB 433.

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O.C.G.A. § 26-2-210

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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 6 Meat, Poultry, and Dairy Processing Plants (§§ 26-2-200 — 26-2-215)

26-2-210. Permanent license for poultry processing plants; filing at place of business; transferability; suspension or revocation; notice and hearing.

To assure the protection of the consuming public, no person shall operate a poultry processing plant in this state without having first obtained a permanent license from the Commissioner; provided, however, that any poultry processing plant operating under a federal grant of inspection from the United States Department of Agriculture, Food Safety Inspection Service, shall be exempt from such license requirement. There shall be no fee for such license. The license shall be kept on file in each place of business. The license shall not be transferable. The Georgia Department of Agriculture may refuse to grant inspection, and any such license may be revoked or suspended by the Commissioner for the violation of this article or rules and regulations or sanitary standards and specifications adopted pursuant to this article. The Commissioner shall notify the licensee of the reasons why he or she intends to revoke or suspend the license, and the licensee shall be entitled to a hearing before the Commissioner within ten days after receipt of such notice of intention to revoke or suspend. At such hearing the Commissioner shall consider the circumstances and shall give the licensee reasonable time to correct the conditions or circumstances that caused the notice of intention to revoke or suspend the license to be given.

History

Ga. L. 1970, p. 186, § 1; Ga. L. 2007, p. 620, § 3/HB 433.

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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 6 Meat, Poultry, and Dairy Processing Plants (§§ 26-2-200 — 26-2-215)

26-2-211. Statistics on animals and poultry slaughtered; maintenance of records.

The Commissioner shall maintain a system by which accurate statistics regarding the disposition of all animals or poultry slaughtered for human consumption in this state by licensees may be obtained. He shall require that each licensee maintain adequate records so as to ascertain the total number of animals or poultry slaughtered, processed, or disposed of and the amount of meat, poultry, or dairy products received or processed by him.

History

Ga. L. 1914, p. 148, § 4; Code 1933, § 42-405; Ga. L. 1956, p. 748, § 9.

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26-2-212. County and municipal ordinances dealing with meats, poultry, and dairy products.

Nothing in this article shall prevent the governing authority of any county or municipal corporation from adopting ordinances or resolutions providing for the inspection of meats, poultry, meat or poultry food products, and dairy products sold within its limits and to provide penalties for violation thereof; but no such ordinance or resolution shall conflict with any power or authority of the Commissioner or his representatives; provided, however, that no county or municipal corporation shall adopt sanitary standards or specifications that are less than those adopted by the Commissioner.

History

Ga. L. 1914, p. 148, § 5; Code 1933, § 42-406; Ga. L. 1956, p. 748, § 10.

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26-2-213. Injunctions.

In addition to the remedies provided in this article and notwithstanding the existence of any remedy at law, the Commissioner is authorized to apply to the superior court and such court shall have jurisdiction upon hearing and for cause shown to grant a temporary or permanent injunction, restraining order, or both, restraining any person from violating or continuing to violate this article or for failing or refusing to comply with the requirements of this article or any rule or regulation adopted by the Commissioner pursuant to this article. No ex parte restraining order shall be issued without bond.

History

Ga. L. 1959, p. 168, § 3.

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26-2-213.1. Applicability to individuals and entities governed by federal acts.

The requirements of this article shall apply to persons, firms, corporations, establishments, animals, and articles regulated under the federal Meat Inspection Act, 21 U.S.C. Section 601, et seq., or the federal Poultry Products Inspection Act, 21 U.S.C. Section 451, et seq., only to the extent provided for in said federal acts. Consistent with said federal acts, 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

Code 1981, § 26-2-213.1, enacted by Ga. L. 2007, p. 620, § 4/HB 433.

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26-2-214. Inspection of federally inspected meat, poultry, or dairy products; exception for horse slaughter operations.

(a) This article shall in no way be construed to apply or require further inspection of meat, poultry, or dairy products in this state when meat, poultry, or dairy products are required to be inspected by inspectors of the United States Department of Agriculture, provided the Georgia Department of Agriculture may inspect any business operations involving the slaughter of horses in this state for the purpose of selling or offering for sale the horse meat derived therefrom in order to enforce certain restrictions relating to such slaughter.

(b) Any person, partnership, association, corporation, or firm violating this Code section, including but not limited to refusing to permit an inspection authorized by this Code section, shall be guilty of a misdemeanor.

History

Ga. L. 1959, p. 168, § 4; Ga. L. 1979, p. 846, § 2.

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26-2-215. Penalty.

Any person who violates this article or rules and regulations adopted under this article or any sanitary standards or specifications adopted under this article shall be guilty of a misdemeanor.

History

Ga. L. 1914, p. 134, § 2; Code 1933, § 42-9908; Ga. L. 1956, p. 748, § 11.

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O.C.G.A. Title 26, Ch. 2, Art. 7

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Article 7 Milk and Milk Products

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26-2-230. Short title.

This article shall be known and may be cited as the “Georgia Dairy Act of 1980.”

History

Ga. L. 1980, p. 981, § 1.

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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 7 Milk and Milk Products (§§ 26-2-230 — 26-2-250)

Notice

 This section has more than one version with varying effective dates.

26-2-231. [Effective until July 1, 2023. See note.] Definitions.

(a) As used in this article, the term:

- (1) “Commissioner” means the Commissioner of Agriculture for the State of Georgia.
- (2) “Cream tester” means any person who performs the act of sampling or testing milk, cream, or other dairy products, the test of which is to be used as a basis for making payment for said products.
- (3) “Dairy manufacturing plants” means creameries, condenseries, public dairies, butter factories, cheese factories, ice cream factories, and other like factories, and any other concerns that manufacture dairy products for sale at either retail or wholesale; provided, however, that the term dairy manufacturing plant shall not include a retail frozen dessert packager which is otherwise permitted as a food service establishment pursuant to Article 13 of this chapter.
- (4) “Department” means the Department of Agriculture of the State of Georgia.
- (5) Reserved.
- (6) Reserved.
- (7) “Manufactured milk products” means those milk products, including condensed, evaporated, concentrated, sterilized, or powdered milk, made from raw whole milk for manufacturing purposes and processed in such a manner and under such conditions as to remove or sterilize, as far as is possible, any contaminated matter contained in the raw milk from which the products were manufactured, under such rules and regulations as may be prescribed to ensure that result.
- (8) Reserved.
- (9) Reserved.
- (10) “Person” means any individual, partnership, firm, company, or corporation.
- (11) “Public dairies” means any place where milk and cream are purchased from producers and sold or kept for sale, either at wholesale or retail.
- (12) “Raw whole milk for manufacturing purposes” means fluid whole milk in its natural state from healthy cows, which milk has not been produced and handled in compliance with the requirements for Grade A milk.
- (13) Reserved.

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(14) “Ungraded milk” means all fluid whole milk in its natural state, which milk fails to meet the requirements of Grade A milk or raw whole milk for manufacturing purposes as defined in this article.

(b) Unless otherwise defined in this article, the following words shall have the meanings respectively ascribed to them in the May, 2001, Amended Version of the Grade A Pasteurized Milk Ordinance Recommendations of the United States Public Health Service — Food and Drug Administration and supplements thereto:

- (1)** “Grade A buttermilk”;
- (2)** “Grade A chocolate milk”;
- (3)** “Grade A milk, pasteurized”;
- (4)** “Grade A modified solids milk”;
- (5)** “Grade A skim milk”;
- (6)** “Grade A whole milk”;
- (7)** “Pasteurization”; and
- (8)** “Raw cow’s milk.”

(c) Unless otherwise defined in this article, the following words shall have the meanings respectively ascribed to them in “Frozen Desserts,” 21 C.F.R. Sec. 135.3, 21 C.F.R. Sec. 135.110 — 135.160 (1979):

- (1)** “Ice cream”;
- (2)** “Frozen custard”;
- (3)** Reserved;
- (4)** “Sherbet”; and
- (5)** “Water ices.”

History

Ga. L. 1929, p. 280, § 2; Code 1933, § 42-502; Ga. L. 1935, p. 167, § 2; Ga. L. 1937, p. 725, § 1; Ga. L. 1961, p. 501, §§ 1, 3-5; Ga. L. 1980, p. 981, § 2; Ga. L. 1992, p. 1279, § 1; Ga. L. 1999, p. 638, § 1; Ga. L. 2000, p. 1291, § 1; Ga. L. 2002, p. 815, § 2; Ga. L. 2003, p. 140, § 26; Ga. L. 2015, p. 5, § 26/HB 90.

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26-2-232. Duties of Commissioner generally.

- (a) The Commissioner is charged with the responsibility of enforcing this article.
- (b) It shall be the duty of the Commissioner or his authorized representative:
 - (1) To inspect or cause to be inspected, as often as may be deemed practicable, all creameries, public dairies, condenseries, butter factories, cheese factories, ice cream factories, or any other places where dairy products are produced, manufactured, kept, handled, stored, or sold;
 - (2) To prohibit the production, sale, or distribution of unclean or unwholesome milk, cream, butter, cheese, ice cream, or other dairy products;
 - (3) To condemn for food purposes all unclean or unwholesome dairy products, wherever found;
 - (4) To take samples anywhere of any dairy product or imitation thereof and cause the same to be analyzed or satisfactorily tested;
 - (5) To weigh and test milk, cream, and other dairy products for the purpose of ascertaining the percentage and weight of butterfat or other ingredients contained therein; provided, however, that it shall not be necessary for the Commissioner to perform the tests if they are being performed by an agency of the federal government;
 - (6) To inspect and make tests of any instrument or equipment used in the testing or measuring of milk, cream, or other dairy products; and
 - (7) To compile and publish in print or electronically annually, or at such shorter intervals as he may desire, statistics and information concerning all phases of the dairy industry in this state.

History

Ga. L. 1929, p. 280, §§ 1, 19; Code 1933, §§ 42-503, 42-501; Ga. L. 1935, p. 167, § 2; Ga. L. 1961, p. 501, § 9; Ga. L. 1980, p. 981, § 3; Ga. L. 2010, p. 838, § 10/SB 388.

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26-2-233. Promulgation and amendment of rules and regulations by Commissioner.

- (a) The Commissioner shall have the power to adopt, amend, and repeal rules and regulations to implement and enforce this article; provided, however, that all rules and regulations shall be of uniform application; and provided, further, that all rules and regulations shall be adopted, amended, or repealed in accordance with Chapter 13 of Title 50, the “Georgia Administrative Procedure Act.” The rules and regulations shall include, but not be limited to, the following:
- (1) Rules and regulations to provide for the labeling of milk and milk products in such manner so as to indicate that the milk or milk product complies with this article and the rules and regulations promulgated under this article;
 - (2) Rules and regulations to prescribe the specifications of all glassware, including, but not limited to, bottles, pipettes, test tubes, and burrettes, and such other instruments as may be used in the testing of milk, cream, or other dairy products; and
 - (3) Rules and regulations to prescribe the specifications for the installation and operation of recording thermometers on bulk farm tanks.
- (b) The Commissioner may include as a part of such rules and regulations the adoption of supplements to and changes in the “Grade A Pasteurized Milk Ordinance” referred to in Code Section 26-2-238.

History

Ga. L. 1929, p. 280, § 19; Code 1933, § 42-501; Ga. L. 1935, p. 167, § 2; Ga. L. 1961, p. 501, § 14; Ga. L. 1980, p. 981, § 5; Ga. L. 1983, p. 737, § 1; Ga. L. 1985, p. 149, § 26.

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26-2-234. Applications for licenses and permits; duration of licenses; renewal of licenses; procedure for denial, revocation, or suspension of licenses.

Application for all licenses and permits provided for in this article shall be made to the Commissioner on such forms as he or she may prescribe. All licenses shall be valid for a period of one year unless revoked or suspended as provided in this article. All licenses shall be renewable upon submission of all required application forms. The Commissioner may deny, refuse, suspend, or revoke any license, after notice and a hearing, for any violation of or failure to comply with this article or the rules and regulations promulgated hereunder; provided, however, that the hearing shall be held in accordance with Chapter 13 of Title 50, the “Georgia Administrative Procedure Act.”

