

Title 25.

Animals and Plants.

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CHAPTER 1.

QUARANTINE REGULATIONS.

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§ 1. **Purpose.** — In order to protect the agricultural and general well-being of the people of the Trust Territory, quarantine regulations are promulgated as a means of preventing the introduction and further dissemination of injurious insects, pests, and diseases into and within the Trust Territory. (Code 1966, § 730; Code 1970, tit. 25, § 1.)

§ 2. **Promulgation of plant and animal quarantine regulations.** — (1) With the prior approval of the High Commissioner, the chief of agriculture shall issue plant and animal quarantines and regulations, relating to the administration and enforcement of the controls established by this chapter.

Letters and memoranda may be issued from time to time by the chief of agriculture, High Commissioner and deputy high commissioner relating to the administration and enforcement of such controls, quarantines and regulations.

(2) Emergency district orders relating to domestic quarantine may be issued from time to time by the different district administrators, providing such emergency district orders are not in conflict with the controls, quarantines and regulations issued pursuant to subsection (1) of this section.

(3) The plant and animal quarantines and regulations issued pursuant to this chapter shall be translated in whole or in summary from English to the predominant native language of each local government area, and shall be published by posting in each local-government office and filing with each clerk of courts a copy of such translation and a copy of the English language version. (Code 1966, § 731; Code 1970, tit. 25, § 2; P.L. No. 4C-32, § 1.)

Enforcement of quarantines and regulations. — Section 5 of this title gives authority to enforce quarantines and regulations established pursuant to this section. *Uchel v. Owen*, 4 TTR 132 (1968).

§ 3. **Administration and enforcement.** — (1) The chief of agriculture, under the direction of the deputy high commissioner, shall administer the provisions of the plant and animal quarantine controls, quarantines and regulations.

(2) Agricultural quarantine inspectors may be appointed by the High Commissioner, and shall, under the direction of the chief of agriculture, enforce

the provisions of the plant and animal quarantine controls, quarantines regulations. (Code 1966, § 732; Code 1970, tit. 25, § 3; P.L. No. 4C-32, § 3.)

§ 4. Emergency measures authorized. — (1) Upon the discovery of a situation not covered by the controls, quarantines or regulations issued under this chapter, or any other situation warranting immediate action, emergency quarantine measures may be made at any time by an agricultural quarantine inspector or the chief of agriculture.

(2) Such emergency quarantine measures must be reviewed by the chief of agriculture and either incorporated into existing regulations in the manner which is or may be provided by law, or rescinded as soon as practicable after issuance, and in no case shall such action be taken later than thirty days after the measure is taken. (Code 1966, § 733; Code 1970, tit. 25, § 4; P.L. No. 4C-32, § 3.)

Constitutionality of section prior to 1972 amendment. — In the field of quarantine measures and enforcement this section of the Code, which provides for immediate action in emergency quarantine subject to the later approval of the High Commissioner, is not unconstitutional. *Uchel v. Owen*, 4 TRR 132 (1968).

Circumstances justify destruction of property. — Under the circumstances presented the public officer involved was justified in ordering the destruction of the property in question under this section. *Uchel v. Owen*, 4 TTR 132 (1968).

Administrative matters left to officers in order to meet necessities caused by new diseases. — It is impracticable, if not impossible, for the lawmaking power to foreknow and specifically enumerate all contagious diseases and pests that may arise affecting the horticultural industry of a state thus to meet the necessities caused by new diseases as they may occur, and prevent their spread, matters purely administrative may be left to administrative officers. *Uchel v. Owen*; 4 TTR 132 (1968).

§ 5. Inspection. — (1) All animals and plants or parts thereof, including seeds, fruits, vegetables, cuttings, etc., entering or transported within the Trust Territory are subject to inspection by agricultural quarantine inspectors and may be refused entry into or movement within the Trust Territory if they are known to be, or are suspected of being, infected or infested with disease or pests.

(2) All aircraft and vessels or their cargoes, including baggage, ship's stores and ballast, entering or moving within the Trust Territory, are subject to inspection by agricultural quarantine inspectors for the purpose of enforcing the controls, quarantines and regulations established pursuant to this chapter; provided, that such inspections of U.S. military aircraft and vessels shall be subject to existent military security regulations.

(3) It shall be a petty misdemeanor for anyone to interfere with or refuse to submit to the inspections authorized by this section. (Code 1966, § 734; Code 1970, tit. 25, § 5.)

