

FOOD SAFETY
State and Federal Standards and Regulations

Connecticut

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CONNECTICUT

Connecticut controls its food safety under Title 21a, Consumer Protection, and Title 22, Agriculture, of its state code.

General Provisions: Pure Food and Drugs

Connecticut law has statutory requirements for the following: kosher food, oleomargarine, renovated butter, process butter, print butter, sale of equine meat, adulteration of molasses, honey, vinegar, vending machines, frozen desserts, quick-frozen foods, and apricot kernels.⁵⁰⁴

Connecticut law also prohibits the sale of foods or beverages from vending machines which are adulterated or misbranded. Any such food or beverage is subject to impoundment and destruction, unless corrective action can be taken.⁵⁰⁵ Food and beverage sold in vending machines must be clean and wholesome, free from spoilage and must be processed, prepared, handled and stored to protect against contamination and adulteration. Vending machines must be constructed in such a way as to minimize entry by rodents and insects. All employees handling foods and beverages must keep hands clean, wear clean clothing, and must be free of any communicable disease.⁵⁰⁶

Uniform Food, Drug and Cosmetic Act

Connecticut has adopted the Uniform Food, Drug and Cosmetic Act which defines the following:

⁵⁰⁴ CONN. GEN. STAT. ANN. §§ 21a-13 to -67 (West 1994).

⁵⁰⁵ § 21a-39.

⁵⁰⁶ § 21a-41.

- (18) “Federal Act” refers to the Federal Food, Drug and Cosmetic Act (Title 21 U.S.C. 301 et seq.; 52 Stat. 1040 et seq.).
- (19) “Food” includes (1) articles used for food or drink for man or other animals, (2) chewing gum and (3) articles used for components of any such article.
- (20) “Color additive” means a material that: (1) is a dye, pigment, or other substance made by a process of synthesis or similar artifice, or extracted, isolated, or otherwise derived, with or without intermediate or final change of identity from a vegetable, animal, mineral, or other source; and (2) when added or applied to a food is capable, alone or through reaction with another substance, of imparting color. The term does not include any material exempted under the federal Act.
- (21) “Commissioner” means the commissioner of consumer protection.
- (22) “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.
- (23) “Food Additive” means any substance the intended use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristics of any food, if such substance is not generally recognized, among experts qualified by scientific training and experience to evaluate its safety, as having been adequately shown through scientific procedures to be safe under the conditions of its intended use; except that such term does not include:
- (a) a pesticide chemical in or on a raw agricultural commodity;

- (b) a pesticide chemical to the extent that it is intended for use or is used in the production, storage, or transportation of any raw agricultural commodity;
 - (c) a color additive; or
 - (d) any substance used in accordance with a sanction or approval granted prior to June 12, 1963, or the federal Food, Drug and Cosmetic Act, the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) or the Meat Inspection Act of 1907 (21 U.S.C. 601).
- (G) “Immediate container” shall not include package liners.
- (H) “Label” means a display of written, printed, or graphic matter upon the immediate container of any article: and a requirement that any word, statement, or other information that appears on the label shall not be considered to be complied with unless the word, statement, or other information also appears on the outside container or wrapper, if any, of the retail package of the article, or is easily legible through the outside container or wrapper.
- (I) “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.
- (J) “Natural food” means food which has not been treated with preservatives, antibiotics, synthetic additives, artificial flavoring or artificial coloring and which has not been processed in a manner that makes such food significantly less nutritive.
- (K) “Organically grown food” means natural food which has not been subjected to

pesticides, commercial fertilizers, or hormones.

- (L) “Raw agricultural commodity” means any food in its raw or natural state, including all fruits that are washed, colored or otherwise treated in their unpeeled natural form prior to marketing.⁵⁰⁷

Prohibited Acts

The following acts are prohibited in Connecticut:

- (a) The sale in interstate commerce of any food that is adulterated or misbranded.
- (b) The adulteration or misbranding of any food.
- (c) The receipt in commerce of any food that is adulterated or misbranded, and the delivery or proffered delivery thereof for pay or otherwise.
- (d) 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 that act is done while the article is held for sale and results in the article’s being adulterated or misbranded.⁵⁰⁸

Penalties

Any person violating provisions of the Connecticut Food, Drug and Cosmetic Act is subject to, upon conviction, monetary fines, imprisonment or both.⁵⁰⁹

Seizures

The Commissioner is authorized to affix a tag to articles found in violation of any

⁵⁰⁷ § 21a-92 (1994 & Supp. 1998).

⁵⁰⁸ § 21a-93.

⁵⁰⁹ § 21a-95.

provision of the Food, Drug and Cosmetic Act. The tag gives notice that the article is, or is suspected of being, in violation of the Act and has been embargoed. No person may remove or dispose of embargoed articles without the Commissioner's permission.⁵¹⁰

Adulterated Food

A food is deemed 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, the food shall not be considered adulterated if the quantity of the substance in the food does not ordinarily render it injurious to health;
- (2) it bears or contains any added poisonous or added deleterious substance, other than one that is a pesticide chemical in or on a raw agricultural commodity, a food additive, a color additive, or a new animal drug which is unsafe;
- (3) it consists in whole or in part of a diseased, contaminated, filthy, putrid, or decomposed substance, or if it is otherwise unfit for foods;
- (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, in whole or in part, the product of a diseased animal, an animal which 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

⁵¹⁰ § 21a-96.