History

Code 1933, § 42-606, enacted by Ga. L. 1961, p. 501, § 11; Ga. L. 1972, p. 947, § 1; Ga. L. 1980, p. 981, § 6; Ga. L. 2007, p. 103, § 1/ HB 112.

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26-2-235. License requirements — Cream testers.

No person shall act as a cream tester unless he or she is licensed, and it shall be unlawful for any person to employ as a cream tester any person who does not have a license to operate testing apparatus for milk and cream. The license shall be posted in a conspicuous place in plain view of all persons entering the room in which all testing is done.

History

Ga. L. 1929, p. 280, § 4; Code 1933, § 42-505; Ga. L. 1935, p. 167, § 2; Ga. L. 1980, p. 981, § 7; Ga. L. 2007, p. 103, § 2/ HB 112.

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26-2-236. [Reserved] License requirements — Operators of milk and cream buying stations.

History

Ga. L. 1929, p. 280, § 14; Code 1933, § 42-515; Ga. L. 1935, p. 167, § 2; Ga. L. 1980, p. 981, § 8; repealed by Ga. L. 1999, p. 638, § 2, effective July 1, 1999.

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26-2-237. [Reserved] License requirements — Milk and cream brokers.

History

Ga. L. 1929, p. 280, § 15; Code 1933, § 42-520; Ga. L. 1937, p. 725, § 1; Ga. L. 1980, p. 981, § 9; repealed by Ga. L. 1999, p. 638, § 3, effective July 1, 1999.

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26-2-238. Standards and requirements generally.

The standards and requirements of the May, 2005, Amended Version of the Grade A Pasteurized Milk Ordinance Recommendations of the United States Public Health Service — Food and Drug Administration and supplements thereto, except as otherwise provided in this article, are expressly adopted as the standards and requirements for this state. Future changes in and supplements to said milk ordinance may be adopted by the Commissioner as a part of the standards and requirements for this state.

History

Ga. L. 1929, p. 280, § 8; Code 1933, § 42-509; Ga. L. 1980, p. 981, § 10; Ga. L. 1983, p. 737, § 2; Ga. L. 1999, p. 638, § 4; Ga. L. 2000, p. 1291, § 2; Ga. L. 2002, p. 815, § 3; Ga. L. 2003, p. 140, § 26; Ga. L. 2004, p. 457, § 1; Ga. L. 2006, p. 178, § 1/SB 441.

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26-2-239. Standards and requirements for frozen desserts generally.

The standards and requirements for standardized frozen desserts, specifically ice cream, frozen custard, sherbet, and water ices, as adopted by the Food and Drug Administration of the United States Department of Health and Human Services and contained in “Frozen Desserts,” 21 C.F.R. Sec. 135.3, 21 C.F.R. Sec. 135.110 — 135.160 (1979), except as otherwise provided, are expressly adopted as the standards and requirements for this state.

History

Code 1933, § 42-612, enacted by Ga. L. 1980, p. 981, § 12; Ga. L. 1999, p. 638, § 5.

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26-2-240. Adulterated ice cream.

(a) Ice cream shall be deemed to be adulterated:

(1) If it contains any preservative, mineral, or other substance or compound deleterious to health; provided, however, that this Code section shall not be construed to prohibit the use of harmless coloring matter when not used for fraudulent purposes;

(2) If it contains any fats other than milk fat or any oils or paraffin added to, blended with, or compounded with it; provided, however, that chocolate ice cream and the chocolate coating of coated ice cream may contain cocoa butter; or

(3) If it is made, in whole or in part, from any milk product which is unfit for consumption as food.

(b) It shall be unlawful for any person to manufacture, sell, offer or expose for sale, or have in possession with intent to sell or offer or expose for sale under the name of "ice cream" any product or substance deemed adulterated under subsection (a) of this Code section.

History

Ga. L. 1929, p. 280, § 11; Code 1933, § 42-512; Ga. L. 1965, p. 498, § 1; Ga. L. 1980, p. 981, § 13.

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26-2-241. Testing of milk, cream, or other dairy products.

In determining the value of milk, cream, or other dairy products by the use of the Babcock test, it shall be unlawful to give any false reading or in any way manipulate the test so as to give a higher or lower percent of butterfat than the milk, cream, or other dairy products actually contain, or to cause any inaccuracy in reading the percent of butterfat by securing from any quantity of milk, cream, or other dairy products to be tested an inaccurate sample for the test. None other than the Babcock method, or such method of testing as may be approved by the Commissioner, may be employed when testing milk or cream, the test of which is to be used as a basis for making payment for the milk or cream thus tested. None other than the torsion balanced scales, or such scales as may be approved by the Commissioner, may be used when weighing cream for testing, when the tests are to be used as a basis for making payment for cream. It shall be unlawful to use adjustable scale weights in determining the weight of cream used in the Babcock test. Only such centrifuge shall be used as shall meet the approval of the Commissioner. Specifications for apparatus and chemicals and directions for testing milk and cream must conform to *Standard Methods for the Examination of Dairy Products*, with such additions as shall be deemed advisable by the Commissioner to make them conform to this article. All test tubes, bottles, pipettes, burettes, or instruments used in connection with testing or determining the value of milk, cream, or other dairy products by the use of the Babcock test must be United States government standard and shall be approved by the Commissioner. All milk and cream tests shall be maintained at a temperature of 135 to 140 degrees Fahrenheit for at least three minutes before the reading of the percent of butterfat shall be made and recorded. In reading cream tests, glymol or its equivalent must be used, and the samples under test must be held for three minutes in a water bath extending up as high on the graduated neck as the sample itself does.

History

Ga. L. 1929, p. 280, § 3; Code 1933, § 42-504; Ga. L. 1935, p. 167, § 2; Ga. L. 1951, p. 444, § 1; Ga. L. 1957, p. 628, § 1; Ga. L. 1980, p. 981, § 11; Ga. L. 1999, p. 638, § 6.

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Notice

 This section has more than one version with varying effective dates.

26-2-242. [Effective until July 1, 2023. See note.] Standards and requirements as to sale of milk and milk products generally; labeling; sale of ungraded milk, raw whole milk, condensed or evaporated milk.

(a) Milk and milk products which are in compliance with this article and in compliance with the rules and regulations promulgated pursuant to this article may be sold, offered for sale, or delivered to the consuming public for the purpose of human consumption, provided the container in which the milk or milk product is sold, offered for sale, or delivered has affixed thereto or printed thereon labels approved by the Commissioner. No milk or milk product may be sold, offered for sale, or delivered for the purpose of human consumption if it is not in compliance with this article or the standards or rules and regulations prescribed pursuant to this article.

(b) The sale, offering for sale, or delivery of ungraded milk is prohibited.

(c) No raw whole milk for manufacturing purposes may be offered for sale in this state to anyone except processors and manufacturers properly licensed and inspected to manufacture and process manufactured milk products.

(d) It shall be unlawful to sell, keep for sale, or offer for sale any condensed or evaporated milk, concentrated milk, sweetened condensed milk, sweetened evaporated milk, sweetened concentrated milk, sweetened evaporated skimmed milk, or any of the fluid derivatives of any of them, to which shall have been added any fat or oil other than milk fat, either under the name of the products or articles or the derivatives thereof, or under any fictitious or trade name whatsoever.

History

Code 1933, § 42-614, enacted by Ga. L. 1961, p. 501, §§ 6, 7; Ga. L. 1980, p. 981, § 14.

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Notice

 This section has more than one version with varying effective dates.

26-2-243. [Effective until July 1, 2023. See note.] Intermingling of Grade A milk or milk products with other grades; inspections; permit requirements; enforcement powers of Commissioner.

(a) It is the intent and purpose of this Code section to prohibit the intermingling of Grade A milk and Grade A milk products with milk and milk products other than Grade A.

(b) No person producing, handling, processing, manufacturing, or dealing in milk or milk products, which person produces, receives, distributes, or in any manner handles Grade A raw whole milk, Grade A pasteurized whole milk, or Grade A milk products, shall receive, store, handle, distribute, or otherwise allow raw whole milk for manufacturing purposes to be introduced upon the premises where the operations are conducted. At all times, such person shall be subject to inspection by the Commissioner and shall hold a Grade A permit, issued by the Commissioner, to deal in Grade A milk and Grade A milk products and shall conduct business pursuant to the laws of this state and the rules and regulations of the Commissioner made thereunder, to the end that milk products shall be handled only in the manner provided for in this article and that inferior quality milk not be sold to the consuming public as superior quality milk.

(c) No person producing, handling, processing, manufacturing, or dealing in milk or milk products, which person produces, receives, distributes, or in any manner handles raw whole milk for manufacturing purposes, shall introduce any Grade A raw whole milk, Grade A pasteurized milk, or Grade A milk products for other than manufacturing purposes upon the premises where manufactured milk products operations are conducted. At all times such persons shall be subject to inspection by the Commissioner and shall hold a manufacturing permit, issued by the Commissioner, to deal in manufactured milk products and shall conduct business pursuant to the laws of this state and the rules and regulations of the Commissioner made thereunder, to the end that grades of milk shall be handled only in the manner provided for in this article and that inferior quality milk not be sold to the consuming public as superior quality milk.

(d) The prohibitions contained in subsections (b) and (c) of this Code section shall not be applicable where separate systems and other facilities are provided to maintain the separation and identity of the various grades and types of milk.

(e) After making inspections or conducting appropriate tests, if the Commissioner determines that any law, rule, or regulation has been violated or if he has reason to believe that any of the milk or milk products enumerated in subsections (b) and (c) of this Code section are dangerous for human consumption, the Commissioner, after notice, is authorized to place one or more inspectors on such premises upon a 24 hour basis for such a period of time as he deems necessary to satisfy himself that the laws and rules and regulations are being complied with. The cost of the inspection, to be fixed by the Commissioner at a cost

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not to exceed the actual cost of the inspection, shall be paid by such person to the Commissioner as a condition to the continued validity of the permit or the license under which the business is operated. The inspection charges provided in this subsection may be terminated by a request to the Commissioner for a hearing within two days after a charge of violation or the placing of the inspectors in the plant. Upon hearing and for cause shown, the Commissioner is authorized to impose the cost of inspection as a part of the penalty imposed. Nothing contained in this subsection shall be construed to prohibit the Commissioner from revoking or canceling any permit or license of any person doing business in this state who violates any of the laws of this state or the regulations made pursuant thereto.

History

Ga. L. 1929, p. 280, § 19; Code 1933, § 42-501; Ga. L. 1935, p. 167, § 2; Ga. L. 1961, p. 501, § 11; Ga. L. 1978, p. 1988, § 1; Ga. L. 1980, p. 981, § 15.

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26-2-244. Standards and conditions for importation of milk and milk products.

(a) No milk or milk products for human consumption shall be shipped into this state from any other state unless such milk or milk product is produced and handled under sanitary conditions no less adequate for the protection of public health and welfare than the conditions under which milk and milk products are produced, handled, and marketed in this state, and then not until authorization for the shipping of milk or milk products has been issued by the Commissioner after careful investigation; provided, however, that shippers listed on the interstate milk shippers list shall be deemed to be in compliance with this Code section.

(b) Any applicant who is not listed on the interstate milk shippers list but who desires to ship milk or milk products into this state shall furnish certified copies of all laws, rules, and regulations pertaining to the sanitary standards in force in the area where the product which he wishes to bring into this state is produced, processed, handled, and sold, together with certified copies of any and all licenses, permits, certificates, test results, and inspection reports pertaining to the production, processing, marketing, handling, and sale of the milk or milk products. If the Commissioner finds that the milk or milk product is produced, processed, marketed, and handled under sanitary conditions no less adequate than those applicable in this state, he may authorize the shipping of the milk or milk product into this state. If the applicant is unable to comply with this subsection, he may request an inspection under subsection (c) of this Code section.

(c) Upon application from a person who desires authorization to ship any milk or milk product into this state and upon the payment by the person of the amount of actual expense necessary to make an inspection, the Commissioner shall cause an inspection to be made. If, upon inspection, the requirements of this article and the rules and regulations promulgated hereunder are found to be met, the Commissioner shall authorize the shipment of the milk or milk product.