Authority to enforce quarantines and regulations. — This section gives authority to enforce quarantines and regulations

established pursuant to section 2 of this title. *Uchel v. Owen*, 4 TRR 132 (1968).

§ 6. Manifests and information. — Cargo manifests and other similar documents concerning aircraft and vessels traveling in the Trust Territory will be made available to the agricultural quarantine inspectors upon request. Those authorities having information as to the movements of aircraft and vessels will furnish such information to agricultural quarantine inspectors upon request; provided, that the provisions of this section are subject to military security regulations. (Code 1966, § 735; Code 1970, tit. 25, § 6.)

§ 7. In-transit material. — Any animals, plants, or other quarantinable material in transit through the Trust Territory on aircraft or vessels shall be kept aboard such aircraft or vessels while in port or on any island of the Trust Territory, unless such material is otherwise enterable. If it is necessary to transfer such quarantinable material from one vessel or aircraft to another, such transfer shall be made under the direction of an agricultural quarantine inspector, and with such safeguards as he deems necessary. (Code 1966, § 736; Code 1970, tit. 25, § 7.)

§ 8. Disposition of contraband material. — Anything attempted to be brought into or transported within the Trust Territory in contravention of the controls, quarantines or regulations established pursuant to this chapter shall be seized by an agricultural quarantine inspector and destroyed by fire or other appropriate means, or expelled from the Trust Territory, or returned to its place of origin, at the shipper's expense, depending on the pest risk involved. (Code 1966, § 737; Code 1970, tit. 25, § 8.)

Destruction without compensation of pest-infested property. — The government may provide for the destruction without compensation of property which is infested with pests which are dangerous or suspected to be

dangerous to the agricultural industry, where this is reasonably necessary for the protection of the agricultural industry. *Uchel v. Owen*, 4 TTR 132 (1968).

§ 9. Treatment for insects or other pests. — Vessels and aircraft traveling into or within the Trust Territory and known or suspected upon reasonable grounds to be harboring insects or other agricultural pests will be subject to spraying with insecticides or such other treatment as may be deemed necessary by an agricultural quarantine inspector; provided, that the spraying of aircraft with insecticides and the fumigation of ships is subject to public health regulations. (Code 1966, § 738; Code 1970, tit. 25, § 9.)

§ 10. Penalties. — A person who violates any of the provisions of this chapter or any properly issued plant and animal controls, quarantines or regulations shall be guilty of a misdemeanor. (Code 1966, § 739; Code 1970, tit. 25, § 10.)

CHAPTER 2.

EXPORT MEAT INSPECTION ACT.

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§ 51. **Definitions.** — As used in this chapter, except as otherwise specified, the following terms shall have the meanings stated below:

(1) "*Chief of agriculture*" means the chief of agriculture or his designated representative.

(2) "*Firm*" means any partnership, association, or other unincorporated business organization.

(3) "*Meat broker*" means any person, firm, or corporation engaged in the business of buying or selling carcasses, parts of carcasses, meat, or meat food products of cattle, sheep, swine, or goats, on commission, or otherwise negotiating purchases or sales of such articles other than for his own account or as an employee of another person, firm or corporation.

(4) "*Renderer*" means any person, firm, or corporation engaged in the business of rendering carcasses, or parts or products of carcasses, of cattle, sheep, swine, or goats, except rendering conducted under inspection under this chapter.

(5) "*Animal food manufacturer*" means any person, firm, or corporation engaged in the business of manufacturing or processing animal food derived wholly or in part from carcasses, or parts or products of the carcasses, of cattle, sheep, swine, or goats.

(6) "*Export*" means commerce from the Trust Territory to any foreign country or the United States, its territories and possessions.

(7) "*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, or goats, excepting products which contain meat or other portions of such carcasses only in a relatively small proportion or 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 chief of agriculture under such conditions as he may prescribe 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.

(8) "*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 chief of agriculture deter its use as human food, or it is naturally inedible by humans.

(9) "*Prepared*" means slaughtered, canned, salted, rendered, boned, cut up or otherwise manufactured or processed.

