

FOOD SAFETY
State and Federal Standards and Regulations

Louisiana

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LOUISIANA

Meat and Poultry Inspection Law

The Commissioner of the Louisiana Department of Agriculture is directed to administer state meat and poultry products inspection programs for intrastate operations that are at least equal to those under the Federal Meat Inspection Act and the Federal Poultry Products Inspection Act.¹⁰⁹⁶ The Commissioner is to cooperate with USDA in developing and implementing the meat inspection program recognizing that the State Department of Health has responsibilities under the Sanitary Code and the state Food, Drug and Cosmetic Act.¹⁰⁹⁷ The Commissioner has authority to adopt appropriate rules and regulations to enforce the chapter, and the Act supercedes all city, municipal or other ordinances in the state on meat and poultry inspections.¹⁰⁹⁸ The provisions apply to meat and meat food products from cattle, sheep, swine, poultry, goats and equines.¹⁰⁹⁹ The requirements apply to articles covered by the federal acts only to the extent provided for in those acts.¹¹⁰⁰

One regulatory approach is to require the registration of any person engaged in business in intrastate commerce as a meat broker, renderer, animal food manufacturer, wholesaler, public warehouseman of carcasses or parts or products.¹¹⁰¹ The Commissioner is specifically authorized to develop storage and handling regulations for businesses engaged in buying, selling, freezing,

¹⁰⁹⁶ 3 LA. STATE ANN. §§ 4202, 4232.

¹⁰⁹⁷ § 4222.

¹⁰⁹⁸ § 4231.

¹⁰⁹⁹ § 4201(5).

¹¹⁰⁰ § 4230.

¹¹⁰¹ § 4220.

storing or transporting such articles in intrastate commerce.¹¹⁰²

Inspections

Antemortem inspection is mandatory for all animals before entry into a slaughtering, packing, meat-canning, rendering or similar establishment.¹¹⁰³ Postmortem examination of the carcasses and parts is also required.¹¹⁰⁴ And, any such carcasses or parts brought into these establishments must be re-inspected before entering a department where they are to be treated and prepared for human food.¹¹⁰⁵ Products found to be unadulterated are to be stamped “Louisiana Inspected and Passed,” while adulterated products are stamped “Inspected and Condemned.”¹¹⁰⁶ Inspections of all slaughtering, meat-canning, salting, packing, rendering or similar establishments as to sanitary conditions are authorized, and if the conditions are such as to render meat, meat food products or poultry products adulterated the inspector may refuse to allow the products stamped as “Louisiana Inspected and Passed.”¹¹⁰⁷ Any articles required to be inspected which have not been inspected and passed cannot be sold, transported, offered for sale or transportation or received for transportation.¹¹⁰⁸

The inspection requirements do not apply to the slaughtering by a person of animals of his own raising and preparation of meat and meat food products for his exclusive use or that of

¹¹⁰² § 4217.

¹¹⁰³ § 4203.

¹¹⁰⁴ § 4204.

¹¹⁰⁵ § 4205.

¹¹⁰⁶ § 4206.

¹¹⁰⁷ § 4208.

¹¹⁰⁸ §§ 4210(2), 4233.

members of his household, nonpaying guests and employees nor to the custom slaughter and preparation of cattle, sheep, swine or goats for these purposes.¹¹⁰⁹ The inspection provisions do not apply to operations at retail stores and restaurants where preparation is of articles for sale to consumers in normal retail quantities.¹¹¹⁰ The sanitary requirements and the prohibition against adulteration and misbranding remain applicable.¹¹¹¹

As to poultry, the exemption for raised poultry also applies.¹¹¹² The custom slaughter exemption applies so long as the custom slaughterer does not engage in the business of buying and selling poultry products.¹¹¹³

Poultry producers may also slaughter and process raised poultry and distribute the products so long as they are properly labeled and are sound, clean and fit for human food.¹¹¹⁴ Similarly, processing for distribution directly to household consumers, restaurants, hotels and boarding houses for preparation and use by their customers is exempt.¹¹¹⁵ The latter exemption only applies to a person who slaughters 5,000 or fewer turkeys or equivalent numbers of other species (four birds deemed the equivalent of one turkey).¹¹¹⁶

None of the provisions apply to producers who process no more than 250 turkeys (or

¹¹⁰⁹ § 4215(A).

¹¹¹⁰ § 4215(B) (1998 Supp.).

¹¹¹¹ §§ 4215(C) - (D).

¹¹¹² § 4215(A)(1).

¹¹¹³ § 4216(2).

¹¹¹⁴ § 4216(3).

¹¹¹⁵ § 4216(4).