History

Ga. L. 1929, p. 280, § 20; Code 1933, § 42-518; Ga. L. 1937, p. 725, § 1; Ga. L. 1961, p. 501, § 12; Ga. L. 1980, p. 981, § 17.

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26-2-245. Condemnation and coloring of milk and milk products produced, processed, or delivered in violation of laws of state.

Any milk or milk product shipped into this state or produced, processed, or delivered in this state in violation of the laws of this state or the rules and regulations promulgated by the Commissioner pursuant thereto shall be condemned by the Commissioner and may be rendered unfit for marketing by the addition of a pyoktanin solution or other approved harmless coloring matter to notify the consuming public that the milk or milk product is ungraded and unfit for human consumption.

History

Code 1933, § 42-618, enacted by Ga. L. 1937, p. 725, § 1; Ga. L. 1961, p. 501, § 8; Ga. L. 1980, p. 981, § 18.

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26-2-246. Furnishing of records by persons operating under article.

- (a) Any person operating under this article shall furnish, upon the request of the Commissioner, such data and statistics as he may require.
- (b) All persons operating under this article shall keep complete and accurate records of their operations, and the Commissioner shall have free access to all such records.

History

Ga. L. 1929, p. 280, §§ 9, 16; Code 1933, §§ 42-510, 42-517; Ga. L. 1935, p. 167, § 2; Ga. L. 1980, p. 981, § 4.

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26-2-247. Enforcement of article generally.

(a) The Commissioner shall be charged with the enforcement of this article; and he shall have the power and authority, in connection with this and other provisions dealing with milk, food, or food products, to revoke or cancel the permit or license of any person doing business in this state who violates the laws of this state or the rules and regulations made pursuant thereto.

(b) The enforcement methods authorized by this article shall be cumulative of those provided otherwise by law, and the same are not superseded by this article.

History

Ga. L. 1929, p. 280, § 19; Code 1933, § 42-501; Ga. L. 1935, p. 167, § 2; Ga. L. 1961, p. 501, § 11; Ga. L. 1978, p. 1988, § 1; Ga. L. 1980, p. 981, § 15.

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26-2-248. Injunctions.

Any person, firm, or corporation subject to this article and the other milk laws of this state who violates any of said provisions or any valid rules and regulations made thereunder may be enjoined from such continued violation. The Commissioner is authorized to apply for, and for cause shown the superior court having jurisdiction of the defendant in any such action may grant, injunctive relief, by interlocutory injunction, permanent injunction, or temporary restraining order, as the circumstances may warrant. The proceeding may be maintained notwithstanding the pendency of any civil action and notwithstanding the pendency of or conviction in a criminal proceeding arising from the same transaction. Such action may be maintained without bond. The purpose of this Code section is to create a statutory cause of action by way of injunction, and the Commissioner is authorized to bring such proceedings in the same form and manner and in the same court as other equitable proceedings may be brought. This remedy is not exclusive but is cumulative of other remedies afforded to protect the consuming public from unwholesome products which are economic frauds.

History

Ga. L. 1929, p. 280, § 19; Code 1933, § 42-501; Ga. L. 1935, p. 167, § 2; Ga. L. 1961, p. 501, § 11; Ga. L. 1978, p. 1988, § 1; Ga. L. 1980, p. 981, § 15.

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Notice

 This section has more than one version with varying effective dates.

26-2-249. [Effective until July 1, 2023. See note.] Unlawful acts.

It shall be unlawful:

- (1) To handle milk, cream, butter, ice cream, or other dairy products in unclean or unsanitary places or in an unsanitary manner;
- (2) To keep, store, or prepare for market any milk, cream, or other dairy products in the same building or enclosure where any hide or fur or any cow, horse, nontraditional livestock, hog, or other livestock is kept;
- (3) To handle or ship milk, cream, ice cream, or other dairy products in unclean or unsanitary vessels;
- (4) To expose milk, cream, ice cream, or other dairy products to flies or to any contaminating influence likely to convey pathogenic or other injurious bacteria;
- (5) For any common carrier, railway, or express company to neglect or fail to remove or ship from its depot, on the day of its arrival there for shipment, any milk, cream, or other dairy products left at the depot for transportation;
- (6) For any common carrier, railway, or express company to allow merchandise of a contaminating nature to be stored on or with dairy products;
- (7) To use or possess any branded or registered cream can or milk can or ice cream container for any purpose other than the handling, storing, or shipping of milk, cream, or ice cream; provided, however, that no person other than the rightful owner thereof shall use or possess any can, bottle, or other receptacle if such receptacle shall be marked with the brand or trademark of the owner. Nothing in this paragraph shall prohibit the temporary possession by a business involved in the normal processing, distribution, or retail sale of dairy products of any can, bottle, or other receptacle which is marked with the brand or trademark of another person or entity prior to its return to the rightful owner in the normal course of business, or if purchased from the rightful owner;
- (8) To sell or offer for sale ice cream from a container or a compartment of a cabinet or fountain which contains any article of food other than ice cream or dairy products;
- (9) To sell or offer for sale milk, cream, butter, cheese, ice cream, or other dairy products that are not pure and fresh and handled with clean utensils;
- (10) To sell or offer for sale milk or cream from diseased or unhealthy animals or which was handled by any person suffering from or coming in contact with persons affected with any contagious disease;

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(11) To sell or offer for sale any milk or cream which shall have been exposed to contamination or into which shall have fallen any unsanitary articles or any foreign substance which would render the milk or cream or the product manufactured therefrom unfit for human consumption; or

(12) To sell or offer for sale milk, cream, butter, cheese, ice cream, or other dairy products which do not comply with the standards and requirements of this article or the rules and regulations promulgated hereunder.

History

Ga. L. 1929, p. 280, § 7; Code 1933, § 42-508; Ga. L. 1935, p. 167, § 2; Ga. L. 1980, p. 981, § 16; Ga. L. 1995, p. 244, § 29; Ga. L. 1996, p. 1219, § 18; Ga. L. 2000, p. 1298, § 1; Ga. L. 2008, p. 458, § 25/SB 364; Ga. L. 2015, p. 5, § 26/HB 90.

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26-2-250. Penalties for violations of article.

Any person who violates this article shall be guilty of a misdemeanor.

History

Ga. L. 1931, Ex. Sess., p. 61, § 4; Code 1933, § 42-9914; Ga. L. 1961, p. 501, § 22; Ga. L. 1980, p. 981, § 19.

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26-2-260. Definitions.

As used in this article, the term:

- (1) “Cold storage” means protected storage in a refrigerated place.
- (2) “Commerce” means interstate, foreign, or intrastate commerce.
- (3) “Commissioner” means the Commissioner of Agriculture of the State of Georgia.
- (4) “Department” means the Department of Agriculture of the State of Georgia.
- (5) “Egg” means the shell egg of the domesticated chicken, turkey, duck, goose, or guinea.
- (6) “Egg handler” means any person who engages in any business in commerce which involves buying or selling any eggs, as a poultry producer or otherwise, processing any egg products, or otherwise using any eggs in the preparation of human food.
- (7) “Egg product” means any dried, frozen, or liquid eggs, with or without added ingredients, except products which contain eggs only in a relatively small proportion or which historically have not been considered by consumers as products of the egg food industry.
- (8) “Quality” means the inherent properties of any product which determine its relative degree of excellence.
- (9) “Wholesaler” means any person, firm, corporation, association, dealer, or broker selling or offering for sale, in or into this state, more than five cases of eggs in any one week.

History

Ga. L. 1935, p. 364, § 9; Ga. L. 1991, p. 1115, § 1.

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26-2-261. Classification of eggs.

- (a) Within the intent and purpose of this article, eggs classified as:
 - (1) Storage eggs shall be construed to mean eggs which have been in cold storage for a period of 31 days or longer; and
 - (2) Fresh eggs shall be construed to mean eggs which have been held in cold storage not longer than 30 days from the date they were packed.
- (b) Each container of eggs must be labeled to show size or weight class and standard of quality.
- (c) All eggs sold or offered for sale by dealers, as designated by this article, shall be graded as to net weight and standards of quality.
 - (1) The size or weight classes shall be:

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Size or Weight Classes	Minimum Net Wt. Per Doz. (Oz.)	Min. Net Wt. For Indv. Eggs at Rate Per Doz. (Oz.)	Min. Net Wt. Per 30 Doz. (Lbs.)
Jumbo	30	29	56
Extra Large	27	26	50 1/2
Large	24	23	45
MediumSS	21	20	39 1/2
Small	18	17	34
Pee Wee	15	14	28

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The weight tolerance, per dozen, where eggs are sold at retail, shall be not more than two eggs of the minimum net weight for individual eggs at the rate per dozen. Not more than 5 percent tolerance of the minimum net weight for individual eggs at the rate per dozen shall be allowed where eggs are sold in wholesale lots.

(2) The quality classifications for individual eggs shall be:

(A) Grade AA:

- (i)** Shell: clean, unbroken, practically normal.
- (ii)** Air cell: one-eighth inch or less in depth, unlimited movement, and free or bubbly.
- (iii)** Yolk: outline slightly defined, practically free from defects.
- (iv)** White: firm, clear.

(B) Grade A:

- (i)** Shell: clean, unbroken, practically normal.
- (ii)** Air cell: three-sixteenths inch or less in depth, unlimited movement, and free or bubbly.
- (iii)** Yolk: outline fairly well defined, practically free from defects.
- (iv)** White: reasonably firm, clear.

(C) Grade B:

- (i)** Shell: clean to slightly stained (but not more than one thirty-second of surface if localized or one-sixteenth of surface if scattered), unbroken, abnormal.
- (ii)** Air cell: over three-sixteenths inch in depth, unlimited movement, and free or bubbly.
- (iii)** Yolk: outline plainly visible, enlarged and flattened, clearly visible germ development but no blood, other serious defects.
- (iv)** White: weak and watery, small blood and meat spots present (but not more than one-eighth inch in diameter aggregate).

(d) The U.S. Standards, Grades, and Weight Classes for Shell Eggs, Part 56, Subpart C, Paragraphs 56,216 and 56,217 established pursuant to the federal Agricultural Marketing Act of 1946 are adopted by reference.

(e) All of the classifications indicated in this Code section shall be determined by candling.

History

Ga. L. 1935, p. 364, § 1; Ga. L. 1937, p. 639, § 1; Ga. L. 1953, Jan.-Feb. Sess., p. 49, §§ 1-3; Ga. L. 1956, p. 21, § 1; Ga. L. 1958, p. 27, § 1; Ga. L. 1991, p. 1115, § 1; Ga. L. 2015, p. 5, § 26/HB 90.

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26-2-262. Registration of entities dealing in eggs.

All wholesalers, commission merchants, brokers, retailers, and dealers of any kind or character who desire to sell or offer eggs for sale in this state shall first file with the Commissioner of Agriculture, upon forms furnished by the Commissioner, the name of the firm or person desiring to offer eggs for sale either by themselves or by their agent, together with the address of said firm or person and the type or kind of eggs to be offered for sale.

History

Ga. L. 1935, p. 364, § 4; Ga. L. 1991, p. 1115, § 1.

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26-2-263. License required for wholesaler or egg handler; grounds for suspension or revocation; transferability; exemption.

(a) It shall be unlawful for any person to engage in business as a wholesaler or as an egg handler without first obtaining a license from the Commissioner. No license issued under this article shall be suspended or revoked except for health and sanitation reasons or violations of this article and until the licensee to be affected shall be provided with reasonable notice thereof and an opportunity for hearing, as provided under Chapter 13 of Title 50, known as the “Georgia Administrative Procedure Act.” Licenses issued under this article shall be valid until suspended or revoked and shall not be transferable with respect to persons or location. There shall be no fee for such license.

(b) Food sales establishments licensed under Article 2 of this chapter, known as the “Georgia Food Act,” and shell egg handlers registered under the United States Department of Agriculture shell egg surveillance inspection program shall be exempt from the provisions of subsection (a) of this Code section.

History

Ga. L. 1935, p. 364, § 5; Ga. L. 1958, p. 27, § 2; Ga. L. 1991, p. 1115, § 1; Ga. L. 1992, p. 6, § 26.