(10) "*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 clause 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, a color additive or antibiotic or other medication) which may, in the judgment of the chief of agriculture make such article unfit for human food;

(ii) If it is, in whole or in part, a raw agricultural commodity, and such commodity bears or contains a pesticide chemical which is unsafe as defined by the chief of agriculture;

(iii) If it bears or contains any food additive which is unsafe as defined by the chief of agriculture;

(iv) If it bears or contains any color additive which is unsafe as defined by the chief of agriculture; provided, that an article which is not adulterated under clauses (ii), (iii) or this clause shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, color additive or antibiotic in or on such article is prohibited by regulations of the chief of agriculture in establishments at which inspection is maintained under this chapter;

(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 regulations issued by the chief of agriculture;

(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 consisting in whole or in part of any filthy, putrid, or decomposed substance.

(11) "*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;

(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 under clause (ii) of this paragraph, reasonable variations may be permitted, and exemptions as to small packages may be established, by regulations prescribed by the chief of agriculture.

(f) If any word, statement, or other information required by or under authority of this chapter 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 used 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 chief of agriculture under section 57 of this chapter unless (i) it conforms to such definition and standard, and (ii) 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 chief of agriculture under subsection (g) of this section, 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 subsection (g) of this section, unless its label bears (i) the common or usual name of the food, if any there be, 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 chief of agriculture, be designated as spices, flavorings, and colorings without naming each; provided, that, to the extent that compliance with the requirements of clause (ii) of this subsection is impracticable, or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the chief of agriculture;

(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 chief of agriculture, after consultation with the director for health services, 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 paragraph is impracticable, exemptions shall be established by regulations promulgated by the chief of agriculture, or

(l) If it fails to bear the inspection legend directly thereon or on its container as the chief of agriculture may by regulations prescribe, and, unrestricted by any of the foregoing, such information as the chief of agriculture 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.

(12) "*Label*" means a display of written, printed, or graphic matter upon the immediate container (not including package liners) of any article.

(13) "*Labeling*" means all labels and other written, printed, or graphic matter (a) upon any article or any of its containers or wrappers, or (b) accompanying such article.

(14) "*Pesticide chemical*," "*food additive*," "*color additive*," "*antibiotic*" or other medication, and "*raw agricultural commodity*" shall be defined by the chief of agriculture.

(15) "*Official mark*" means the official inspection legend or any other symbol prescribed by regulations of the chief of agriculture to identify the status of any article or animal under this chapter.

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

(17) "*Official certificate*" means any certificate prescribed by regulations of the chief of agriculture for issuance by an inspector or other person performing official functions under this chapter.

(18) "*Official device*" means any device prescribed or authorized by the chief of agriculture for use in applying any official mark. (Code 1970, tit. 25, § 51.)

§ 52. Examination and inspection of animals prior to slaughtering. — For the purpose of preventing the use in export commerce, as hereinafter provided, of meat and meat food products which are adulterated, the chief of agriculture shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of all cattle, sheep, swine and goats before they shall be allowed to enter into any slaughtering, packing, meat-canning, rendering, or similar establishment in the Trust Territory in which slaughtering and preparation of meat and meat food products of such animals are conducted solely for export commerce, and all cattle, sheep, swine and goats found on such inspection to show symptoms of disease shall be set apart and slaughtered separately from all other cattle, sheep, swine or goats, and when so slaughtered, the carcasses of said cattle, sheep, swine or goats shall be subject to a careful examination and inspection, all as provided by the rules and regulations to be prescribed by the chief of agriculture. The chief of agriculture may, with the approval of the High Commissioner, promulgate and issue rules and regulations covering the disposition of condemned carcasses and materials classified as inedible. Such rules and regulations shall have the force and effect of law. (Code 1970, tit. 25, § 52.)

§ 53. Methods of slaughtering allowed. — No method of slaughtering or handling in connection with slaughtering shall be deemed to comply with the public policy of the Trust Territory unless it is humane. The following methods of slaughtering and handling are hereby found to be humane in the case of cattle, calves, sheep, swine, goats and other livestock: where all animals are rendered insensible to pain by a single blow or gunshot or an electric, chemical or other means that is rapid and effective before being shackled, hoisted, thrown, cast or cut. (Code 1970, tit. 25, § 53.)

§ 54. Post-mortem examination. — For the purposes set forth in sections 51 to 53 of this chapter:

(1) The chief of agriculture shall appoint inspectors and cause the same to make post-mortem examination and inspection of the carcasses and parts thereof of all cattle, sheep, swine, and goats capable of use as human food, to be prepared at any slaughtering, meat-canning, salting, packing, rendering, or similar establishment in the Trust Territory in which such articles are prepared solely for export commerce. The carcasses and parts of all such animals found to be unadulterated shall be marked, stamped, tagged, or labeled as "Inspected and Passed." The carcasses and parts of all such animals found to be adulterated shall be marked, stamped, tagged, or labeled as "Inspected and Condemned." The carcasses and parts of all such inspected and condemned animals shall be destroyed for food purposes by said establishment in the presence of an inspector, and the chief of agriculture may remove

inspectors from any such establishment which fails to so destroy any such condemned carcass or part thereof.

