

FOOD SAFETY

State and Federal Standards and Regulations

Iowa

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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

IOWA

Iowa food law is found at IOWA CODE ANN. §§ 189.1 to 189.31. Chapter 189 applies to all “articles.” Articles are defined as food, commercial feed, agricultural seed, commercial fertilizer, drugs, insecticide, fungicide, paint, linseed oil, turpentine and illuminating oil, as they are each defined in the statute.⁹¹⁶ Provisions of the Food Law discussed here apply to all chapters discussing food safety. Specific statutes relating to food products follow this general chapter, but the general chapter’s provisions apply throughout.

The Department of Agriculture and Land Stewardship (the “Department”) is responsible for enforcement of the statute. The Department may appoint regular assistants or duly authorized agents to perform its duties under the act.⁹¹⁷ The Department is responsible to executing and enforcing this chapter, including publishing all rules, providing educational measures and exhibits and issuing bulletins with research results.⁹¹⁸

The Department has the authority to take samples periodically, or whenever there is reason to believe any provisions of the statute are being violated.⁹¹⁹ In order to do so, the Department has full access to all places, factories, buildings, stands or premises, as well as any vehicles or wagons used to prepare, produce, distribute, transport or sell any articles.⁹²⁰ Dealers of articles must provide adequate samples for proper analysis and examination upon request and

⁹¹⁶ IOWA CODE ANN. § 189.1(1) (West 1994 & Supp. 1998).

⁹¹⁷ § 189.1(2).

⁹¹⁸ § 189.2.

⁹¹⁹ § 189.3.

⁹²⁰ § 189.4.

tender of selling price.⁹²¹ In addition, the Department may examine or open any package believed to contain an article in violation of this chapter to analyze its contents, but must pay for the sample and damage to the container at the current market price.⁹²² After samples are taken they must be preserved according to statute and rules prescribed by the Department.⁹²³

Food is deemed to be adulterated if:

- (1) any substance has been mixed or packed with it so as to reduce or injuriously affect its quality;
- (2) any substance has been substituted to any extent;
- (3) any valuable constituent has been removed to any extent;
- (4) it has been mixed, colored, powdered, coated or stained whereby damage or inferiority is concealed;
- (5) it contains formaldehyde, sulphites or boron compound, or any poisonous or other ingredients injurious to health;
- (6) it consists to any extent of a diseased, filthy, or decomposed animal or vegetable substance, whether manufactured or otherwise;
- (7) it consists to any extent of an animal that has died otherwise than by slaughter;
- (8) it is the product of or obtained from a diseased or infected animal;
- (9) it has been damaged by freezing;

⁹²¹ § 189.5.

⁹²² § 189.6.

⁹²³ § 189.7.

(10) it does not conform to the standards established by law or by the Department.⁹²⁴

The statute defines specific standards for extracts, butter, honey, oleomargarine, sugars, lard and vinegars.⁹²⁵ In addition, the Department may establish and publish standards for other foods not prescribed by law, provided that these standards conform with the USDA regulations.⁹²⁶ Candies shall be deemed adulterated if they contain terra alba, barytes, talc, paraffin, chrome yellow or other mineral substance.⁹²⁷ Any foods containing artificial sweeteners must be clearly labeled both on the product itself and on the display shelf where it is sold.⁹²⁸

Persons who violate the food law are guilty of a misdemeanor.⁹²⁹ The Department notifies the county attorney of alleged violations and the county attorney has the authority to institute proper proceedings.⁹³⁰ The county attorney may charge as many offenses as appear to have been committed and the defendant may be convicted on any or all of the offenses.⁹³¹ The Department has the power to subpoena witnesses and enforce the subpoena in carrying out the provisions of this chapter.⁹³²

⁹²⁴ § 190.3.

⁹²⁵ § 190.1.

⁹²⁶ § 190.2.

⁹²⁷ § 190.9.

⁹²⁸ § 190.11.

⁹²⁹ § 189.21.

⁹³⁰ §§ 189.24, 189.25.

⁹³¹ § 189.22.

⁹³² § 189.8.