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26-2-264. Sales by entities dealing in eggs; exemption of producers from taxation and licensing.

It shall be unlawful for any wholesaler, commission merchant, broker, retailer, or dealer of eggs, either by himself or by his agent, to offer for sale in this state any eggs if this article has not been complied with, provided that nothing in this Code section shall be construed to repeal the exemption given the producer in the sale of commodities of his own production from taxation and licensing by existing laws.

History

Ga. L. 1935, p. 364, § 6; Ga. L. 1991, p. 1115, § 1.

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26-2-265. Dealer's invoices of sales to be furnished to Department of Agriculture on request; exception for sales to consumers.

All dealers, wholesale or retail, shall be required to furnish to the Department of Agriculture upon request a copy of the invoice of each sale of eggs, the copy of invoice to show the person or firm to whom the sale was made, the address of such person or firm, and the kind and quantity involved in such sale, provided that nothing contained in this Code section shall be construed to require the filing of a copy of the invoice of a sale to a consumer.

History

Ga. L. 1935, p. 364, § 8; Code 1981, § 26-2-266; Code 1981, § 26-2-265, as redesignated by Ga. L. 1991, p. 1115, § 1.

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26-2-266. Inspectors and assistants; confiscation and destruction of eggs found unfit for human consumption.

(a) The Commissioner of Agriculture shall instruct the agricultural sanitarians and agricultural inspectors of the Department of Agriculture to carry out this article. The Commissioner is authorized in his discretion to select and appoint such other additional assistants as in his judgment he deems necessary to enforce this article.

(b) All such employees of the Department of Agriculture are authorized to confiscate and destroy all eggs found to be unfit for human consumption.

History

Ga. L. 1935, p. 364, § 10; Code 1981, § 26-2-267; Code 1981, § 26-2-266, as redesignated by Ga. L. 1991, p. 1115, § 1.

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26-2-267. Promulgation of rules, regulations, grades, and standards; powers of inspectors.

The Commissioner of Agriculture is authorized to promulgate, issue, and set up such additional rules, regulations, grades, standards, or otherwise as in his judgment are necessary to carry out the intent and purpose of this article. The sanitarians and inspectors authorized in Code Section 26-2-266 are authorized to exercise all the authority, powers, and privileges now delegated to the duly authorized food inspectors of the Department of Agriculture by existing law.

History

Ga. L. 1935, p. 364, § 11; Code 1981, § 26-2-268; Code 1981, § 26-2-267, as redesignated by Ga. L. 1991, p. 1115, § 1.

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26-2-268. Information labels affixed to cases of eggs.

(a) At the time of packing and candling of each case of eggs, the producer or dealer shall affix a label not less than two inches by four inches or not less than eight square inches on one end of each case and on this label shall be legibly printed or stamped, in letters not less than one-fourth of an inch in size, the date when the eggs were packed and candled or the expiration date, which shall not exceed 45 days from the date packed; the size and grade of the eggs; and either the name and address of the packer or the U.S.D.A. assigned plant number or a state approved plant identification code. The name of the state of origin may be given. When eggs are sold in cartons, the cartons must show the date packed or the expiration date, which shall not exceed 45 days from the date packed, and the grade and size, together with either the name and address of the packer or the U.S.D.A. assigned plant number or a state approved plant identification code. The state of origin may also be given.

(b) Abbreviations of any words in the classification or in designating the grade and size shall not be permitted. The information pertaining to the grade and size shall be shown in legible letters not less than one-fourth of an inch in size. The information pertaining to the name and address of the packer or the U.S.D.A. assigned plant number or a state approved plant identification code and the date packed or expiration date shall be legibly given. All wording on egg cases and egg cartons must be in the English language and must have prior approval from the Georgia Department of Agriculture before using.

(c) Words or phrases tending to becloud or nullify the proper classification of eggs shall not be permitted. Each word of the classification, including the name of the state of origin, shall appear in the same size type and color in any printed advertisement. Abbreviations of any word in the classification or in designating the size and grade to which eggs belong shall not be permitted. Every person advertising eggs for sale, at retail or wholesale, in newspapers, by window displays, or otherwise shall set forth in the advertisement the classification as to size and grade of the eggs offered for sale. The classification shall be set forth in letters equal in size to those advertising the eggs for sale.

History

Ga. L. 1935, p. 364, § 2; Ga. L. 1937, p. 639, § 3; Ga. L. 1958, p. 27, § 2; Ga. L. 1980, p. 690, § 1; Code 1981, § 26-2-269; Code 1981, § 26-2-268, as redesignated by Ga. L. 1991, p. 1115, § 1; Ga. L. 2003, p. 223, § 1.

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26-2-269. Placard to be displayed; contents.

All eggs offered for sale at retail shall be properly classified in accordance with the following specifications:

- (1) A heavy cardboard or placard, not less than eight by eleven inches, shall be conspicuously displayed at all times on or over each receptacle containing eggs offered for sale, setting forth in letters not less than one inch in height, plainly and legibly, the classification as to quality and weight;
- (2) The name of the state of origin of eggs may appear on the placard;
- (3) The placard shall not be required when eggs are packed in properly labeled cartons. The eggs therein shall be required to come up to the standard as placarded; and
- (4) Restaurants, hotels, or other eating places shall be required to display a placard where it can be easily seen by customers or, in lieu thereof, to place this information on the menu.

History

Ga. L. 1937, p. 639, § 3; Ga. L. 1953, Jan.-Feb. Sess., p. 49, § 4; Ga. L. 1958, p. 27, § 2; Code 1981, § 26-2-270; Code 1981, § 26-2-269, as redesignated by Ga. L. 1991, p. 1115, § 1.

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26-2-270. Reciprocal marketing agreement to vary labeling requirements.

The Commissioner of Agriculture is authorized to enter into reciprocal marketing agreements with other states to vary the labeling requirements provided in this article. Such agreements shall not vary the standards of quality and weights provided in this article, it being the purpose and intent of this Code section to promote and encourage interstate marketing of eggs and to authorize variations of labeling as required in this article where such variations will promote and encourage the marketing of eggs.

History

Ga. L. 1958, p. 27, § 3; Code 1981, § 26-2-271; Code 1981, § 26-2-270, as redesignated by Ga. L. 1991, p. 1115, § 1.

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26-2-271. “Withhold From Sale Orders”; cost of inspection and release.

(a) Inspectors or sanitarians of the Department of Agriculture, upon determining that this article or the rules and regulations promulgated for its enforcement are being violated, may put “Withhold From Sale Orders” on all eggs being sold or offered for sale in violation of this article or the regulations thereof and shall report the circumstances to the Commissioner of Agriculture for his action.

(b) Eggs upon which “Withhold From Sale Orders” have been issued shall not be sold or otherwise disposed of until such “Withhold From Sale Orders” have been canceled by the Commissioner or his duly authorized agents. The cost of the inspection and release shall be paid by the offender.

History

Ga. L. 1937, p. 639, § 3; Code 1981, § 26-2-272; Code 1981, § 26-2-271, as redesignated by Ga. L. 1991, p. 1115, § 1.

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26-2-272. Licensing of candlers and graders of eggs; promulgation of rules and regulations regarding qualifications; temporary work without license.

Each candler and grader of eggs offered for sale shall obtain a license from the Department of Agriculture at no cost, after demonstrating to the satisfaction of the department his capability and qualifications as an egg candler and grader. The Commissioner of Agriculture is authorized to establish by rule and regulation the minimum qualifications for egg candlers and graders. With the approval of the Commissioner, any person may candle and grade eggs not to exceed 14 days, pending licensing by the department, provided that during this period the employer of such temporary candler and grader shall be accountable for the actions of such candler and grader while acting in such capacity.

History

Ga. L. 1956, p. 21, § 2; Code 1981, § 26-2-273; Code 1981, § 26-2-272, as redesignated by Ga. L. 1991, p. 1115, § 1.

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26-2-273. Refrigeration and other handling requirements.

- (a) All shell egg producers shall refrigerate eggs upon gathering such eggs. Eggs shall be graded and packed within a reasonable period of time from gathering.
- (b) After washing, processing, and packaging, eggs shall be transported, stored, and displayed at an ambient temperature not to exceed 45 degrees Fahrenheit until sold at retail or used by any commercial establishment or public institution.

History

Code 1981, § 26-2-273, enacted by Ga. L. 1991, p. 1115, § 1.

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26-2-274. Penalty; duty of prosecuting attorneys to prosecute violations.

Any person, firm, or corporation who violates any provisions of this article shall be guilty of a misdemeanor. It shall be the duty of the prosecuting attorney of the appropriate court to prosecute all persons charged with the violation of this article as soon as the evidence has been transmitted to them by the Commissioner of Agriculture.

History

Ga. L. 1935, p. 364, § 12; Ga. L. 1991, p. 1115, § 1.

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O.C.G.A. Title 26, Ch. 2, Art. 9

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Article 9 Grains and Bread

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O.C.G.A. § 26-2-290

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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 9 Grains and Bread (§§ 26-2-290 — 26-2-297)

26-2-290. Definitions.

As used in this article, the term:

- (1) “Bread” means the foods commonly known and described as white bread and rolls, including, but not restricted to, Vienna bread, French bread, and Italian bread and rolls of the semibread dough type, such as soft rolls, hamburger, hot dog, parker house, etc., hard rolls, such as Vienna, Kaiser, etc., all made without fillings or icings, but shall not include sweet, yeast-raised rolls or sweet buns, cinnamon rolls or buns, butterfly rolls, etc.
- (2) “Commissioner” means the Commissioner of Agriculture.
- (3) “Degerminated corn meal” means all ground corn, corn meal, and bolted corn meal intended for human consumption which has undergone a refining process with a resultant loss of more than 10 percent of the germ.
- (4) “Degerminated hominy grits” means all corn grits, grits, pearled grits, and endosperm portions of corn intended for human consumption which has undergone a refining process with a resultant loss of more than 10 percent of the germs.
- (5) “Enrichment” as applied to flour, bread, meal, or grits means the addition thereto of vitamins and other ingredients of the nature required by this article; and the terms “enriched flour,” “enriched bread,” “enriched degerminated corn meal,” and “enriched degerminated hominy grits” mean bread, flour, corn meal, or grits, as the case may be, which has been enriched to conform to the requirements of this article.
- (6) “Flour” means flour of every kind and description made wholly or partly from wheat which conforms to the definition and standard of identity of flour, white flour, wheat flour, phosphated flour, self-rising flour, bromated flour, and plain flour as promulgated in the rules and regulations made by the Commissioner, but excludes whole-wheat flour made only from the whole-wheat berry with no part thereof removed, and also excludes special packaged flours not used for bread baking, such as cake, pancake, cracker, and pastry flours.
- (7) “Person” means an individual, firm, corporation, partnership, association, joint stock company, trust, or any unincorporated organization.

History

Ga. L. 1945, p. 425, § 1.

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26-2-291. Vitamins and ingredients in flour; specification changes; milling process.

(a) It shall be unlawful for any person to manufacture, mix, compound, sell, or offer for sale, for human consumption in this state, any flour unless the following vitamins and other ingredients are contained in each pound of such flour:

- (1) Not less than 2.0 milligrams of vitamin B1 (thiamin);
- (2) Not less than 1.2 milligrams of riboflavin;
- (3) Not less than 16 milligrams of niacin (nicotinic acid) or niacin amide (nicotinic acid amide); and
- (4) Not less than 13 milligrams of iron.

(b) The enrichment of self-rising flour shall require, in addition to the ingredients required in subsection (a) of this Code section, not less than 500 milligrams of calcium.

(c) The Commissioner of Agriculture is authorized to change, or add to, in his discretion, the specifications for ingredients and the amounts thereof, in order that they shall conform to the federal definition of enriched flour when promulgated or as may from time to time be amended.

(d) If other vitamins and minerals are added to flour, they shall be added only in accordance with the regulations of the Commissioner.

(e) Iron shall be added only in forms which are assimilable and harmless and which do not impair the enriched flour.