(2) After the first inspection authorized under subsection (1) of this section, the inspectors shall, when they deem it necessary, reinspect said animal carcasses or parts thereof to determine whether the same have become adulterated, and, if any carcass or any parts thereof shall be found to have become adulterated, the same shall be destroyed for food purposes by the said establishment in the presence of an inspector. The chief of agriculture may remove inspectors from any establishment which fails to so destroy any such condemned carcass or part thereof. (Code 1970, tit. 25, § 54.)

§ 55. Application of provisions. — Sections 52 to 54 of this chapter shall apply to all carcasses or parts of carcasses of cattle, sheep, swine, and goats, 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 chapter is maintained. Examination and inspection shall be had before the said 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. The foregoing sections referred to 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. The chief of agriculture 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 chapter 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 purpose of this chapter. (Code 1970, tit. 25, § 55.)

§ 56. Examination and inspection of meat products prepared for export. — For the purposes of this chapter, the chief of agriculture shall appoint inspectors and cause the same to make 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 solely for export commerce. For the purposes of any examination and inspection, said inspectors shall have access at all times, by day or by night, whether the establishment be then in operation or not, to every part of said establishment. The inspectors shall mark, stamp, tag, or label as "Trust Territory — Inspected and Passed" all such products found to be unadulterated. The inspectors shall label, mark, stamp, or tag as "Trust Territory — Inspected and Condemned" all such products found adulterated, and all such condemned meat food products shall be destroyed for food purposes as provided in subsection (1), section 54 of this chapter. The chief of agriculture may remove inspectors from any establishment which fails to so destroy such condemned meat food products. (Code 1970, tit. 25, § 56.)

§ 57. Labeling of packaged meat products. — (1) When any meat or meat food product prepared for export commerce which has been inspected as provided in section 56 of this chapter and marked "Trust Territory — 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 the provisions of this chapter is maintained, the person, firm, or corporation preparing said product shall cause a label to be attached 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 the provisions of this chapter, and no inspection and examination of meat or meat food products deposited or enclosed in cans, tins, pots, canvas,

or other receptacle or covering in any establishment where inspection under the provisions of this chapter 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.

(2) All carcasses, parts of carcasses, meat and meat food products inspected at any establishment under the authority of this chapter and found to be unadulterated shall, at the time they leave the establishment, bear, in distinctly legible form, directly thereon or on their containers, as the chief of agriculture may require, the information required under subsection (11), section 51.

(3) The chief of agriculture, whenever he determines such action is necessary, 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 chapter.

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

(5) If the chief of agriculture 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 chapter, 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 chief of agriculture, such person, firm, or corporation may request a hearing, but the use of the marking, labeling, or container shall, if the chief of agriculture so directs, be withheld pending hearing and final determination by the chief of agriculture. Any such determination by the chief of agriculture shall be conclusive unless, within thirty days after receipt of notice of such final determination, the person, firm, or corporation adversely affected thereby appears before the trial division of the high court. (Code 1970, tit. 25, § 57.)

§ 58. Sanitation inspections; authorized; action on discovery of insanitary conditions. — The chief of agriculture shall cause to be made, by experts in sanitation or by other competent inspectors, such inspection of all slaughtering, meat-canning, salting, packing, rendering or similar establishments in which cattle, sheep, swine and goats are slaughtered and the meat or meat food products thereof are prepared solely for export commerce, as may be necessary to inform himself concerning the sanitary conditions of the same, and to prescribe the rules and regulations of sanitation under which such establishment shall be maintained. Where the sanitary conditions of any such establishments are such that the meat or meat food products there are rendered adulterated, he shall refuse to allow said meat or meat food products to be labeled, marked, stamped or tagged as "Trust Territory — Inspected and Passed." (Code 1970, tit. 25, § 58.)