All articles in package or wrapped form are required to be labeled according to the statute. Requirements include the English language, point size, true name or brand of the product, quantity, name and place of business of the manufacturer.⁹³³ Foods labeled in conformance with federal laws are deemed to be in conformance with Iowa law.⁹³⁴ It is illegal for any person to deface any required label, or to use a deceptive label as to the true character of the article.⁹³⁵ In addition, no person shall knowingly introduce, solicit orders for sale, deliver, transport, or have in possession with intent to sell any article that is not labeled according to this chapter. Special labeling requirements exist for honey and sorghum.⁹³⁶

Under the Food Law, no person shall knowingly manufacture, introduce into the state, solicit orders for sell, deliver, transport, have in possession with the intent to sell, or offer or expose for sale, any article which is adulterated.⁹³⁷ Adulterated articles are each defined in the specific chapters following the general Food Law.

The Department has the authority to confiscate or condemn any articles in commerce found to be adulterated or mislabeled, unless the chapter provides otherwise.⁹³⁸ If an article is wrongfully condemned, the party whose article was seized is entitled to restitution.⁹³⁹ Possession of an adulterated or mislabeled article is prima facie evidence of having the same in possession

⁹³³ § 189.9.

⁹³⁴ § 189.11.

⁹³⁵ § 189.13.

⁹³⁶ § 189.14.

⁹³⁷ § 189.15.

⁹³⁸ § 189.17.

⁹³⁹ § 189.18.

with intent to violate the chapter.⁹⁴⁰

All licenses required under the specific chapters are made on applications provided by the Department and will expire in one year unless otherwise provided. The Department may refuse to grant a license, or revoke it for any violation of the food laws or for the refusal to obey the lawful directions of the Department.⁹⁴¹ Operating without a required license results in an injunction and the violator must pay all costs made necessary by such procedure.⁹⁴²

Eggs

Egg handlers are persons who buy, sell or use eggs in the preparation of human food.⁹⁴³ It does not include a retailer, consumer, an establishment of a producer who sells eggs exclusively from their own flock to directly to handlers or consumers.⁹⁴⁴ All egg handlers must obtain a license from the Department of Inspection and Appeals and must pay an annual inspection fee.⁹⁴⁵ The fee is based on the volume of eggs handled at the place of business in a year. Every person subject to this license and fee must keep necessary records.⁹⁴⁶

No eggs offered for sale to an establishment can be lower than United States Department of Agriculture consumer grade “B.”⁹⁴⁷ All eggs sold or offered for sale at retail must have been

⁹⁴⁰ § 189.16.

⁹⁴¹ § 189.19(2).

⁹⁴² § 189.20.

⁹⁴³ § 196.1(3) (1994 & Supp. 1998).

⁹⁴⁴ §§ 196.1, 196.4.

⁹⁴⁵ § 196.3.

⁹⁴⁶ § 196.13.

⁹⁴⁷ § 196.8.

candled and graded.⁹⁴⁸ From the time of candling and grading, all eggs must be kept at a temperature not to exceed 45 degrees Fahrenheit (7 degrees Celsius).⁹⁴⁹ Eggs gathered for sale at a poultry show from fowl exhibited at the show are exempt from these regulations if the show has received financial assistance from the state in prior years.⁹⁵⁰

Eggs determined unfit for human consumption shall not be bought, sold or offered for sale by any person unless the eggs are denatured so that they cannot be used for human food. Unfitness is determined by title 21, section 1034 of the United States Code as amended to July 1, 1985.⁹⁵¹

Each carton of eggs for retail sale in Iowa must be marked with the grade and size of the eggs contained, the date they were packed and the name and address of the distributor or packer. Loose packed egg cases must contain the egg handler's name or license number of United States Department of agriculture plant number, and the grade of the eggs contained in the case.⁹⁵² Eggs must also be labeled in accordance with the Iowa Food and Drug Law, discussed later.

The Secretary of Agriculture shall enforce the provisions of the Egg Handler Law, and may make rules pursuant to Iowa law and consistent with federal regulations as they exist on July 1, 1985, pursuant to the Agricultural Marketing Act of 1946, 7 U.S.C. §1621 et seq., and the Egg Products Inspection Act of 1970, 21 U.S.C. §1044 et seq.⁹⁵³ Persons violating this chapter shall

⁹⁴⁸ § 196.7.

⁹⁴⁹ § 196.8(1).

⁹⁵⁰ § 196.8(2).

⁹⁵¹ § 196.9.

⁹⁵² § 196.10.