(f) The enrichment of flour shall be accomplished by a milling process, addition of vitamins from a natural or synthetic source, addition of minerals, or by a combination of these methods, or by any method which is permitted by the Commissioner with respect to flour.

History

Ga. L. 1945, p. 425, § 2.

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26-2-292. Vitamins and ingredients in bread; specification changes.

(a) It shall be unlawful for any person to manufacture, bake, sell or offer for sale or to receive an interstate shipment for sale for human consumption in this state any bread unless the following vitamins and other ingredients are contained in each pound of such bread:

- (1) Not less than 1.1 milligrams of vitamin B1 (thiamin);
- (2) Not less than 0.7 milligrams of riboflavin;
- (3) Not less than 10.0 milligrams of niacin (nicotinic acid) or niacin amide (nicotinic acid amide); and
- (4) Not less than 10 milligrams of iron.

(b) The enrichment of bread may be accomplished through the use of enriched flour, special yeast, and other enriching ingredients, synthetic vitamins, harmless iron salts, or by any combination of harmless methods which will produce bread enriched so as to meet the requirements of subsection (a) of this Code section.

(c) Iron shall be added only in forms which are assimilable and harmless and which do not impair the enriched bread.

(d) The Commissioner of Agriculture is authorized to change, or add to, in his discretion, the specifications for ingredients and the amounts thereof in order that they shall conform to the federal definition of enriched bread when promulgated or as may from time to time be amended.

History

Ga. L. 1945, p. 425, § 3.

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26-2-293. Vitamins and ingredients in degerminated corn meal and degerminated hominy grits; specification changes; milling process.

(a) It shall be unlawful for any person to manufacture, mix, compound, sell, or offer for sale, for human consumption in this state, any degerminated corn meal or degerminated hominy grits unless the following vitamins and other ingredients are contained in each pound of such products:

- (1) Not less than 2.0 milligrams of vitamin B1 (thiamin);
- (2) Not less than 1.2 milligrams of riboflavin;
- (3) Not less than 16 milligrams of niacin (nicotinic acid) or niacin amide (nicotinic acid amide); and
- (4) Not less than 13 milligrams of iron.

(b) Iron shall be added only in forms which are assimilable and harmless and which do not harm the enriched corn meal or enriched grits.

(c) The substances referred to in subsection (a) of this Code section may be added in a harmless carrier which does not impair the enriched degerminated corn meal or enriched degerminated hominy grits, provided that such carrier is used only in the quantity necessary to effect an intimate and uniform admixture of such substances with the grits or corn meal.

(d) If other vitamins and minerals are added to degerminated corn meal or degerminated hominy grits, they shall be added only in accordance with such pertinent regulations as may be promulgated by the Commissioner of Agriculture.

(e) The Commissioner of Agriculture is authorized to change, or add to, in his discretion, the specifications for ingredients and the amounts thereof in order that they shall conform to the federal definition of enriched degerminated corn meal or enriched degerminated grits when promulgated or as from time to time may be amended.

(f) The enrichment of degerminated corn meal or degerminated hominy grits may be accomplished by a milling process, addition of vitamins from a natural or synthetic source, other enriching ingredients, harmless and assimilable inorganic salts, or by a combination of these methods which will produce enriched grits or enriched corn meal as herein defined.

History

Ga. L. 1945, p. 425, § 4.

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26-2-294. Exemptions.

The terms of this article shall not apply to:

- (1) Flour, corn meal, or grits sold to bakers or other commercial secondary processors if, prior to or simultaneously with delivery, the purchaser furnishes to the seller a certificate of intent in such form as the Commissioner shall by regulation prescribe, certifying that such flour, corn meal, or grits shall be used only in the production of flour, bread, corn meal, or grits enriched within the given establishment to meet the requirements of this article or shall be used in the manufacture of products other than those covered by this article. It shall be unlawful for any such purchaser so furnishing any such certificate of intent to use the unenriched flour, corn meal, or grits so purchased in any manner other than as stated in the certificate;
- (2) Flour or bread which is made from the entire wheat berry with no parts of the wheat removed from the mixture. In cases of flour or bread containing mixtures of the whole wheat berry and white flour or mixture of various portions of the wheat berry, such products shall have a vitamin and mineral potency at least equal to enriched flour or enriched bread as described herein;
- (3) Corn meal or grits which is made from the entire corn with no parts of the corn removed from the mixture, but shall not be construed to prevent the enrichment of such products if so desired by the manufacturer. Any products so enriched must conform to standards and labeling provisions as provided in this article as modified by the Commissioner;
- (4) Flour, corn meal, or grits for the wheat and corn producer whereby the miller is paid in wheat or corn or feed for the grinding service rendered, except in so far as such a mill may produce flour or degerminated corn meal or grits and sell or offer for sale such products, whereupon this article shall be applicable; nor shall this article apply to farmers in exchanging their corn for corn meal and wheat for flour, or having the same ground into flour, corn meal, or grits and disposing of the same for their own use or the use of the farm labor on their farms; or
- (5) Mills doing custom grinding of wheat, whose capacity is 20 bushels of wheat per hour or less, and for custom mills that do not use artificial methods for bleaching flour.

History

Ga. L. 1945, p. 425, § 5.

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26-2-295. Labeling requirements.

It shall be unlawful to sell or offer for sale in this state any enriched flour, enriched bread, enriched degerminated corn meal, or enriched degerminated hominy grits which, if wrapped, fails to conform to the labeling requirements of the Commissioner of Agriculture.

History

Ga. L. 1945, p. 425, § 6.

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26-2-296. Duties of Commissioner of Agriculture.

- (a) The Commissioner of Agriculture is authorized as the administrative agency and is directed:
- (1) To make, amend, and rescind such rules and regulations, in his discretion, as may be necessary to carry out this article, including, but without being limited to, such orders, rules, and regulations as he is hereinafter specifically authorized and directed to make; and
 - (2) From time to time to adopt, in his discretion, such regulations changing or adding to the required ingredients for flour, bread, corn meal, or grits, specified in Code Sections 26-2-291 through 26-2-293, as shall be necessary to conform to the definitions and standards of identity of enriched flour, enriched bread, enriched degerminated corn meal, and enriched degerminated hominy grits, from time to time promulgated by the rules and regulations made by the Commissioner.
- (b) All orders, rules, and regulations adopted by the Department of Agriculture pursuant to this article shall be published as provided for in subsection (c) of this Code section, and, within the limits specified by this article, shall become effective upon such date as the Commissioner shall fix.
- (c) Whenever under this article publication of any notice, order, rule, or regulation is required, such publication shall be made at least three times in ten days in newspapers of general circulation in three different sections of the state.
- (d) The Commissioner is authorized to collect samples for analysis and to conduct examinations and investigations for the purposes of this article through any officers or employees under his supervision; and all such officers and employees shall have authority to enter to inspect any factory, mill, warehouse, shop, or establishment where flour, bread, corn meal, or grits is manufactured, processed, packed, sold, or held, or to inspect any vehicle and any flour, bread, corn meal, or grits therein, and all pertinent equipment, materials, containers, and labeling.

History

Ga. L. 1945, p. 425, § 7; Ga. L. 2015, p. 5, § 26/HB 90.

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26-2-297. Penalty.

Any person who violates this article or the orders, rules, or regulations promulgated by the Department of Agriculture under authority of this article shall, upon conviction thereof, be subject to a fine for each and every offense in a sum not exceeding \$100.00 or to imprisonment for not more than 30 days, or both.

History

Ga. L. 1945, p. 425, § 8.

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O.C.G.A. Title 26, Ch. 2, Art. 10

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Article 10 Fish and Other Seafoods

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26-2-310. Definitions.

As used in this article, the term:

- (1) “Nonresident of the State of Georgia” means a person who has not maintained a continuous residence in this state for one year and not resided therein for six months next preceding the time when he makes application for a license.
- (2) “Resident of the State of Georgia” means a person who has maintained a continuous residence in this state for one year and has resided therein for the six-month period preceding the time when he makes application for a license and a corporation organized under the laws of this state, of which a majority of the stockholders are residents of this state, or a foreign corporation which has become domesticated and qualified with the Secretary of State to do business in this state six months before it makes application for a license.
- (3) “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. However, nothing in this article shall apply to any canned or salted seafoods.
- (4) “Wholesale fish dealer” means any person, firm, association of persons, or corporation who sells fish or seafood of any kind to a retail dealer, a wholesale dealer, hotels, restaurants, or other public eating places of any kind or nature whatsoever.

History

Ga. L. 1937-38, Ex. Sess., p. 332, § 4.

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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 10 Fish and Other Seafoods (§§ 26-2-310 — 26-2-320)

26-2-311. Administration by Commissioner of Agriculture.

It shall be the duty of the Commissioner of Agriculture to administer this article.

History

Ga. L. 1937-38, Ex. Sess., p. 332, § 3.

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O.C.G.A. § 26-2-312

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 10 Fish and Other Seafoods (§§ 26-2-310 — 26-2-320)

26-2-312. Wholesale fish dealers' licenses.

(a) No person, firm, association of persons, or corporation shall be authorized or permitted to engage in the business of wholesale fish dealer in this state without first having paid to the Commissioner of Agriculture the annual license fees required in this Code section and having procured a license from the Commissioner authorizing such person to engage in the business of wholesale fish dealer. Any fees collected pursuant to this Code section shall be retained pursuant to the provisions of Code Section 45-12-92.1. The annual license fee applicable to and required of wholesale fish dealers shall be as follows:

(1) The annual license fee for each resident wholesale fish dealer shall be \$60.00 for each place of business, fixed or movable; and

(2) The annual license fee for each nonresident or alien wholesale fish dealer shall be \$60.00 for each place of business, fixed or movable, provided that the annual license fee for each nonresident or alien wholesale fish dealer who is a resident of a state which charges Georgia resident wholesale fish dealers a fee in excess of \$60.00 shall be the same as the fee such state charges Georgia resident wholesale fish dealers for each place of business, fixed or movable. The Commissioner of Agriculture of the State of Georgia may enter into a reciprocal agreement with any other state to limit the fees such state charges a Georgia resident who operates as a wholesale fish dealer or its equivalent in such other state.

(b) Each truck or movable unit from which fish are sold at wholesale shall be deemed a place of business within the meaning of this article.

(c) A resident who produces the fish and other seafood he or she sells at retail or wholesale shall not be required to pay the license fee provided in paragraph (1) of subsection (a) of this Code section; nor shall any commercial fisherman licensed to catch fish or seafood by the state game and fish laws, rules, and regulations be required to pay the license fee provided for in this Code section.

History

Ga. L. 1937-38, Ex. Sess., p. 332, § 5; Ga. L. 1939, p. 316, § 1; Ga. L. 1945, p. 315, § 1; Ga. L. 1953, Jan.-Feb. Sess., p. 521, § 2; Ga. L. 1987, p. 908, § 1; Ga. L. 2002, p. 819, § 1; Ga. L. 2010, p. 9, § 1-58/HB 1055; Ga. L. 2011, p. 752, § 26/HB 142.

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O.C.G.A. § 26-2-313

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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 10 Fish and Other Seafoods (§§ 26-2-310 — 26-2-320)

26-2-313. Applications for wholesale fish dealers' licenses.

(a) Each and every person desiring to engage in the business of wholesale fish dealer in this state shall annually on or before January 1 in every year make application to the Commissioner of Agriculture for a license in which such applicant shall state his name, his post office address, the nature of business in which he desires to engage, and the place at which he proposes to conduct his business. Such applicant shall also furnish to the Commissioner such other and additional information as the Commissioner may require. When such information is furnished, the Commissioner shall advise the applicant the amount of the license tax required of such applicant, and when said annual license tax is paid, the Commissioner shall issue to such applicant a license which shall particularly state the nature of the business which the applicant thereunder is authorized to conduct in this state and the place or places from which it may be conducted.

(b) The annual license fee shall be payable on or before January 1 of each and every year thereafter; provided, however, that whenever an application is submitted after July 1 of any year, the annual license fee for the remaining portion of such year shall be one-half of the annual license fee provided for in Code Section 26-2-312.

History

Ga. L. 1937-38, Ex. Sess., p. 332, § 6.

