

FOOD SAFETY

State and Federal Standards and Regulations

Alabama

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The National Association of State
Departments of Agriculture (NASDA)
1156 15th Street, N.W.
Suite 1020
Washington, D.C. 20005-1704
(202)296-9680
FAX: (202)296-9686
nasda@patriot.net

National Center for Agricultural Law Research
and Information
U of A School of Law - 147 Waterman Hall
University of Arkansas, Fayetteville, AR 72701
(501) 575-7646
FAX: (501) 575-5830

ALABAMA

By way of instruction, this dictation will include an outline of Alabama Food Safety Law.

The outline will include footnotes, which will be mentioned throughout the text.

Food

Food is defined as “all articles of food, drink, confectionery or condiment, whether simple, mixed or compound, used or intended for use by man or domestic animals.”¹⁰⁷ Food is considered adulterated if:

1. any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength;
2. any substance has been substituted wholly or in part for the article;
3. any valuable constituent of the article has been wholly or in part abstracted;
4. it is mixed, colored, powdered, coated, stained or otherwise treated in a manner whereby damage or inferiority is concealed, or in a manner whereby the appearance of a food article is improved. This provision does not apply to the pre-coloring or processing of fruits or such pre-coloring or processing does not conceal damage or inferiority;
5. food contains any poisonous ingredient that may render the food injurious to health;
6. food consists in whole or in part of a filthy, decomposed or putrid animal, or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or of one that has

¹⁰⁷ ALA. CODE § 20-1-20(2) (1997).

died otherwise by slaughter;

7. in the course of its preparation or manufacture, an ingredient of inferior food value has been substituted in whole or in part for an ingredient of greater food value; or,
8. food does not conform to the standard of purity or quality established for the food in preparation of the food product for shipment, the food is preserved by an external application applied in such a manner that the preservative is necessarily removed mechanically or by soaking in water or otherwise, and directions for the removal of said preservatives shall be printed on the covering of the package.¹⁰⁸

A confectionery is deemed adulterated if: it contains terra alba, barytes, talc, chrome yellow, burnt umber or other mineral substance; poisonous coloring, flavoring or other ingredients detrimental to health; or any vinous, malt or spiritous liquor, or compound or narcotic drug.

Food Misbranding

The term “misbranding” shall apply to all food or articles that enter into the composition of food, the package or label of which shall bear or contain any statement, design or device regarding such food or the ingredients or substances contained therein that is false or misleading in any particular, including a food product that is falsely branded as to the state, territory or country in which it is manufactured or produced.¹⁰⁹

It is unlawful to manufacture for sale, possess with intent to sell, offer or expose for sale,

¹⁰⁸ § 20-1-22.

¹⁰⁹ § 20-1-20 (4).

sell or deliver any article of food that is adulterated or misbranded.¹¹⁰

Food Additives

It is unlawful for any individual, partnership, corporation or association to sell, offer for sale or keep for sale in the state of Alabama any potatoes, both raw whole sweet potatoes and raw whole Irish potatoes that have been artificially colored to have an improved appearance, and in many cases, damage or inferiority is concealed, which results in misrepresentation and deception.¹¹¹

Meat and Meat Products

A meat food product is any product capable for use as human food that is made wholly or in part from any meat or other portion of the carcass of any cattle, sheep, swine, goats or poultry. Products that 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 the definition of a meat food product by the Commissioner are not deemed meat food products.¹¹² This exclusion shall also apply to food products of equines.¹¹³ Any carcass, or part or product of a carcass of any animal is capable of use as human food, unless it is denatured or otherwise identified as required by regulations prescribed by the Commissioner to deter its use as human food, or it is naturally inedible by humans.¹¹⁴

¹¹⁰ § 20-1-27.

¹¹¹ § 20-1-30.

¹¹² § 2-17-1 (8) (1977 & Supp. 1997).

¹¹³ *Id.*

¹¹⁴ § 2-17-1 (10).