⁹⁵³ § 196.2.

be guilty of a misdemeanor. In addition, if the violator is a handler or a retailer, the court for the third offense shall suspend the offender's license for thirty days; for the fourth and any subsequent offense, such license shall be revoked for one year.⁹⁵⁴

Dairy

The Department has adopted, by rule, the "Grade 'A' Pasteurized Milk Ordinance, 1995 Revision."⁹⁵⁵ The Department is responsible for the inspection of a dairy farm, milk plant, transfer station or receiving station to ensure compliance.⁹⁵⁶ Only grade "A" pasteurized milk and milk products may be sold to the final consumer.⁹⁵⁷

No milk or milk product may be sold, advertised, offered or exposed for sale or held in possession with intent to sell if it is adulterated or misbranded. The Department may impound and dispose of any adulterated or misbranded milk.⁹⁵⁸

In addition to the adulteration definition outlined in the general foods section, milk, cream or skimmed milk shall be deemed adulterated if:

- (1) it contains visible dirt or is kept or placed at any time in an unclean container;
- (2) obtained from a cow within fifteen days before or five days after calving;
- (3) obtained from a cow stabled in an unhealthful place, or fed upon any substance in a state of putrefaction or of unhealthful nature;

⁹⁵⁴ § 196.14.

⁹⁵⁵ § 192.102 (1994 & Supp. 1998).

⁹⁵⁶ § 192.108.

⁹⁵⁷ § 192.103. In emergency situations, pasteurized but ungraded milk may be sold so long as it is authorized by the secretary and labeled as "ungraded." *Id.*

⁹⁵⁸ *Id.*

- (4) obtained from a cow which has consumed chemical, medicinal or radioactive agents capable of being secreted in milk; or
- (5) obtained from a cow in mastitic condition.⁹⁵⁹

Any milk or milk product shall further be deemed to be adulterated if:

- (1) it bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health;
- (2) it bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established by state or federal regulation, or in excess of such tolerance if one has been established;
- (3) it consists, in whole or in part, of any substance unfit for human consumption;
- (4) it has been produced, processed, prepared, packed or held under insanitary conditions;
- (5) its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or
- (6) 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.⁹⁶⁰

No milk, cream, skimmed milk, buttermilk, condensed or evaporated milk, powdered or desiccated milk, condensed skim milk, ice cream or any fluid derivatives of any of these shall be

⁹⁵⁹ § 190.4.

⁹⁶⁰ § 190.5.

made from or have added thereto any fat or oil other than milk fat.⁹⁶¹

A person who does not possess a permit issued by the Department shall not bring, send or receive into the state for sale, or sell, offer for sale or store any milk or milk product. The Department may exempt grocery stores, restaurants, soda fountains or similar establishments where milk or milk products are sold or served but not processed. Permits are issued according to statutory requirements and are not transferable.⁹⁶² Inspection fees are deposited into the general fund.⁹⁶³

Every person who deals in or manufactures dairy products or imitations thereof shall maintain the person's premises utensils, wagons, and equipment in a clean and hygienic condition.⁹⁶⁴ The Department may employ dairy specialists or bacteriologists who shall devote their full time to the improvement of sanitation in the production, processing and marketing of dairy products.⁹⁶⁵ These specialists shall cooperate with the dairy and food inspectors and with health Departments.⁹⁶⁶ Laboratories where sanitary quality work is being performed shall be certified annually.⁹⁶⁷

The Department is responsible to adopt rules to regulate the licensing of milk haulers,

⁹⁶¹ § 190.6. Condensed and evaporated milk may replace milk fat with edible vegetable fat made from soybean oil, provided that it is not labeled as "milk" or "milk products." *Id.*

⁹⁶² §§ 192.107, 192.110 (1994 & Supp. 1998).

⁹⁶³ § 192.111.

⁹⁶⁴ § 192.115.

⁹⁶⁵ § 192.116.

⁹⁶⁶ § 192.117.

⁹⁶⁷ § 192.118.

milk graders and bulk milk tankers, as defined by statute.⁹⁶⁸

Any person who deals in dairy products may adopt a distinctive brand and register it with the Department.⁹⁶⁹ No person shall retain a registered container for longer than three days.⁹⁷⁰ If the person does not know the name and address of person with the registered mark, the possessor should notify the Department in writing.⁹⁷¹ No person shall use any registered mark of another, remove or alter any such mark placed on the container without the consent of the owner.⁹⁷²

Every person testing cream or milk to determine the percent of milk fat must obtain a license from the Department.⁹⁷³ Licensees are required to submit to an examination.⁹⁷⁴ Licenses are valid until July 1 after the date of issuance.⁹⁷⁵

Meat

The Iowa meat and poultry inspection act is found at IOWA CODE ANN. §§189A.1 to 189A.22. The Department appoints veterinary and meat inspectors to examine and inspect all animals before they enter an establishment at which livestock and poultry are slaughtered or prepared for human food distributed in intrastate commerce.⁹⁷⁶ All establishments other than

⁹⁶⁸ §§ 192.112.