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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 10 Fish and Other Seafoods (§§ 26-2-310 — 26-2-320)

26-2-314. License revocation.

The license of any wholesale fish dealer is subject to revocation by the Commissioner of Agriculture for violation of any law, rule, or regulation pertaining to the sale or distribution of seafoods or fish.

History

Ga. L. 1937-38, Ex. Sess., p. 332, § 14.

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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 10 Fish and Other Seafoods (§§ 26-2-310 — 26-2-320)

26-2-315. Promulgation of rules and regulations regarding sanitation, distribution, and transportation of fish and seafoods.

The Commissioner of Agriculture is authorized to regulate and prescribe rules and regulations with respect to the proper method of sanitation, distribution, and transportation of all fish and seafoods in this state and, as well, all fish and seafood transported from all other states. To this end the Commissioner may require that all fish and seafoods transported into and in and through this state shall be in refrigerated cars or by refrigerated trucks with insulated bodies or in containers disconnected from the body of the truck or by express or in boxes or other containers adequately iced. When fish and seafoods are transported from this state by truck, they shall be equipped with enclosed insulated bodies or containers disconnected from the body of the truck with proper refrigeration to carry the fish and seafood in good condition with 50 percent weight of ice to weight of fish or seafoods.

History

Ga. L. 1937-38, Ex. Sess., p. 332, § 7; Ga. L. 1992, p. 6, § 26.

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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 10 Fish and Other Seafoods (§§ 26-2-310 — 26-2-320)

26-2-316. Suitable equipment and sanitation for wholesale fish dealers.

The Commissioner of Agriculture is authorized to require each wholesale fish dealer having a fixed place of business to provide suitable equipment and sanitation to handle and care for fish and seafoods in a sanitary manner; and that each wholesale dealer having a fixed place of business shall have in his place of business a refrigerated or insulated box or cooler in which a degree of not higher than 40 degrees temperature shall be maintained and that his place of business shall have proper drainage and sewerage for the care of waste in the proper dressing or processing of fish and seafoods.

History

Ga. L. 1937-38, Ex. Sess., p. 332, § 8.

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26-2-317. Traveling fish dealers; equipment.

No person shall be permitted as a traveling fish dealer to conduct a business in this state unless he is so equipped with refrigerated and insulated containers and unless his vehicle is so equipped with proper refrigeration or insulation as to provide adequate safeguards to prevent the sale of unsanitary products.

History

Ga. L. 1937-38, Ex. Sess., p. 332, § 9.

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26-2-318. Inspection of fish and seafoods.

It shall be the duty of the Commissioner of Agriculture to provide the proper and necessary inspection of all fish and seafoods sold or distributed in this state or transported into this state from other states.

History

Ga. L. 1937-38, Ex. Sess., p. 332, § 10.

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26-2-319. [Reserved] Allocation of license fees.

History

Ga. L. 1937-38, Ex. Sess., p. 332, § 11; repealed by Ga. L. 2010, p. 9, § 1-58.1/HB 1055, effective May 12, 2010.

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26-2-320. Penalty.

Any person who violates any provision of this article or any valid rule or regulation promulgated by the Commissioner of Agriculture pursuant to the terms of this article shall be guilty of a misdemeanor and, upon conviction, shall be punished by imprisonment for not less than 30 days nor more than six months or by a fine of not less than \$50.00 nor more than \$500.00, or by both fine and imprisonment, in the discretion of the court.

History

Ga. L. 1937-38, Ex. Sess., p. 332, § 12.

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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 11 Kosher Foods (§§ 26-2-330 — 26-2-335)

26-2-330 through 26-2-335. [Reserved]

History

Repealed by Ga. L. 2010, p. 114, § 2/HB 1345, effective May 20, 2010.

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O.C.G.A. Title 26, Ch. 2, Art. 12

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 12 Soft Drinks (§§ 26-2-350 — 26-2-357)

Article 12 Soft Drinks

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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 12 Soft Drinks (§§ 26-2-350 — 26-2-357)

26-2-350. Definitions.

As used in this article, the term:

- (1) “Bottled soft drink” means all nonalcoholic beverages, whether carbonated or not, such as soda water, carbonated water, orangeade, lemonade, fruit juice when any plain or carbonated water, flavoring, or syrup is added, or any and all preparations commonly referred to as “soft drinks” of whatever kind, which are closed and sealed in glass, paper, metal, or any other type of container or bottle, whether manufactured with or without the use of any syrup. This term shall not include fluid milk to which no flavoring has been added, or natural undiluted fruit or vegetable juice but shall include these drinks when mixed with any syrup, flavoring, water, or additive.
- (2) “Commissioner” means the Commissioner of Agriculture.
- (3) “Person” means any person, firm, corporation, association, or any combination thereof.
- (4) “Soft drink syrup” means the compound mixture or the basic ingredients, whether dry or liquid, practically and commercially usable in making, mixing, or compounding soft drinks at soda fountains by the mixing thereof with carbonated or plain water, ice, fruit, milk, or any other product suitable to make a soft drink, or any such syrup used in the manufacture, bottling, or distribution of a bottled soft drink.

History

Ga. L. 1956, p. 611, § 1.

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26-2-351. License for manufacture and bottling; separate license for each business or bottling or manufacturing plant.

(a) In addition to complying with the food laws of this state, no person shall manufacture or bottle any soft drink or soft drink syrup within this state unless he or she has a current food sales establishment license from the Commissioner.

(b) Each place of business or bottling or manufacturing plant shall be required to obtain a separate license.

History

Ga. L. 1956, p. 611, § 2; Ga. L. 2007, p. 103, § 3/HB 112.

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26-2-352. Sanitary standards and specifications for manufacture, bottling, and distribution of soft drinks or soft drink syrup; adoption; compliance with food laws.

The Commissioner is charged with the enforcement of this article and is authorized to adopt sanitary standards and specifications for the manufacture, bottling, and distribution of a bottled soft drink or a soft drink syrup. No person shall manufacture, bottle, or distribute any bottled soft drink or soft drink syrup that has been produced, manufactured, bottled, or distributed under sanitary conditions and specifications that are less than those adopted by the Commissioner; provided, however, that such standards and specifications shall be no less than those adopted pursuant to the food laws of this state.

History

Ga. L. 1956, p. 611, § 3.

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26-2-353. Promulgation of rules and regulations; administrative personnel.

The Commissioner is authorized to promulgate reasonable rules and regulations to effectuate this article. He shall employ the necessary personnel and fix their compensation to assist him in the administration of this article.

History

Ga. L. 1956, p. 611, § 4.

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26-2-354. Suspension or revocation of license; hearing.

Any license issued pursuant to this article may be suspended or revoked by the Commissioner for the violation of this article or of any of the sanitary standards and specifications or rules and regulations issued pursuant to this article. The Commissioner shall notify the person whose license is to be suspended or revoked, by registered or certified mail or statutory overnight delivery, of his intent to suspend or revoke the license and shall afford such person a hearing before him, within ten days after receipt of the notice, to show cause why the license should not be suspended or revoked.

History

Ga. L. 1956, p. 611, § 5; Ga. L. 2000, p. 1589, § 3.

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26-2-355. Sanitary inspection of building, area, structure, plant, or vehicle used in manufacture, bottling, or distribution.

The Commissioner or his authorized representatives shall have access, at any reasonable hour, to any building, area, structure, plant, or vehicle used in the manufacture, bottling, or distribution of a bottled soft drink or soft drink syrup to inspect sanitary conditions therein.

History

Ga. L. 1956, p. 611, § 6.

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26-2-356. Applicability of article to dairy or milk processing or distributing plants otherwise licensed.

Any dairy or milk processing or distributing plant licensed under other laws of this state shall not be required to obtain the license provided for in this article but shall be subject to all other provisions of this article.

History

Ga. L. 1956, p. 611, § 8.

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26-2-357. Penalty.

Any person who violates this article or any sanitary standard or specification or rule or regulation adopted pursuant to this article shall be guilty of a misdemeanor.

History

Ga. L. 1956, p. 611, § 7.

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O.C.G.A. Title 26, Ch. 2, Art. 13

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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 13 Food Service Establishments (§§ 26-2-370 — 26-2-379)

Article 13 Food Service Establishments

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Notice

 This section has more than one version with varying effective dates.

26-2-370. [Effective until January 1, 2023. See note.] Definitions.

As used in this article, the term:

- (1) “Food nutrition information” means the content of food including, but not limited to, the caloric, fat, carbohydrate, cholesterol, fiber, sugar, potassium, protein, vitamin, mineral, and sodium content.
- (2) “Food service establishment” means establishments for the preparation and serving of meals, lunches, short orders, sandwiches, frozen desserts, or other edible products either for carry out or service within the establishment. This term includes restaurants; coffee shops; cafeterias; short order cafes; luncheonettes; taverns; lunchrooms; places which retail sandwiches or salads; soda fountains; institutions, both public and private; food carts; itinerant restaurants; industrial cafeterias; catering establishments; and similar facilities by whatever name called. Within a food service establishment, there may be a food sales component, not separately operated. This food sales component shall be considered as part of the food service establishment. This term shall not include:
 - (A) A food sales establishment, as defined in Code Section 26-2-21, except as otherwise stated in this paragraph;
 - (B) The food service component of any food sales establishment defined in Code Section 26-2-21;
 - (C) Any outdoor recreation activity sponsored by the state, a county, a municipality, or any department or entity thereof, any outdoor or indoor (other than school cafeteria food service) public school function, or any outdoor private school function;
 - (D) Any organization which is operating on its own property or on the property of a party that has provided written consent for the use of such property for such purpose and which is exempt from taxes under paragraph (1) of subsection (a) of Code Section 48-7-25 or under Section 501(d) or paragraphs (1) through (8) or paragraph (10) of Section 501(c) of the Internal Revenue Code for the purpose of operating a house or other residential structures where seriously ill or injured children and their families are provided temporary accommodations in proximity to their treatment hospitals and where food is prepared, served, transported, or stored by volunteer personnel;
 - (E) Establishments for the preparation and serving of meals, lunches, short orders, sandwiches, frozen desserts, or other edible products if such preparation or serving is an authorized part of and occurs upon the site of an event which:
 - (i) Is sponsored by a political subdivision of this state;

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(ii) Is held on the property of such sponsor or on the property of a party that has provided written consent for use of such property for such event; and

(iii) Lasts 120 hours or less; or

(F) Nonprofit food sales and food service provided under a permit issued pursuant to Article 14 of this chapter.

(3) "Person" or "persons" means any individual, firm, partnership, corporation, trustee, or association, or combination thereof.

History

Ga. L. 1958, p. 371, § 1; Code 1933, § 88-1001, enacted by Ga. L. 1964, p. 499, § 1; Ga. L. 1985, p. 660, § 1; Ga. L. 1992, p. 1174, § 2; Ga. L. 1998, p. 1220, § 2; Ga. L. 2000, p. 1558, § 3; Ga. L. 2001, p. 1216, § 1; Ga. L. 2008, p. 361, § 1/ HB 1303; Ga. L. 2011, p. 308, § 4/ HB 457; Ga. L. 2013, p. 760, § 1/ HB 101; Ga. L. 2014, p. 857, § 1/ HB 778; Ga. L. 2020, p. 808, § 3/ SB 345.

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Notice

 This section has more than one version with varying effective dates.

26-2-371. [Effective until January 1, 2023. See note.] Permits issued by county board of health or Department of Public Health; validity; transferability; rules and regulations by municipalities.

It shall be unlawful for any person to operate a food service establishment without having first obtained a valid food service establishment permit. Such permits shall be issued by the county board of health or its duly authorized representative, subject to supervision and direction by the Department of Public Health; but, where the county board of health is not functioning, such permit shall be issued by the Department of Public Health. Such permits shall be valid until suspended or revoked and shall not be transferable with respect to person or location. Nothing contained in this article shall prevent any municipality from adopting rules and regulations governing the licensing and operation of food service establishments.

History

Ga. L. 1958, p. 371, § 2; Code 1933, § 88-1002, enacted by Ga. L. 1964, p. 499, § 1; Ga. L. 2009, p. 453, § 1-4/HB 228; Ga. L. 2011, p. 705, § 6-3/HB 214.

