

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

§ 5412. Definitions.

As used in this chapter, except as otherwise specified, the following terms shall have the meanings stated below:

(a) “Adulterated” means any carcass, part thereof, meat or meat food product under one or more of the following circumstances:

(1) 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 substance in or on such article does not ordinarily render it injurious to health;

(2) (A) 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 director make such article unfit for human food;

(B) 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 director;

(C) If it bears or contains any food additive which is unsafe as defined by the director;

(D) If it bears or contains any color additive which is unsafe as defined by the director; provided, that an article which is not adulterated under subsections (a)(2)(B) and (a)(2)(C) of this section 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 director in establishments at which inspection is maintained under this chapter.

(3) 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;

(4) 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;

(5) If it is, in whole or in part, the product of an animal which has died otherwise than by slaughter;

(6) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

(7) 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 director;

(8) If any valuable constituent has been in whole or in part omitted or abstracted from it; or if any substance has been substituted for it wholly or in part; or if damage or inferiority has been concealed in any manner; or if any substance has been added to it or mixed or packed with it so as to increase its

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bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is; or

(9) If it is margarine containing animal fat and any of the raw material used in it consisting in whole or in part of any filthy, putrid, or decomposed substance.

(b) "Animal food manufacturer" means any person 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.

(c) "Capable of use as human food" means 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 director to deter its use as human food, or it is naturally inedible by humans.

(d) "Director" means the Director of Natural Resources, or the director's designated representative.

(e) "Export" means commerce from the Commonwealth to any foreign country or the United States, its territories and possessions.

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

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

(h) "Labeling" means all labels and other written, printed, or graphic matter:

- (1) Upon any article or any of its containers or wrappers; or
- (2) Accompanying such article.

(i) "Meat broker" means any person 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 the broker's own account or as an employee of another person.

(j) "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 director under such conditions as may be prescribed to assure the meat or other portions of the carcasses contained in the product are not adulterated and that such products are not represented as meat food products.

(k) "Misbranded" means any carcass, part thereof, meat or meat food product under one or more of the following circumstances:

- (1) If its labeling is false or misleading in any particular;
- (2) If it is offered for sale under the name of another food;
- (3) 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;
- (4) If its container is so made, formed, or filled as to be misleading;
- (5) If in a package or other container unless it bears a label showing:

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(A) The name and place of business of the manufacturer, packer, or distributor; and

(B) 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 prescribed by the director.

(6) 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 on it 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;

(7) 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 director under 2 CMC § 5418 unless:

(A) It conforms to that definition and standard; and

(B) Its label bears the name of the food specified in the definition and standard and, insofar as may be required by the regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food.

(8) 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 director under subsection (k)(7) of this section, and it falls below the standard of fill of container applicable to it, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standards;

(9) If it is not subject to the provisions of subsection (k)(7) of this section, unless its label bears:

(A) The common or usual name of the food, if any there be; and

(B) 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 director, be designated as spices, flavorings, and colorings without naming each; provided that to the extent that compliance with the requirements of this subsection (k)(9)(B) of this section is impracticable, or results in deception or unfair competition, exemptions may be established by regulations promulgated by the director;

(10) 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 director, after consultation with the director of public health and environmental services, determines to be, and by regulations prescribes as necessary in order fully to inform purchasers as to its value for such uses;

(11) 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 subsection is impracticable, exemptions may be established by regulations promulgated by the director; or

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(12) If it fails to bear the inspection legend directly on it or on its container as the director by regulations may prescribe, and, unrestricted by any of the foregoing, such information as the director may require in the 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.

(l) “Pesticide chemical,” “food additive,” “color additive,” “antibiotic” or other medication, and “raw agricultural commodity” shall be defined by the director.

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

(n) “Official certificate” means any certificate prescribed by regulations of the director for issuance by an inspector or other person performing official functions under this chapter.

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

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

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

(r) “Person” means any person, firm (as defined in subsection (f) of this section), or corporation.

(s) “Renderer” means any person 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.

Source: 25 TTC § 51.

Commission Comment: With respect to the references to the “director” of the Department of Natural Resources and the “Director 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.