⁹⁶⁹ § 192.123.

⁹⁷⁰ § 192.124.

⁹⁷¹ § 192.126.

⁹⁷² § 192.127.

⁹⁷³ § 192.131.

⁹⁷⁴ § 192.132.

⁹⁷⁵ § 192.133.

⁹⁷⁶ § 189A.5 (1994 & Supp. 1998).

grocery stores or food service establishments, as defined by the act, must obtain a license before operating. Licenses are valid from July 1 to June 30 and must be renewed annually.⁹⁷⁷ The operator of each of these establishments must require all employees to have a health examination by a physician and a certified health certificate must be kept on file. Any person with communicable diseases, “carriers” of such diseases, or employees with infected skin wounds are not permitted to be employed in any capacity within the establishment.⁹⁷⁸

Inspectors must mark and label all livestock products as “Iowa Inspected and Passed” if the products are found to be not adulterated, or “Iowa Inspected and Condemned” if found to be adulterated.⁹⁷⁹ Any livestock or poultry product is adulterated under one or more of the following circumstances:

- (a) if it bears or contains a poisonous or deleterious substance which may render it injurious to health; but if the substance is not an added substance, the article is not adulterated if the quantity of the substance in or on the article does not ordinarily make it injurious to health;
- (b) if it bears or contains, by administration of a substance to the live animal or otherwise, an added poisonous or harmful substance, other than (1) a pesticide chemical in or on a raw agricultural commodity; (2) a food additive; or (3) a color additive, which may, in the judgment of the Commissioner, make the article unfit for human food;

⁹⁷⁷ § 189A.3.

⁹⁷⁸ § 189A.6.

⁹⁷⁹ § 189A.5.

- (c) if it is, in whole or in part, a raw agricultural commodity that bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the federal act;
- (d) if it bears or contains a color additive which is unsafe within the meaning of section 409 of the federal act;
- (e) if it bears or contains a color additive which is unsafe within the meaning of section 706 of the federal act; however, an article which is not otherwise deemed adulterated under subparagraph (c), (d) and (e) shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive or color additive in or on such article is prohibited by regulations of the secretary in official establishments;
- (f) if it contains a filthy, putrid, or decomposed substance or is for any other reason unfit for human food;
- (g) if it has been prepared, packed or held under unsanitary conditions so that it may be contaminated with filth or harmful to health;
- (h) if it is wholly or partly the product of an animal which has died otherwise than by slaughter;
- (i) if its container is wholly or partly composed of a poisonous or harmful substance which may make the contents harmful to health;
- (j) if it has been intentionally subjected to radiation, unless the use of the radiation conformed with a regulation or exemption in effect under section 409 of the federal act;

- (k) if a valuable constituent has been wholly or partly omitted or removed from it; if a substance has been wholly or partly substituted for it; if damage or inferiority has been concealed; or if a substance has been added to it or mixed or packed with it so as to increase its bulk or weight, reduce its quality or strength, or make it appear better or of greater value than it is; or
- (l) if it is margarine containing animal fat and any of the raw material used in it wholly or partly consisted of a filthy, putrid, or decomposed substance.⁹⁸⁰

If any inspector refuses to comply with the rules set forth by the secretary, then the inspector may be removed from the establishment by the secretary. The secretary may also refuse inspection service to an establishment if he determines that the establishment is unfit to operate because of sanitary violations.⁹⁸¹ The secretary has the authority to investigate sanitary conditions and to prescribe regulations relating to sanitation.⁹⁸² Attempts to bribe any officer or employee of the state authorized to perform any duties prescribed in the act will be deemed guilty of a felony and punished by a fine not less than five hundred dollars nor more than ten thousand dollars and by imprisonment in the penitentiary not less than one year nor more than three years. Officials or employees who accept such bribes will be deemed guilty of a felony, discharged from office, and punished by a fine not less than one thousand dollars nor more than ten thousand dollars and by imprisonment in the penitentiary not less than one year and not more than three

⁹⁸⁰ § 189A.2(1).