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26-2-372. Permits — Issuance; suspension, revocation, or denial; notice and hearing.

The Department of Public Health, or county boards of health acting as agents of the department, shall have the power and authority to issue permits to operate food service establishments and to suspend or revoke such permits in accordance with the rules and regulations adopted and promulgated as provided for in this article. When, in the judgment of the department or the county board of health, acting as agent of the former, it is necessary and proper that such application for a permit be denied or that the permit previously granted be suspended or revoked, the applicant or holder thereof shall be afforded notice and hearing as provided in Article 1 of Chapter 5 of Title 31. In the event that such application is finally denied, suspended, or revoked, the applicant or holder of the permit shall be notified in writing. Such written notice shall specifically state any and all reasons why the application has been denied or the permit has been suspended or revoked.

History

Ga. L. 1958, p. 371, § 3; Code 1933, § 88-1003, enacted by Ga. L. 1964, p. 499, § 1; Ga. L. 2009, p. 453, § 1-4/HB 228; Ga. L. 2011, p. 705, § 6-3/HB 214.

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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 13 Food Service Establishments (§§ 26-2-370 — 26-2-379)

26-2-373. Promulgation of rules, regulations, and standards by Department of Public Health and county boards of health; exemption for nonprofit schools and institutions producing own milk.

(a) For the purpose of protecting the public health, the Department of Public Health shall have the power to adopt and promulgate such rules and regulations as it deems necessary and proper to carry out the purpose and intent of this article, including the establishment of reasonable standards of sanitation for food service establishments and such establishments which are also retail frozen dessert packagers and the examination and condemnation of unwholesome food therein. County boards of health are authorized to adopt and promulgate supplementary rules and regulations, including the establishment of reasonable standards of sanitation for food service establishments, consistent with those adopted and promulgated by the department; provided, however, that no county board of health or political subdivision of this state shall enact any ordinance or issue any rules and regulations pertaining to the provision of food nutrition information at food service establishments. As used in this subsection, the term “political subdivision” means any municipality, county, local government authority, board, or commission; however, such term shall not include any state agency or state authority. The department and the county boards of health may obtain technical and laboratory assistance from the Department of Agriculture.

(b) Nonprofit schools and institutions serving family-style meals shall not be included under the present law or any future law or any rule or regulation promulgated pursuant to such laws regulating the dispensing of milk in the kitchens and dining halls of such schools and institutions, provided such school or institution produces the milk on the school's or institution's farm which passes Department of Public Health and local health department sanitary requirements.

History

Ga. L. 1958, p. 371, § 4; Code 1933, § 88-1004, enacted by Ga. L. 1964, p. 499, § 1; Ga. L. 1992, p. 1279, § 2; Ga. L. 2008, p. 361, § 2/HB 1303; Ga. L. 2009, p. 453, § 1-4/HB 228; Ga. L. 2011, p. 705, § 6-3/HB 214.

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O.C.G.A. § 26-2-373.1

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26-2-373.1. Use of hair nets or hats by food preparers; penalty.

- (a) A person who, in the ordinary course of business in a food service establishment, prepares food which is to be consumed by humans shall wear, when preparing food, appropriate hair nets or hats or restraints to prevent contamination of such food.
- (b) Notwithstanding the provisions of Code Section 26-2-377, any person who violates subsection (a) of this Code section shall be subject to a civil penalty as follows:
- (1) For a first offense, neither fine nor punishment, but only a warning; and
 - (2) For a second or subsequent offense, a civil penalty not to exceed \$50.00.
- (c) The county board of health or its representative which issues food service establishment permits under this article shall be authorized to impose the penalties authorized under subsection (b) of this Code section and shall provide the permit holder with notice of any violation of subsection (a) of this Code section.
- (d) Hair nets shall not be required of food preparers when the preparer is a volunteer without payment for his or her services and the food is being prepared for a religious, educational, charitable, or nonprofit corporation.

History

Code 1981, § 26-2-373.1, enacted by Ga. L. 1997, p. 836, § 1; Ga. L. 1998, p. 128, § 26.

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26-2-374. Contents and posting of notices relating to assistance to persons choking; relief from civil liability of persons rendering emergency aid.

(a) The Department of Public Health shall print and distribute notices to every food service establishment in this state explaining the proper procedures to be taken to assist or aid persons who are choking. The notices shall contain such information as is found appropriate or necessary by the department and shall be posted and maintained by the food service establishment in a conspicuous place or places on the premises as required by the department.

(b) Any person who renders emergency aid in good faith to persons who are choking, without any charge for his services, shall not be liable for any civil damages for any act or omission in rendering such emergency aid or as a result of any act or failure to act to provide or arrange for further treatment or care for such persons.

History

Code 1933, § 88-1004.1, enacted by Ga. L. 1979, p. 1272, § 1; Ga. L. 2009, p. 453, § 1-4/HB 228; Ga. L. 2011, p. 705, § 6-3/HB 214.

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26-2-375. Enforcement of article; inspection of food service and food sales establishments.

(a) The Department of Public Health and the county boards of health, acting as duly authorized agents of the department, are authorized to enforce this article and rules, regulations, and standards adopted and promulgated under this article in establishments that have the majority of square footage of building floor space, including indoor and outdoor dining areas, used for the operation of food service as defined in Code Section 26-2-370. Their duly authorized representatives are authorized to enter upon and inspect the premises of any food service establishment as provided in Article 2 of Chapter 5 of Title 31.

(b) Notwithstanding any other provisions of this article, food sales establishments as defined in Code Section 26-2-21 shall be inspected and regulated under Article 2 of this chapter and shall not be subject to inspection or enforcement under this article.

History

Ga. L. 1958, p. 371, § 7; Code 1933, § 88-1006, enacted by Ga. L. 1964, p. 499, § 1; Ga. L. 1985, p. 660, § 2; Ga. L. 2000, p. 1558, § 4; Ga. L. 2009, p. 453, § 1-4/HB 228; Ga. L. 2011, p. 705, § 6-3/HB 214.

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26-2-376. Review of final order or determination by Department of Public Health; appeal to superior court.

Any person aggrieved by any final order or determination of any county board of health denying, suspending, or revoking any permit authorized in this article may secure review thereof by the Department of Public Health by appeal in the manner prescribed in Article 1 of Chapter 5 of Title 31. Any person aggrieved by any final order or determination made by the Department of Public Health, whether originally or on appeal, may secure review thereof by appeal to the superior court in the manner prescribed in Article 1 of Chapter 5 of Title 31.

History

Ga. L. 1958, p. 371, § 8; Code 1933, § 88-1007, enacted by Ga. L. 1964, p. 499, § 1; Ga. L. 2009, p. 453, § 1-4/HB 228; Ga. L. 2011, p. 705, § 6-3/HB 214.

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26-2-377. Penalty for violation of article.

Any person who violates any provision of this article or any rule or regulation promulgated under this article by the Department of Public Health or by any county board of health shall be guilty of a misdemeanor.

History

Ga. L. 1958, p. 371, § 11; Code 1933, § 88-1008, enacted by Ga. L. 1964, p. 499, § 1; Ga. L. 2009, p. 453, § 1-4/HB 228; Ga. L. 2011, p. 705, § 6-3/HB 214.

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26-2-378. Meat products that contain extenders to be displayed on menus or placards; applicability to minor amounts of extenders.

(a) All food service establishments in this state which serve meat products that contain extenders, such as textured vegetable protein, textured soy flour, fortified textured vegetable protein, or other such products, shall display on their menus, or by placards visible to the public, information stating that the meat product contains extenders. Products which contain extenders shall not be advertised using names which designate all meat products. The menu or other advertisement must bear the same name that appears on the package when received from the processor and the ingredients statement as listed on the label.

(b) This Code section shall not be applicable to the serving of meat products which do not contain such an amount of extenders as to require additional labeling in accordance with other laws of the United States and laws of this state relating to meat products.

History

Code 1933, § 88-1009, enacted by Ga. L. 1974, p. 1116, § 1.

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O.C.G.A. § 26-2-390

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 14 Nonprofit Food Sales and Food Service (§§ 26-2-390 — 26-2-393)

26-2-390. Definitions.

As used in this article, the term:

- (1) “Nonprofit food sales and food service” means the temporary sale or service of food items by an organization at an event sponsored by a county, municipality, or organization or the temporary sale of food items by an organization if such sale is sponsored by a religious, charitable, or nonprofit corporation, including but not limited to churches, schools, clubs, lodges, or other such organizations.
- (2) “Organization” means an organization exempt from taxes under paragraph (1) of subsection (a) of Code Section 48-7-25 or under Section 501(d) or paragraphs (1) through (8) or paragraph (10) of Section 501(c) of the Internal Revenue Code, as that code is defined in Code Section 48-1-2.

History

Code 1981, § 26-2-390, enacted by Ga. L. 1992, p. 1174, § 3; Ga. L. 1998, p. 1220, § 3; Ga. L. 2020, p. 808, § 4/SB 345.

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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 14 Nonprofit Food Sales and Food Service (§§ 26-2-390 — 26-2-393)

26-2-391. Permits for nonprofit food sales and food service at events; duration of permit; issuance of subsequent permits.

- (a) A county or municipality shall be authorized to issue permits for the operation of nonprofit food sales and food service at events sponsored by the county, municipality, or an organization. For any permit issued pursuant to this Code section to be valid, the event must be held on property belonging to the sponsoring county, municipality, or organization or on the property of a party that has provided consent for use of such property for such event.
- (b) A permit shall be valid for:
- (1) A period of up to 120 consecutive hours and another permit shall not be issued to the organization holding such permit until five days have elapsed from the date of the expiration of the permit; or
 - (2) A continuous period of up to 12 weeks between May 15 and August 15 and four additional weeks during the calendar year, which may be composed of nonconsecutive periods, coinciding with holidays during which local school systems are not in session, provided that all food items are provided free of charge and the organization does not receive funding from the United States Department of Agriculture to operate a food program.
- (c) At the request of the county or municipality issuing a permit pursuant to this Code section or at the request of a county or municipality sponsoring an event pursuant to subparagraph (a)(5)(C) of Code Section 26-2-21 or subparagraph (2)(E) of Code Section 26-2-370, the county board of health shall:
- (1) Supply educational materials regarding food safety which may be provided to event organizers and the public; and
 - (2) Conduct food safety inspections to ensure compliance with the provisions of Code Section 26-2-392.
- (d) No fees shall be charged to an organization for the issuance of any permit pursuant to this Code section; provided, however, that the county board of health shall be authorized to impose a fee for inspections performed at the request of the issuing county or municipality. Such fee shall be fixed in a reasonable amount such that the proceeds of the fee do not exceed the total direct and indirect costs of conducting the inspection.
- (e) For purposes of this Code section, an event may include the provision of food at a third-party location within the same county.

History

Code 1981, § 26-2-391, enacted by Ga. L. 1992, p. 1174, § 3; Ga. L. 1998, p. 1220, § 3; Ga. L. 2013, p. 760, § 2/ HB 101; Ga. L. 2020, p. 808, § 4/ SB 345.

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26-2-392. Standards for food, labeling, and containers; protection from contamination; temperature; prohibited foods; utensils and equipment; ice; transport to other location; reuse at another event; handwashing facilities; unapproved facilities; use of offsite kitchens.