§ 59. Same; when made. — The chief of agriculture shall cause an examination and inspection of all cattle, sheep, swine, and goats, and the food products thereof, slaughtered and prepared in the establishments described in the preceding sections of this chapter for the purposes of export commerce, to be made during the nighttime, as well as during the daytime, when the slaughtering of said cattle, sheep, swine and goats, or the preparation of said food products, is conducted during those hours. (Code 1970, tit. 25, § 59.)

§ 60. Compliance with provisions of chapter required. — No person, firm or corporation shall, with respect to any cattle, sheep, swine or goats 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 solely for export commerce, except in compliance with the requirements of this chapter;

(2) Sell, transport, offer for sale or transportation, or receive for transportation, in export 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 chapter unless they have been so inspected and passed;

(3) Do, with respect to any such articles which are capable of use as human food, any act while they are being transported in export 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. (Code 1970, tit. 25, § 60.)

§ 61. Marking to be authorized; practices prohibited. — (1) 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 chief of agriculture.

(2) No person, firm, or corporation shall:

(a) Forge any official device, mark, or certificate;

(b) Use any official device, mark, or certificate, or simulation thereof, or alter, detach, deface, or destroy any official device, mark or certificate without authorization from the chief of agriculture;

(c) Fail to use, or to detach, deface, or destroy any official device, mark, or certificate contrary to the regulations prescribed by the chief of agriculture;

(d) Knowingly possess, without promptly notifying the chief of agriculture or his representative, any official device or any counterfeit, simulated, forged, or improperly altered official certificate of any device or label, or any carcass of any animal, or any part or product thereof bearing any counterfeit, simulated, forged, or improperly altered official mark;

(e) Knowingly make any false statement in any shipper's certificate or other nonofficial or official certificate provided for in the regulations prescribed by the chief of agriculture; or

(f) Knowingly represent that any article has been inspected and passed, or exempted, under this chapter when, in fact, it has not been so inspected and passed, or exempted. (Code 1970, tit. 25, § 61.)

§ 62. Appointment of inspectors; promulgation of rules and regulations governing inspections. — The chief of agriculture shall appoint from time to time inspectors to make examination and inspection of all cattle, sheep, swine and goats, the inspection of which is hereby 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 destined for export are prepared. The inspectors so appointed shall refuse to stamp, mark, tag or label any carcass or any part thereof, or any meat food product therefrom, prepared in any such establishment, until the same shall have been inspected and found to be unadulterated, and shall perform such other duties as are provided by this

chapter and by the rules and regulations to be prescribed by the chief of agriculture from time to time as are necessary for the efficient execution of the provisions of this chapter. All inspections and examinations made under the chapter shall be made in such manner as described in the rules and regulations prescribed by the chief of agriculture and shall be consistent with provisions of this chapter. (Code 1970, tit. 25, § 62.)

§ 63. Bribing officials; accepting bribe. — (1) Any person, firm or corporation, or any agent or employee of any person, firm, or corporation, who shall give, pay, or offer, directly or indirectly, to any inspector, deputy inspector, chief inspector, or any other officer or employee of the Trust Territory authorized to perform any of the duties prescribed by this chapter of by the rules and regulations of the chief of agriculture, any money or other thing of value, with intent to influence said inspector, deputy inspector, chief inspector, or other officer or employee of the Trust Territory in the discharge of any duty specified in this chapter, shall be deemed guilty of a felony, and, upon conviction thereof, shall be punished by a fine of not less than one thousand dollars nor more than five thousand dollars, and by imprisonment for not less than one year nor more than three years.

(2) Any inspector, deputy inspector, chief inspector, or other officer or employee of the Trust Territory authorized to perform any of the duties prescribed by this chapter who shall accept any money, gift, or other thing of value from any person, firm, or corporation, or officers, agents, or employees thereof, given with intent to influence his official action, or who shall receive or accept from any person, firm, or corporation engaged in export commerce any gift, money, or other thing of value given with any purpose or intent whatsoever, shall be deemed guilty of a felony and shall, upon conviction thereof, be summarily discharged from office and shall be punished by a fine of not less than one thousand dollars nor more than five thousand dollars and by imprisonment of not less than one year nor more than three years. (Code 1970, tit. 25, § 63.)

Cross references. — Bribery generally, 11 TTC ch. 7.

Misconduct in public office, 11 TTC ch. 22.

§ 64. Control of handling and storage. — The chief of agriculture may, by regulations, prescribe conditions under which carcasses, parts of carcasses, meat, and meat food products of cattle, sheep, swine or goats, 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, in or for export commerce, such articles, whenever the chief of agriculture deems such action necessary to assure that such articles will not be adulterated or misbranded when delivered to the consumer. The violation of any such regulations promulgated by the chief of agriculture under the authority of this section is prohibited. (Code 1970, tit. 25, § 64.)