- 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, or it bears or contains, a color additive that is unsafe;
 - (12) it is confectionery and has any alcohol or nonnutritive object partially or completely imbedded in it;
 - (13) it is to be offered for sale at retail as a food product and a retail or wholesale establishment has added any sulfiting agent, including sulfur dioxide, sodium sulfite, sodium bisulfite, potassium bisulfite, sodium metabisulfite or potassium metabisulfite, separately or in combination.⁵¹¹

Food Misbranding

Foods are deemed misbranded if:

- (A) its labeling is false or misleading in any particular;
- (B) it is offered for sale or distributed under the name of another food;
- (C) 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

⁵¹¹ § 21a-101.

- food imitated;
- (D) its container is so made, formed, or filled as to be misleading;
 - (E) it is in package form, unless it bears a label or tag containing the name and place of business of the manufacturer, packer, or distributor and an accurate quantity of the contents;
 - (F) any word, statement, or other information required by or under authority of the act to appear on the label or labeling is not prominently placed thereon with such conspicuousness 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) it purports to be a food for which a definition and standard of identity is established unless (1) it conforms to such definition and standard, and (2) its label bears the name of the food specified in the definition and standard and, the common names of optional ingredients present in the food;
 - (H) it purports to be a food for which a standard of quality has been prescribed and its quality falls below such standard, unless such label bears a statement that it falls below such standard;
 - (I) it purports to be or is represented to be for special dietary uses and does not include in its labeling information concerning its vitamin, mineral and other dietary properties as necessary to fully inform purchasers as to its value;
 - (J) it bears or contains any artificial flavoring, artificial coloring, artificial sweetening or chemical preservative, unless it bears labeling stating that fact.⁵¹²

⁵¹² § 21a-102.

Tolerances for poisonous ingredients in food

Poisonous or deleterious substances added to food, except where required in the food's production or where it cannot be avoided by good manufacturing practice, shall be deemed unsafe. Regulations to control such substances are required if their usage cannot be avoided. These regulations must limit the quantity of any such substance but do not create an adulteration of food.⁵¹³

Food additives are deemed unsafe unless used in conformity with terms of an exemption provided under the federal act. Any poisonous or deleterious pesticide chemical, or any pesticide chemical which is not recognized by the Commissioner and Director, acting jointly, as safe for use when added to a raw agricultural commodity shall be deemed unsafe unless a tolerance has been prescribed under the federal act and the quantity on the raw agricultural commodity is within the tolerance prescribed.⁵¹⁴

Color additives shall with respect to any particular use in or on food be deemed unsafe unless used in conformity with regulations under the federal act.⁵¹⁵

Advertisements of food are deemed to be false, if false or misleading in any particular.⁵¹⁶

Enforcement

The Commissioner is charged with enforcement of the Food, Drug and Cosmetic Act. The Commissioner adopts rules when necessary and proper for enforcing the statute. The

⁵¹³ § 21a-104(a).

⁵¹⁴ §§ 21a-104(b)-(c).

⁵¹⁵ § 21a-104(d).

⁵¹⁶ § 21a-113.

Commissioner is also responsible for adopting standards of quality and for ordering inspections of the quality, condition and branding of foods found on sale, possessed for sale, or in the process of manufacture or distribution.⁵¹⁷

Milk and Milk Products

Connecticut law regulates milk and milk products. Responsibility for carrying out the provision of the Statute is given to the Commissioner of Agriculture. The powers and duties of the Commissioner includes regulating sales and distributions, labeling, licensing, testing, adulteration, misbranding, registration of dealers, investigations, permits, sanitary provisions, and regulation of pasteurization plants.⁵¹⁸

The Commissioner may prohibit the sale or distribution of any milk or other milk product which is unsanitary or detrimental to health or which has not been produced, cared for or handled in the manner prescribed by the Act or regulations of the Milk Regulation Board.

No person shall sell or exchange any milk which is misbranded or any milk diluted with water or adulterated by the addition of any foreign substance, or knowingly deliver or offer for delivery any milk that is tainted or partly sour to any customer. Violators are subject to a civil penalty.⁵¹⁹ Additionally, any person who sells any product of milk from an animal which has reacted to the tuberculin test or which is emaciated or which shows physical symptoms of disease shall be assessed a civil penalty.⁵²⁰

⁵¹⁷ § 21a-116.

⁵¹⁸ § 22-127 *et. seq.* (1985 & Supp. 1998).

⁵¹⁹ § 22-153.

⁵²⁰ § 22-166.

The Commissioner shall inspect regularly and frequently all dairy farms from which milk is regularly shipped to dealers. All stables, buildings and premises where milk, cream, skimmed milk or buttermilk is being produced, handled or sold shall be maintained at all times in a clean and orderly manner.⁵²¹

Eggs

The sale of inedible eggs, as defined under the Federal Food Drug and Cosmetic Act, or incubated eggs is prohibited, except that incubated eggs may be sold as commercial feed or for commercial purposes other than human consumption, provided the incubated eggs shall be broken and denatured on the premises where incubated.⁵²²

⁵²¹ § 22-189.

⁵²² § 22-45.