- (a) This Code section applies to food items prepared and offered for sale or service by organizations at events covered under this article. Food shall be in sound condition, free from spoilage, filth, or other contamination and shall be safe for human consumption. Food shall be obtained from sources that comply with all laws relating to food and food labeling. The use of food in hermetically sealed containers that was not prepared in a licensed food processing establishment is prohibited.
- (b) At all times, including while being stored, prepared, displayed, served, or transported, food shall be protected from potential contamination, including dust, insects, rodents, unclean equipment and utensils, unnecessary handling, flooding, drainage, and overhead leakage or overhead drippage from condensation.
- (c) Meat, poultry, seafood, and other animal products shall be cooked to at least the safe minimum cooking temperatures recommended by the United States Department of Agriculture. No raw or undercooked animal products shall be served.
- (d) Time/temperature control for safety foods to be served at an event shall be maintained at 41 degrees Fahrenheit or less if held cold or 135 degrees Fahrenheit or more if held hot. A thin probe thermometer shall be used to check temperatures of such foods. The preparation of the following time/temperature control for safety foods is prohibited unless the organization has an established hazard control program:
- (1) Pastries filled with cream or synthetic cream;
 - (2) Custards;
 - (3) Products similar to the products listed in paragraphs (1) and (2) of this subsection; or
 - (4) Salads containing meat, poultry, eggs, or fish.
- (e) Frozen desserts shall only be produced using commercially pasteurized mixes or ingredients.
- (f) Suitable utensils, as needed for serving, must be provided to eliminate bare-hand contact with cooked or ready-to-eat foods. All utensils and equipment shall be washed, rinsed, and sanitized periodically as necessary to prevent contamination or a buildup of food, using separate basins for washing, rinsing, and sanitizing. Disposable utensils may be utilized to meet such requirement.
- (g) Ice that is consumed or that contacts food shall be from an approved source and protected from contamination until used. Ice used for cooling stored food shall not be used for human consumption. Food shall be served in an individual-meal type of container and handed to the customer. Food items shall not be transported for sale at any other location or sold, held, or reused at another event.
- (h) A convenient handwashing facility shall be available for use by individuals preparing and serving food. This facility shall consist of, at least, warm running water, soap, and individual paper towels. Individuals who prepare or serve food shall not make bare-hand contact with ready-to-eat food. Individuals who have a

O.C.G.A. § 26-2-392

known communicable or transmittable disease, as defined by the Department of Public Health for these purposes, shall not prepare or serve food at an event.

(i) This Code section shall in no way be construed to allow the sale of food items which have been packaged, bottled, or canned in unapproved facilities. Food items prepared in private homes are prohibited; provided, however, that this shall not apply to any food item produced in compliance with a license issued by the Department of Agriculture pursuant to Article 2 of this chapter.

(j) County boards of health are authorized to provide staff assistance to organizations at events covered under this article for the purpose of providing food safety instruction.

(k) Nothing in this Code section shall prohibit an organization from using an offsite kitchen to prepare food for an event permitted under this article, so long as the offsite kitchen complies with the provisions of this Code section.

History

Code 1981, § 26-2-392, enacted by Ga. L. 1992, p. 1174, § 3; Ga. L. 1998, p. 1220, § 3; Ga. L. 2020, p. 808, § 4/SB 345.

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26-2-393. Enforcement of article.

The county or municipality issuing a permit for the operation of a nonprofit food sales and food service event shall be authorized to enforce the provisions of this article and any party whose property is used for the operation of a nonprofit food sales or food service event without such party's consent may seek legal and equitable remedies including, but not limited to, damages and injunctive relief against unauthorized users.

History

Code 1981, § 26-2-393, enacted by Ga. L. 1992, p. 1174, § 3; Ga. L. 1998, p. 1220, § 3; Ga. L. 2009, p. 453, § 1-6/HB 228; Ga. L. 2011, p. 705, § 6-5/HB 214; Ga. L. 2013, p. 760, § 3/HB 101; Ga. L. 2020, p. 808, § 4/SB 345.

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O.C.G.A. Title 26, Ch. 2, Art. 15

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Article 15 Sale of Meat, Poultry, or Seafood from Mobile Vehicles

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26-2-410. Definitions.

As used in this article, the term:

- (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” means any vehicle that is mobile and includes land vehicles, air vehicles, and water vehicles.
- (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) “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.

History

Code 1981, § 26-2-410, enacted by Ga. L. 1998, p. 1377, § 1; Ga. L. 1999, p. 81, § 26; Ga. L. 2008, p. 458, § 26/SB 364.

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26-2-411. Licensing and inspection of mobile vehicles.

(a) Any person who sells, displays for sale, or offers for sale at retail any fresh or frozen meat, poultry, or seafood in, on, or from a mobile vehicle shall prominently display in such mobile vehicle a current and valid license issued by the Department of Agriculture. Such license shall be issued by the department following the satisfactory inspection of such mobile vehicle and the meat, poultry, or seafood offered for sale therefrom to determine compliance with the laws of this state and the rules and regulations of the Commissioner and the payment of a license fee of \$100.00 per vehicle per year or any portion thereof. All licenses shall expire 12 months from the date of issue. Any license may be renewed for any subsequent year upon a satisfactory inspection of the mobile vehicle and its contents and the payment of the license fee. Any fees collected pursuant to this Code section shall be retained pursuant to the provisions of Code Section 45-12-92.1.

(b) As a condition for retaining a license issued pursuant to this article, a mobile vehicle shall be inspected by the department a minimum of once every six months and a stamp, seal, or other marking showing the date of such inspection shall be affixed to the license by the department or its inspector. There shall be no charge or fee for such semi-annual inspection stamp, seal, or other marking. It shall be the duty of the owner or operator of each mobile vehicle licensed or required to be licensed under this article to make such mobile vehicle available to the department for inspection a minimum of once every six months at a reasonable time and place specified by the department. Said place shall be within 100 miles of the county in which the license is issued.

History

Code 1981, § 26-2-411, enacted by Ga. L. 1998, p. 1377, § 1; Ga. L. 2010, p. 9, § 1-59/HB 1055.

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26-2-412. Rules and regulations.

The Commissioner is authorized to promulgate and adopt such rules and regulations as are necessary to effectuate the purpose of this article.

History

Code 1981, § 26-2-412, enacted by Ga. L. 1998, p. 1377, § 1.

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26-2-413. Penalty for violations.

Any person who violates this article shall be guilty of a misdemeanor.

History

Code 1981, § 26-2-413, enacted by Ga. L. 1998, p. 1377, § 1.

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26-2-430. Short title.

This article shall be known and may be cited as the “Common-sense Consumption Act.”

History

Code 1981, § 26-2-430, enacted by Ga. L. 2004, p. 767, § 1; Ga. L. 2005, p. 469, § 1/ HB 196.

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26-2-431. Definitions.

As used in this article, the term:

- (1) “Claim” means any claim by or on behalf of a natural person, as well as any derivative or other claim arising therefrom asserted by or on behalf of any other person.
- (2) “Federal act” means the Federal Food, Drug, and Cosmetic Act (Title 21 U.S.C. Section 301, et seq., 52 Stat. Section 1040, et seq.).
- (3) “Generally known condition allegedly caused by or allegedly likely to result from long-term consumption” means a condition generally known to result or likely to result from the cumulative effect of consumption and not from a single instance of consumption.
- (4) “Knowing and willful” means that:
 - (A) The conduct constituting a violation of federal or state law was committed with the intent to deceive or injure consumers or with actual knowledge that such conduct was injurious to consumers; and
 - (B) The conduct constituting such violation was not required by regulations, orders, rules, or other pronouncement of, or any statute administered by, a federal, state, or local government agency.
- (5) “Other person” means any individual, corporation, company, association, firm, partnership, society, joint-stock company, or other entity, including any governmental entity or private attorney general.

History

Code 1981, § 26-2-431, enacted by Ga. L. 2004, p. 767, § 1; Ga. L. 2005, p. 469, § 1/ HB 196.

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26-2-432. Exemption from liability of food distributors for long-term consumption of food.

Except as provided in Code Section 26-2-433, a manufacturer, packer, distributor, carrier, holder, seller, marketer, or advertiser of a food, as defined in Section 201(f) of the federal act, 21 U.S.C. Section 321(f), or an association of one or more such entities, shall not be subject to civil liability arising under any law of this state for any claim arising out of weight gain, obesity, a health condition associated with weight gain or obesity, or other generally known condition allegedly caused by or allegedly likely to result from long-term consumption of food.

History

Code 1981, § 26-2-432, enacted by Ga. L. 2004, p. 767, § 1; Ga. L. 2005, p. 469, § 1/HB 196.

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26-2-433. Exception to nonliability of food distributors.

The limitation of liability provided for in Code Section 26-2-432 shall not preclude civil liability that might otherwise exist under the law of this state where the claimed injury does not arise out of weight gain, obesity, health condition associated with weight gain or obesity, or other generally known condition allegedly caused by or allegedly likely to result from long-term consumption of food but is instead based on other cognizable injuries arising from:

- (1) A material violation of an adulteration or misbranding requirement prescribed by statute or regulation of this state or of the United States and the claimed injury was proximately caused by such violation; or
- (2) Any other material violation of federal or state statutes or regulations applicable to the manufacturing, marketing, distribution, advertising, labeling, or sale of food, provided that such violation is knowing and willful, the claim is brought by a party authorized to bring suit under such law, and the claimed injury was proximately caused by such violation.

History

Code 1981, § 26-2-433, enacted by Ga. L. 2004, p. 767, § 1; Ga. L. 2005, p. 469, § 1/ HB 196.

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26-2-434. Requirements of complaint.

(a) In any action exempted under paragraph (1) of Code Section 26-2-433, the complaint initiating such action shall state with particularity the following:

- (1) The statute, regulation, or other law of this state or of the United States that was allegedly violated;
- (2) The facts that are alleged to constitute a material violation of such statute, regulation, or other law; and
- (3) The facts alleged to demonstrate that such violation proximately caused actual injury to the plaintiff.

(b) In any action exempted under paragraph (2) of Code Section 26-2-433, in addition to the requirements of subsection (a) of this Code section, the complaint initiating such action shall state with particularity facts sufficient to support a reasonable inference that the violation was with intent to deceive or injure consumers or with the actual knowledge that such violation was injurious to consumers.

(c) For purposes of applying this article, the requirements of this Code section are hereby deemed part of the substantive law of this state and not merely in the nature of procedural provisions.

History

Code 1981, § 26-2-434, enacted by Ga. L. 2004, p. 767, § 1; Ga. L. 2005, p. 469, § 1/HB 196.

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26-2-435. Discovery.

In any action exempted under Code Section 26-2-433, all discovery and other proceedings shall be stayed during the pendency of any motion to dismiss unless the court finds upon the motion of any party that particularized discovery is necessary to preserve evidence or to prevent undue prejudice to that party. During the pendency of any stay of discovery pursuant to this Code section, unless otherwise ordered by the court, any party to the action with actual notice of the allegations contained in the complaint shall treat all documents, data compilations, including electronically recorded or stored data, and tangible objects that are in the custody or control of such party and that are relevant to the allegations, as if they were the subject of a continuing request for production of documents from an opposing party under Title 9.

History

Code 1981, § 26-2-435, enacted by Ga. L. 2004, p. 767, § 1; Ga. L. 2005, p. 469, § 1/HB 196.

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26-2-436. Applicability.

The provisions of this article shall apply to all covered claims pending on July 1, 2005, and all claims filed thereafter, regardless of when the claim arose.

History

Code 1981, § 26-2-436, enacted by Ga. L. 2004, p. 767, § 1; Ga. L. 2005, p. 469, § 1/HB 196.

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O.C.G.A. Title 26, Ch. 2, Art. 17

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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 17 Cooperation in Implementation of Federal Food Safety Modernization (§§ 26-2-440 — 26-2-441)

Article 17 Cooperation in Implementation of Federal Food Safety Modernization

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26-2-440. Definitions.

As used in this article, the term:

- (1) “Administration” means the United States Food and Drug Administration.
- (2) “Department” means the Georgia Department of Agriculture.
- (3) “Federal act” means the federal Food Safety Modernization Act, 21 U.S.C. Section 301, et seq.

History

Code 1981, § 26-2-440, enacted by Ga. L. 2017, p. 215, § 1/HB 176; Ga. L. 2018, p. 1112, § 26/SB 365.

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26-2-441. Designation of cooperating agency.

- (a) The department, acting by and through its commissioner, is designated as the state agency responsible for cooperating with the administration under the provisions of the federal act.
- (b) In furtherance of its responsibilities under subsection (a) of this Code section, the department may:
 - (1) Conduct inspections and take other regulatory actions as necessary to assist the administration in enforcement of the federal act; and
 - (2) Enter into cooperative agreements with the administration to carry out the provisions of the federal act.

History

Code 1981, § 26-2-441, enacted by Ga. L. 2017, p. 215, § 1/ HB 176.

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