§ 65. Animal products not intended for human consumption. — Inspection shall not be provided under this chapter at any establishment for the slaughter of cattle, sheep, swine, or goats, or the preparation of any carcasses or parts of products of such animals, which are not intended for use as human food, but such articles shall, prior to their offer for sale or transportation in export commerce, unless naturally inedible by humans, be denatured or otherwise identified as prescribed by regulations of the chief of agriculture to deter their use for human food. No person, firm, or corporation shall buy, sell, transport, or offer for sale or transportation, or receive for

transportation, in export commerce, any carcasses, 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 chief of agriculture or are naturally inedible by humans. (Code 1970, tit. 25, § 65.)

§ 66. Maintenance and inspection of records. — (1) The following classes of persons, firms and corporations shall keep such records as will fully and correctly disclose all transactions involved in their businesses that directly relate to the activities sought to be regulated by this chapter, and all such persons, firms, and corporations subject to such requirements shall, at all reasonable times, upon notice from the chief of agriculture, afford 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 thereof:

(a) Any persons, firms or corporations that engage, for export commerce, in the business of slaughtering any cattle, sheep, swine, or goats, or preparing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, or any such animals, for use as human food or animal food;

(b) Any persons, firms or corporations that engage in the business of buying or selling (as meat brokers, wholesalers or otherwise), or transporting in export commerce, or storing in or for such commerce, any carcasses or parts or products of carcasses, of any such animals;

(c) Any persons, firms or corporations that engage in business, in or for export commerce, as renderers, or engage in the business of buying, selling, or transporting, in such commerce, any dead, dying, disabled, or diseased cattle, sheep, swine or goats, or parts of the carcasses of any such animals that die otherwise than by slaughter.

(2) Any records required to be maintained under this section shall be maintained for such period of time as the chief of agriculture may, by regulations, prescribe. (Code 1970, tit. 25, § 66.)

§ 67. Registration of business. — No person, firm, or corporation shall engage in business, in or for export commerce, as a meat broker, renderer, or animal food manufacturer, or engage in business in such commerce as a wholesaler of any carcasses, or parts or products of the carcasses, of any cattle, sheep, swine, or goats, whether intended for human food or other purposes, or engage in business as a public warehouseman storing any such articles in or for such commerce, or engage in the business of buying, selling, or transporting in such commerce, any dead, dying, disabled, or diseased animals of the specified kinds, or parts of the carcasses of any such animals that died otherwise than by slaughter, unless, when required by regulations of the chief of agriculture, he has registered with the chief of agriculture his name, and the address of each place of business at which, and all trade names under which, he conducts such business. (Code 1970, tit. 25, § 67.)

§ 68. Animals dying otherwise than by slaughter. — No person, firm or corporation engaged in the business of buying, selling or transporting in export commerce, dead, dying, disabled or diseased animals, or any parts of the carcasses of any animals that died otherwise than by slaughter, shall buy, sell, transport, offer for sale or transportation, or receive for transportation, in such commerce, any dead, dying, disabled or diseased cattle, sheep, swine or goats, or parts of the carcasses of any such animals that died otherwise than by slaughter, unless such transaction or transportation is made in accordance with such regulations as the chief of agriculture may prescribe to assure that such animals, or the unwholesome parts or products thereof, will be prevented from being used for human food purposes. (Code 1970, tit. 25, § 68.)

§ 69. Withdrawal of inspection services. — (1) The chief of agriculture may, indefinitely, or for such period as he deems necessary to effectuate the purposes of this chapter, refuse to provide, or withdraw, inspection service with respect to any establishment if he determines, after opportunity of a hearing is accorded to the applicant for, or recipient of, such service, that such applicant or recipient is unfit to engage in any business requiring inspection under this chapter because the applicant or recipient, or anyone responsibly connected therewith, has been convicted in any court of the Trust Territory or any United States federal or state court of a violation of any law based upon the acquiring, handling, or distributing of unwholesome, mislabeled or deceptively packaged meat products or upon fraud in connection with transactions in food. This section shall not affect in any way any other provisions of this chapter for the withdrawal of inspection services under this chapter from establishments failing to maintain sanitary conditions or to destroy condemned carcasses, parts, meat or meat food products.