⁹⁸¹ § 189A.7.

⁹⁸² §§ 189A.5(5)-(6).

years.⁹⁸³

Once the meat has been “inspected and passed,” its label must be attached to the container.⁹⁸⁴ Inspection is not complete until this label is attached. Labeling sizes and specifications are provided in the statute. No person shall make any device of any kind that contains or simulates any official mark, or any form of official certificate, except as authorized by the secretary. Official marks that are forged, used without permission, detached, defaced or destroyed are violative of the act. Similarly, if someone knowingly possesses any official device without permission, knowingly makes false statements in certificates, or knowingly represents that any article has been “inspected and passed” when it has not been, then that person is in violation of the act.⁹⁸⁵

Any carcass, or part thereof, meat or meat food product being transported in intrastate commerce that has been adulterated or misbranded, or in any way violates the act, may be seized and condemned.⁹⁸⁶ Misbranded means a carcass, in whole or in part, meat or a meat product under one or more of the following circumstances:

- (1) its labeling is false or misleading;
- (2) it is offered for sale under the name of another food;
- (3) it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word “imitation” followed immediately by the name of the

⁹⁸³ § 189A.19.

⁹⁸⁴ § 189A.5(4).

⁹⁸⁵ § 189A.16.

⁹⁸⁶ § 189A.12.

food imitated;

- (4) its container is so made, formed or filled as to be misleading;
- (5) in package form, unless it bears a label containing the name and place of business of the manufacturer, packer or distributor, and an accurate statement of the quantity of the contents in accordance with the uniform rules set forth;
- (6) any word, statement or other information required by law is not prominently placed so as to make it likely to be read and understood by the ordinary individual;
- (7) it purports to be or is represented as food for which a definition and standard of identity have been prescribed by rules unless it conforms to said rules and its label bears the required name;
- (8) it purports to be or is represented as a food for which a standard of fill quantity has been prescribed and it falls below that quantity;
- (9) it is not a food under (7), unless it bears labeling clearly giving it the common or usual name of the food and the common or usual name of each ingredient if it is made from more than one common food (excepting spices, flavorings and colorings), provided that the Commissioner has not exempted any food from this requirement;
- (10) it purports to be or is represented for special dietary uses, unless the label bears vitamin, mineral and other dietary properties prescribed by rule;
- (11) it bears or contains any artificial flavoring, artificial coloring or chemical preservative, unless the label states that fact;

- (12) it fails to bear, directly or on its container, as the Commissioner prescribes, the inspection legend and other information required by rule to assure that it will not have false or misleading labeling and that the public will be told how to keep the article wholesome.⁹⁸⁷

Fraudulent practices under the meat inspection act are defined as follows:

- (1) slaughtering livestock or poultry or preparing an article from the same which is capable of use as human food, at any establishment preparing the article solely for intrastate commerce, unless it was done in compliance with the requirements of the act;
- (2) selling, transporting, offering for sale or transport, or receiving for transport in intrastate commerce any article produced from livestock or poultry which is capable of use as human food and is adulterated or misbranded;
- (3) committing any act which is intended to cause or has the effect of causing an article produced from livestock or poultry to be adulterated or misbranded;
- (4) selling, transporting, offering for sale or transport, or receiving for transport in intrastate commerce or from an official establishment, any slaughtered poultry from which the blood, feathers, feet, head or viscera have not been removed in accordance with this act.⁹⁸⁸

Horse meat must be plainly and conspicuously marked, labeled or otherwise identified

⁹⁸⁷ § 189A.2(17).

⁹⁸⁸ § 189A.10.

according to rules set forth by the Commissioner.⁹⁸⁹

Exemptions from the meat inspection act provide that the inspections do not apply to processing done by persons of their own animals for their own use, as defined in the statute. The secretary may exempt any other operations to further the purpose of the statute, provided the exemptions conform with the federal Meat Inspection Act and the federal Poultry Products Inspection Act and the regulations thereunder.⁹⁹⁰

Persons dealing with carcass and meat products must keep records that may be examined by the Department at all reasonable times. Violators will be guilty of a misdemeanor.⁹⁹¹

⁹⁸⁹ § 189A.8(1).

⁹⁹⁰ § 189A.4.

⁹⁹¹ § 189A.5(7).