

TITLE 2: NATURAL RESOURCES
DIVISION 5: ANIMALS, PLANTS AND FOOD

§ 5432. Seizure and Condemnation.

(a) Any carcass, part of a carcass, meat, or meat food product of cattle, sheep, swine or goats or any dead, dying, disabled, or diseased cattle, sheep, swine or goat, that is being transported in export commerce, and that:

(1) Is being or has been prepared, sold, transported, or otherwise distributed or offered or received for distribution in violation of this chapter; or

(2) Is capable of use as human food and is adulterated or misbranded; or

(3) In any other way is in violation of this chapter,

shall be liable to be proceeded against and seized and condemned, at any time, on a libel of information filed in the Commonwealth Trial Court. 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 and the proceeds, if sold, less the court costs and fees, and storage and other proper expenses, shall be paid into the Commonwealth Treasury; provided, that such articles or animals shall not be sold contrary to the provisions of this chapter; and provided further, that 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 the provisions of this chapter or the laws of the Commonwealth, the court may direct that such article or animal be delivered to the owner thereof subject to such supervision by authorized representatives of the director as is necessary to insure compliance with the applicable laws. When a decree of condemnation is entered against the article or animal and it is released under bond, or destroyed, court costs, fees, storage and other proper expenses shall be awarded against the person, if any, intervening as claimant of the article or animal. The proceedings in such libel cases shall conform, as nearly as may be, to the proceedings in admiralty, and all such proceedings shall be at the suit of and in the name of the Commonwealth.

(b) The provisions of this section shall in no way derogate from authority for condemnation or seizure conferred by other provisions of this chapter, or other laws of the Commonwealth.

Source: 25 TTC § 71.

Commission Comment: With respect to the reference to the “director” of the Department of Natural Resources, see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001.

Section 4 of PL 6-25, the “Commonwealth Judicial Reorganization Act of 1989,” provides that “[w]herever the term ‘Commonwealth Trial Court’ appears in the Commonwealth Code, it is henceforth to be interpreted and understood to refer to the Commonwealth Superior Court.”