(2) For the purposes of this section, a person shall be deemed to be responsibly connected with the business if he was a partner, officer, director holder, or owner of ten percent or more of its voting stock, or an employee thereof in a managerial or executive capacity. The determination and order of the chief of agriculture with respect thereto under this section shall be final and conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within thirty days after the effective date of such order in the appropriate court as provided in section 72 of this chapter. Judicial review of any such order shall be upon the record upon which the determination and order were based. (Code 1970, tit. 25, § 69.)

§ 70. Detention of adulterated products; removal of official markings. — Whenever any carcass, part of a carcass, meat or meat food product of cattle, sheep, swine or goats, or any product exempted from the definition of a meat food product, or any dead, dying, disabled cattle, sheep, swine or goat, is found by any authorized representative of the chief of agriculture upon any premises where it is held for purposes of or during or after distribution in export commerce, 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 the provisions of this chapter, 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 twenty days, pending action under section 71 of this chapter, and 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 chief of agriculture that the article or animal is eligible to retain such marks. (Code 1970, tit. 25, § 70.)

§ 71. Seizure and condemnation. — (1) 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 (a) is being or has been prepared, sold, transported, or otherwise distributed or offered or received for distribution in violation of this chapter, or (b) is capable of use as human food and is adulterated or misbranded, or (c) 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 in any proper court as provided in section 72 of this chapter within the jurisdiction of which the article or animal is found. 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 treasury of the Trust Territory; 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 Trust Territory, the court may direct that such article or animal be delivered to the owner thereof subject to such supervision by authorized representatives of the chief of agriculture 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 Trust Territory.

(2) 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 Trust Territory. (Code 1970, tit. 25, § 71.)

§ 72. Jurisdiction of high court. — The trial division of the high court is vested with jurisdiction specifically to enforce, and to prevent and restrain violations of this chapter, and shall have jurisdiction in all other kinds of cases arising under this chapter. (Code 1970, tit. 25, § 72.)

§ 73. Obstructing enforcement of chapter. — (1) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this chapter shall be fined not more than five thousand dollars, or imprisoned for not more than three years, or both.

(2) Any person who, in the commission of any acts prohibited by subsection (1) of this section, uses a deadly or dangerous weapon, shall be fined not more than ten thousand dollars, or imprisoned not more than ten years, or both.

(3) Any person who kills any person while engaged in or on account of the performance of his official duties under this chapter shall be punished as provided in section 751, chapter 16, title 11 of this Code. (Code 1970, tit. 25, § 73.)

Cross references. — Murder in the first degree, 11 TTC 751.

Obstruction of justice, 11 TTC 1151.

§ 74. Miscellaneous violations; prosecution for minor violations discretionary. — (1) Any person, firm, or corporation who violates any provision of this chapter for which no other criminal penalty is provided shall, upon conviction therefor, be subject to imprisonment for not more than one year, or a fine of not more than one thousand dollars, or both such imprisonment and fine; provided, that if such violation involves an intent to defraud or any distribution or attempted distribution of an article that is adulterated (except as defined in paragraph (i), subsection (10), section 51), such person, firm, or corporation shall be subject to imprisonment for not more than three years, or a fine of not more than ten thousand dollars, or both; provided further, that no person, firm, or corporation shall be subject to penalties under this section for receiving for transportation any article or animal in violation of this chapter if such receipt was made in good faith, unless such person, firm, or corporation refuses to furnish on request of a representative of the chief of agriculture the name and address of the person

from whom he received such article or animal, and copies of all documents there are any, pertaining to the delivery of the article or animal to him.

(2) Nothing in this chapter shall be construed as requiring the chief of agriculture to report for prosecution or for the institution of libel or injunction proceedings minor violations of this chapter whenever he believes that the public interest will be adequately served by a suitable written notice of warning. (Code 1970, tit. 25, § 74.)

§ 75. Additional powers of chief of agriculture and other officials.

(1) The chief of agriculture shall have the power:

(a) 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 engaged in export commerce, and the relation thereof to other persons, firms, and corporations;

(b) To require, by general or special orders, persons, firms, and corporations engaged in export commerce, or any class of them, or any of them, to file with the registrar of corporations, in such form as the registrar of corporations may prescribe, annual or special, or both annual and special, reports or answers in writing to specific questions, furnishing to the registrar of corporations 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 registrar of corporations may prescribe, and shall be filed with the registrar of corporations within such reasonable period as he may prescribe, unless additional time be granted in any case by such registrar.