¹¹¹⁶ § 4216.

equivalent) of their own raising.¹¹¹⁷

Adulteration

Adulteration is prohibited as is any act intended to cause or has the effect of causing articles to be adulterated.¹¹¹⁸ It is a violation to sell, transport, offer for sale or transportation or receive for transportation in intrastate commerce any meat or meat food products which are adulterated.¹¹¹⁹ Adulterated is defined in a manner consistent with the federal law.¹¹²⁰

Misbranding

It is also a violation to sell, transport, offer for sale or transportation or receive for transportation any misbranded article.¹¹²¹ Any act which is intended to cause or has the effect of causing articles to be misbranded is prohibited.¹¹²² Misbranding is defined in a manner consistent with the federal law.¹¹²³

Proper labeling is required of all carcasses, meat, meat food products and poultry products inspected and found to be not adulterated.¹¹²⁴ Equine carcasses and meat products therefrom must be plainly and conspicuously marked and identified.¹¹²⁵

¹¹¹⁷ *Id.*

¹¹¹⁸ § 4210(2) - (3).

¹¹¹⁹ §§ 4210(2) - (3), 4233.

¹¹²⁰ § 4201(8).

¹¹²¹ §§ 4210(2), 4233.

¹¹²² § 4219(3).

¹¹²³ § 4201(9).

¹¹²⁴ § 4207.

¹¹²⁵ § 4212.

Enforcement

In addition to the registration and inspection requirements outlined above, the Commissioner has the authority to detain any article believed to be adulterated or misbranded or that has not been inspected as required by state or federal law.¹¹²⁶ The Commissioner may petition the appropriate court for an order of condemnation of such articles. If found to be in violation the court may order the article destroyed at the expense of the owner unless a bond is posted to assure compliance.¹¹²⁷

The Commissioner may refuse to provide or withdraw inspection services for failure to maintain sanitary conditions or to destroy condemned carcasses. In addition, such refusal or withdrawal is authorized if the recipient or applicant has been convicted of any felony or of more than one violation based on acquiring, handling or distributing of unwholesome, misbranded or deceptively packaged food or upon fraud in connection with food transactions.¹¹²⁸

Courts are vested with jurisdiction to restrain violations.¹¹²⁹ Most violations are misdemeanors, but the Commissioner may, in lieu of criminal proceedings or injunctive proceedings, issue suitable notice and warning.¹¹³⁰

Special Provisions

In addition to the inspection programs outlined above, a special statute requires that any animal slaughtered for human consumption must be slaughtered by a licensed butcher and in a

¹¹²⁶ § 4224.

¹¹²⁷ § 4225.

¹¹²⁸ § 4223.

¹¹²⁹ § 4226.

¹¹³⁰ § 4228.

licensed slaughter house, packing house, or abattoir.¹¹³¹ This does not apply to animals slaughtered by the owners for their own use on their own farm.¹¹³²

Food, Drug and Cosmetic Law

The Department of Health and Human Resources is authorized to administer the state Food, Drug and Cosmetic Law.¹¹³³ This includes the adoption of regulations establishing definitions, standards of identity and standards of quality or fill of containers except no standard of quality may be established for fresh fruit and fresh vegetables and no standard of identity for fresh apples and fresh pears.¹¹³⁴

“Food” includes all substances and preparations used for or entering into the composition of food, drink, confectionary, chewing gum or condiments.¹¹³⁵

One regulatory approach is the authority to require permits for manufacturers, processors, or packers of any class of food which may, by reason of contamination with microorganisms during manufacture, processing or packing, become injurious to health and the injurious nature cannot be adequately determined until after the articles enter state commerce.¹¹³⁶ And, the Department may require registration of each separate and distinct processed food.¹¹³⁷

¹¹³¹ 40 LA STAT. ANN. § 941.

¹¹³² *Id.*

¹¹³³ § 604.

¹¹³⁴ § 610.

¹¹³⁵ § 602(6).

¹¹³⁶ § 612.

¹¹³⁷ § 627.

Inspections

Any permitted facility is subject to inspection.¹¹³⁸ Authority to enter any factory, warehouse or other establishment where food is manufactured, processed, packed or held for storage in shipment is granted.¹¹³⁹

Adulteration

The adulteration of any food or the introduction or delivery for introduction or receipt in commerce of any adulterated food is prohibited.¹¹⁴⁰ The possession of any adulterated food in any place where sales or service is made to the public is also a violation.¹¹⁴¹ Adulteration is defined in a manner consistent with the federal law.¹¹⁴² Special provisions are included with regard to confectionary or ice cream restricting non-nutritive substances and the permissible levels of alcohol in confectionery.¹¹⁴³

In addition, a special section relates to added substances which cannot be avoided by good manufacturing practice. The Department is authorized to limit the quantities of added substances to be tolerated in or on different articles of food.¹¹⁴⁴

Misbranding

The introduction or delivery for introduction or receipt in commerce of any misbranded

¹¹³⁸ § 615.

¹¹³⁹ § 631.

¹¹⁴⁰ § 636(1)-(3).

¹¹⁴¹ § 636(5).

¹¹⁴² § 607.

¹¹⁴³ § 607(11).