Adulteration

The State of Alabama declares that it is essential to the public interest that the health and welfare of consumers be protected by ensuring that meat and meat food products distributed to them are wholesome, not adulterated, and properly marked, labeled and packaged. Additionally, unwholesome, adulterated or misbranded meat or meat food products are deemed injurious to the public welfare and result in sundry losses to livestock producers and processors of meat and meat food products as well as injury to consumers.¹¹⁵ Any carcass, or part thereof, meat or meat food product or poultry food product is adulterated if:

- (1) it bears or contains any poisonous substance that may render the meat or meat product injurious to health. If the substance is not an added substance, the meat or meat product shall not be considered adulterated if the quantity of such substance in or on the meat or meat product does not ordinarily render it injurious to health.
- (2) it bears or contains, by reason of administration of any substance to the live animal or otherwise, any added poisonous substance that by the judgment of the Commissioner makes the meat or meat products unfit for human food. This restriction, however, does not apply to a pesticide chemical in or on a raw agricultural commodity, a food additive or a color additive.
- (3) it is, in whole or in part, a raw agricultural commodity, and such commodity bears or contains a pesticide chemical that is unsafe within the meaning of Section 408 of the Federal Food, Drug and Cosmetics Act.
- (4) it bears or contains any food additive that is unsafe within the meaning of Section

¹¹⁵ § 2-17-2 (a).

- 409 of the Federal Food, Drug and Cosmetic Act;
- (5) it bears or contains any color additive that is unsafe within the meaning of Section 706 of the Federal Food, Drug and Cosmetic Act;
 - (6) 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;
 - (7) it has been prepared, packed or held under unsanitary conditions whereby it may have become contaminated with filth or may have been injurious to health;
 - (8) it is, in whole or in part, the product of an animal or poultry that has died other than by slaughter;
 - (9) its container is composed, in whole or in part, of any poisonous substance that may render the contents injurious to health;
 - (10) it has been intentionally subjected to radiation, unless the use of radiation was in conformity with a regulation or exemption in effect pursuant to Section 409 of the Federal Food, Drug and Cosmetic Act;
 - (11) any valuable constituent has been, in whole or in part, omitted or abstracted there from, or if any substance has been substituted, wholly or in part, or if damage or inferiority has been concealed in any manner, or if any substance has been added, thereto are mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear of greater value than it is, or;
 - (12) it is margarine, containing animal fat, and any of the raw material used therein

consists in whole or in part of any filthy, putrid or decomposed substance.¹¹⁶

Misbranding

Any carcass, part thereof, meat or meat food products or poultry or poultry food product is misbranded under one or more of the following circumstances:

1. if its labeling is false or misleading in any material 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 it is in a package or other container, unless it bears a label showing:
 - 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. Poultry is misbranded if it does not bear a label showing the name of the packer or distributor, whether the poultry is in a container or not. Reasonable variations may be permitted, and exemptions as to small packages or articles not in packages or other containers may be established by regulations prescribed by the Commissioner;
6. if any word, statement or other information required by or under the authority of Alabama law to appear on the label or other labeling is not prominently placed

¹¹⁶ § 2-17-1 (a-1).

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. if it purports to be or is represented as a food for which definition and standard of identity or composition has been prescribed by regulations of the Commissioner and does not conform to such definition and standard;
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 Commissioner, and it falls below the standard of fill of container applicable, unless its label bears, in such a manner and form as such regulations specify, a statement that it falls below such standard;
9. if its label does not bear;
 - a. the common or usual name of the food, if there are any;
 - b. the common or usual name of each such ingredient in case it is fabricated from two or more ingredients, provided that spices, flavorings and colorings may, when authorized by the Commissioner, be designated as spices, flavoring and colorings without naming each;
10. if it purports to be or is represented for special dietary purposes, 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 regulation prescribes as necessary in order to fully inform purchasers as to its value for such uses;

11. if it bears or contains any artificial flavoring, artificial coloring or chemical preservatives, unless it bears labeling stating the fact. An exemption shall be established by regulations promulgated by the Commissioner if compliance with the requirements of this provision is impractical, or;
12. if it fails to bear, directly thereon or on its container, as the Commissioner made by regulation prescribed, the inspection legend and, unrestricted by any of the foregoing provisions of this subdivision, such other information as the Commissioner may require in such regulations as to assure that it will not have false or misleading labeling.¹¹⁷