(i) For the purposes of this chapter, the Attorney General or his designated representatives 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 Attorney General may sign subpoenas and may administer oaths and affirmations, examine witnesses, and receive evidence.

(a) Such attendance of witnesses, and the production of such documentary evidence, may be required at any designated place of hearing. In case of disobedience to a subpoena the Attorney General may invoke the aid of any court designated in section 72 of this chapter requiring the attendance and testimony of witnesses and the production of documentary evidence.

(b) Any of the courts designated in section 72 of this chapter within the jurisdiction of which such inquiry is carried on 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 Attorney General, or to produce documentary evidence if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(c) Upon the application of the Attorney General of the Trust Territory, the trial division of the high court shall have jurisdiction to issue writs of mandamus commanding any person, firm, or corporation to comply with the provisions of this chapter or any order of the Attorney General made in pursuance thereof.

(d) The Attorney General may order testimony to be taken by deposition in any proceeding or investigation pending under this chapter at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the Attorney General and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the

deposition, or under his direction, and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the Attorney General as provided in this section.

(e) Witnesses summoned before the Attorney General shall be paid the same fees and mileage that are paid witnesses in the courts of the Trust Territory, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in such courts.

(f) No person, firm, or corporation shall be excused from attending and testifying or from producing books, papers, schedules of charges, contracts, agreements, or other documentary evidence before the Attorney General or in obedience to the subpoena of the Attorney General whether such subpoena be signed or issued by him or his delegate, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of this chapter, or of any amendments thereto, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him or it may tend to incriminate him or it or subject him or it to a penalty of forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any person so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(g) Any person, firm, or corporation that shall neglect or refuse to attend and testify or to answer any lawful inquiry, or to produce documentary evidence, if it is in his or its power to do so in obedience to the subpoena or lawful requirement of the Attorney General, shall be guilty of an offense and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not less than one thousand dollars nor more than five thousand dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.

(ii) Any person, firm, or corporation that shall wilfully make, or cause to be made, any false entry or statement of fact in any report required to be made under this chapter, or that shall wilfully make, or cause to be made, any false entry in any account, record, or memorandum kept by a person, firm, or corporation subject to this chapter, or that shall wilfully 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, or that shall wilfully remove out of the jurisdiction of the Trust Territory, or wilfully mutilate, alter, or by any other means falsify, any documentary evidence of any such person, firm, or corporation, or that shall wilfully refuse to submit to the Attorney General 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, shall be deemed guilty of an offense and shall be subject, upon conviction in any court of competent jurisdiction, to a fine of not less than one thousand dollars, nor more than five thousand dollars, or to imprisonment for a term of not more than three years, or to both such fine and imprisonment.

(iii) If any person, firm, or corporation required by this chapter to file any annual or special report shall fail to do so within the time fixed by the registrar of corporations for filing the same, and such failure shall continue for thirty days after notice of such default, such person, firm, or corporation shall forfeit to the Trust Territory the sum of one hundred dollars for each and every day of the continuance of such failure, which forfeiture shall be payable into the treasury of the Trust Territory and shall be recoverable in a civil suit in the

name of the Trust Territory brought in the trial division of the high court shall be the duty of the various district attorneys, under the direction of the Attorney General of the Trust Territory, to prosecute for the recovery of such forfeitures.

(2) Any officer or employee of the Trust Territory who shall make public any information obtained by the registrar of corporations without his authority unless directed by a court, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or by both such fine and imprisonment, in the discretion of the court. (Code 1970, tit. 25, § 75.)

§ 76. Severability. — If any provision of this chapter or the application thereof to any person, firm, or corporation or circumstances is held invalid, the validity of the remainder of the chapter and of the application of such provision to other persons, firms, and corporations and circumstances shall not be affected thereby. (Code 1970, tit. 25, § 76.)

§ 77. Ratification of rules and regulations. — The rules and regulations authorized by this chapter to be promulgated by the chief of agriculture shall be temporary until their ratification by the Congress of Micronesia; provided, that should the Congress of Micronesia fail to reject or ratify such rules and regulations within eighteen months after they are published, they shall have the effect of law as if they had been formally ratified. (Code 1970, tit. 25, § 77.)

§ 78. Short title. — This chapter shall be designated as the "Trust Territory Export Meat Inspection Act." (Code 1970, tit. 25, § 78.)