¹¹⁴⁴ § 611.

food is a violation as is the possession in any place where sales or service is made to the public.¹¹⁴⁵ Misbranding is also prohibited.¹¹⁴⁶ Misbranded is defined in a manner consistent with the federal law.¹¹⁴⁷ The Department is authorized to exempt from labeling requirements small open containers of fresh fruits and fresh vegetables and certain food which is to be reprocessed or repacked.¹¹⁴⁸

Special provisions are included with regard to bottled water which must be labeled to indicate the source, the method used to treat the contents and any chemical names and concentrations of preservatives or additives.¹¹⁴⁹

Honey must be properly labeled, and the use of labels referring to honey are restricted to pure honey manufactured by honeybees.¹¹⁵⁰

Kosher food must be accurately represented, and no food may be labeled or represented as kosher if it is not prepared in accordance with religious requirements.¹¹⁵¹ Organic food must also be accurately represented.¹¹⁵² False advertizing of food is a violation, and it is considered false if it is false or misleading in any particular.¹¹⁵³

¹¹⁴⁵ §§ 608(1), (3), (5).

¹¹⁴⁶ § 608(2).

¹¹⁴⁷ § 608.

¹¹⁴⁸ § 609.

¹¹⁴⁹ § 608(12).

¹¹⁵⁰ § 608.1.

¹¹⁵¹ § 608.2.

¹¹⁵² § 608.3.

¹¹⁵³ § 625.

Enforcement

The Department may institute seizure and condemnation proceedings against any article of food adulterated, misbranded or unregistered or which has been manufactured, processed, or packed in any establishment which did not hold a valid permit, if required.¹¹⁵⁴ The article may be detained until a court determines whether condemnation is to be ordered. If condemnation is ordered, the goods must be disposed of in accordance with the order unless the owner posts a bond to assure compliance.¹¹⁵⁵

If the Department finds in any factory, establishment, structure or vehicle, any meat, seafood, poultry, vegetables or other perishable articles which are unsound or contain any filthy, decomposed or putrid substance or that may be poisonous or deleterious to health or otherwise unsafe, the articles are to be immediately condemned or destroyed.¹¹⁵⁶

The District courts are empowered to restrain violations by injunctions.¹¹⁵⁷ However, the Department may report violations to the District Attorney for the institution of criminal proceedings after notice to the accused.¹¹⁵⁸ For minor violations, the Department may issue suitable notice or warnings instead of reporting the violation.¹¹⁵⁹ Violations are generally misdemeanors except second or subsequent offenses may be treated as felonies.¹¹⁶⁰

¹¹⁵⁴ §§ 632-634.

¹¹⁵⁵ § 634.

¹¹⁵⁶ § 635.

¹¹⁵⁷ § 641.

¹¹⁵⁸ § 637(A).

¹¹⁵⁹ § 637(B).

¹¹⁶⁰ § 639.

Sanitary Code

In addition to the authority outlined in the Food, Drug and Cosmetic Act, the State Health Officer may adopt a Sanitary Code which is to require that all food products, including milk and milk products, ice, bottled water, marine and freshwater seafood and animal products, frozen desserts and toppings and related similar foods, are produced from safe and sanitary sources, and are processed and handled so as to prevent contamination, spoilage or adulteration.¹¹⁶¹ Sanitary and food inspection are anticipated.¹¹⁶² The Department of Health and Hospitals may inspect food booths at fairs and festivals for compliance with special event food and beverage preparation regulations.¹¹⁶³

Special Provisions

A number of products are specifically authorized so long as no sale or distribution of unwholesome food occurs. For example, cochon de lait,¹¹⁶⁴ jambalaya,¹¹⁶⁵ hard and soft shell crabs¹¹⁶⁶ and Italian food¹¹⁶⁷ may be prepared in the “traditional manner” for public consumption. Jellies, jams and preserves may be prepared in the home for sale if gross sales are under \$5,000.¹¹⁶⁸

¹¹⁶¹ § 4(A)(1).

¹¹⁶² § 4(B).

¹¹⁶³ § 4.8.

¹¹⁶⁴ § 4.1.

¹¹⁶⁵ § 4.2.

¹¹⁶⁶ § 4.3.

¹¹⁶⁷ § 4.4.

¹¹⁶⁸ § 4.5.

Soft drinks, malt beverages or other nonalcoholic beverages may be manufactured for sale or sold only after obtaining a permit.¹¹⁶⁹ The permit is issued only after an inspection of the premises and bottling plants.¹¹⁷⁰ Bottled water must be prepared in accordance with specified standards from FDA.¹¹⁷¹ Oleomargarine must contain minimum levels of vitamin A and be labeled in accordance with federal rules.¹¹⁷²

Flour and bread must meet minimum standards for certain vitamins and be properly labeled.¹¹⁷³

Milk and Milk Products

All fluid milk, cream, buttermilk, and milk beverages sold or offered for sale must be Grade A, and powdered whole milk or powdered skim milk and other powdered milk products must be labeled as to grade.¹¹⁷⁴ Sanitary standards are to be set by the Department no lower than federal requirements.¹¹⁷⁵

¹¹⁶⁹ § 4.9.

¹¹⁷⁰ §§ 714, 717.

¹¹⁷¹ § 733.

¹¹⁷² §§ 752, 756.

¹¹⁷³ §§ 785, 787, 789.

¹¹⁷⁴ § 921.

¹¹⁷⁵ § 922.