Meat Inspection

For the purpose of preventing the use in intrastate commerce of meat and meat products that are adulterated, the Commissioner shall appoint inspectors to examine and inspect all cattle, sheep, swine, goats, horses, mules and other equines before they shall be allowed into any slaughtering, packing, meat canning, rendering or similar establishment in the state. Such inspection shall be done when slaughtering and preparation of meat and meat food products of such animals are conducted solely for intrastate commerce. All cattle, sheep, swine, 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, goats, horses, mules and other equines. When diseased animals are slaughtered, the carcasses of such animals shall be

¹¹⁷ § 2-17-1 (13) (a-l).

subject to a careful examination and inspection as provided by the Rules and Regulations prescribed by the Commissioner.¹¹⁸

Poultry

A poultry food product is any poultry carcass or any part thereof or any product capable of use as human food that is made wholly or in part from any meat or other portion of the carcass of the poultry.¹¹⁹ The definition of a poultry food product excludes products which contain meat or other portions of carcasses only in a relatively small proportion or, historically, have not been considered by consumers as products of poultry food industry and are exempted from the Commissioner's definition of a poultry food product.¹²⁰

Rabbit Meat and Rabbit Meat Food Products

Any domestically-raised rabbit may be slaughtered, butchered, processed, packaged, labeled and inspected for sale as human food at any slaughterhouse, abattoir, meat packing plant, processing plant or a like facility.¹²¹

Eggs

Eggs that are produced in the state of Alabama must comply with several sell requirements. It is unlawful for any person to sell eggs without clearly attaching a label that plainly and legibly states the name and address of the packer of the eggs. The label must also include the grade and the weight class of the eggs and the date on which the eggs were graded. The label and all other

¹¹⁸ § 2-17-3(a).

¹¹⁹ § 2-17-1 (9).

¹²⁰ *Id.*

¹²¹ § 2-17A-1.

printed matter required to appear on eggs must be of the size prescribed by regulations adopted by the State Board of Agriculture and Industries. The egg package or container must clearly designate the name and address of the packer of the eggs.¹²²

Milk and Dairy Products

At one time it was unlawful to sell any adulterated milk or cream or any milk or cream having a foreign substance or coloring matter or any chemical or preservative for the purpose of increasing the quantity of milk or cream or for improving its appearance or for the purpose of preserving the condition or sweetness.¹²³ It is unlawful to add any fat or oil other than milk fat to or blend or compound with any milk, cream or skim milk for the purpose of sale or exchange.¹²⁴ All premises and utensils used in the handling and preparation of milk or cream and thereby products for sale or exchange must be kept in a sanitary condition at all times.¹²⁵ Any person who receives in cans, bottles or other vessels any milk or cream, ice cream or other dairy products intended for human food are to be washed thoroughly and cleaned before returning to seller.¹²⁶

Ice Cream

Ice cream is considered adulterated if:

1. it is lower in quality or grade than the professed standard of quality or grade under which it is sold or offered for sale;

¹²² 2-12-2 (1)-(2).

¹²³ § 2-13-3, (*repealed by Acts 1977, No. 77-607*).

¹²⁴ § 2-13-4.

¹²⁵ § 2-13-5.

¹²⁶ § 2-13-6.

2. it contains any poisonous or other harmful ingredient that may render the ice cream injurious to health;
3. it contains any rancid, renovated or processed butter, or any fat or oil other than milk fat and the fat or oil of contained eggs and nuts and the fat or oil of substances used for flavoring;
4. it contains, in whole or in part, filthy or decomposed substances which may render the ice cream injurious to health, or;
5. it contains less weight per unit volume than the standards promulgated by the State Board of Agriculture and Industries.¹²⁷

Ice cream is considered to be misbranded if:

1. the label, brand, tag or notice under which it is sold is false or misleading as to the kind, grade or quality or composition;
2. it is sold as the product of one manufacturer when in reality it is the product of another manufacturer, or;
3. the label, brand, tag or notice under which it is sold contains any false statement concerning the sanitary conditions under which it is manufactured.¹²⁸

Butter

It is unlawful to sell any butter that is produced by taking original packing stock butter or other butter or both and melting them so that the butter fat can be drawn off or extracted, and mixing the butter fat with skim milk, milk, cream or other milk products and rechurning it unless

¹²⁷ § 2-13-12.

¹²⁸ § 2-13-13.

labeled as “renovated butter” in the manner specified by law.¹²⁹

¹²⁹ § 2-13-21.