

FOOD SAFETY
State and Federal Standards and Regulations

Mississippi

1999

A Project of the

**National Association of State Departments of Agriculture
Research Foundation**

through the

National Center for Agricultural Law Research and Information

This publication was made possible by a financial grant from the National Association of State Departments of Agriculture (NASDA), Washington, D.C., through funds made available from the United States Food and Drug Administration (FDA).

Disclaimer

This book's information is to be used as an educational tool and is not a substitute for individual legal advice. Any person wishing to obtain legal advice should consult a competent attorney and/or food law specialist. The utilization of these materials by any person constitutes an agreement to hold harmless the author, the National Association of State Departments of Agriculture, the National Center for Agricultural Law Research and Information, the University of Arkansas, and the United States Food and Drug Administration for any liability, claims, damages, or expenses that may be incurred by any person as a result of reference to or reliance on the information contained in this book.

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

MISSISSIPPI

Meat and Poultry Regulation and Inspection

Mississippi has two separate statutes relating to meat regulation. The first, the Meat, Meat Food and Poultry Regulation and Inspection Law of 1960,¹³⁹³ deals primarily with the licensing and regulating of those in the business of manufacturing, slaughtering and preparing meat and meat-food products. The second, the Meat Inspection Law of 1968,¹³⁹⁴ focuses on the inspection of animals, carcasses and products and upon the sanitary requirements for slaughtering establishments. Under the first of these provisions, licenses are required for meat brokers, jobbers, dealers, distributors, peddlers, transporters and wholesalers of carcasses of meat animals or poultry or products thereof.¹³⁹⁵ For this purpose, meat and meat-food products include carcasses of cattle, sheep, goats and other ruminants, including exotic animals, swine, horses, mules, rabbits, poultry and ratites.¹³⁹⁶ “Exotic animals” include a member of a species or game not indigenous to the state, such as axis deer, fallow deer, red deer or other clove-hooved ruminant animals and ratites.¹³⁹⁷ A special section gives the Commissioner of Agriculture and Commerce the same powers with regard to exotic animals slaughtered and prepared for shipment in interstate commerce as in intrastate commerce.¹³⁹⁸

The registration provisions do not apply to those who slaughter animals and poultry of

¹³⁹³ MISS. CODE ANN. § 75-33-1 *et seq.* (1991 & Supp. 1998).

¹³⁹⁴ § 75-35-1 *et seq.*

¹³⁹⁵ § 75-33-7; also *see* § 75-35-105.

¹³⁹⁶ § 75-33-3(1)(b).

¹³⁹⁷ § 75-33-3(1)(h).

¹³⁹⁸ § 75-33-39.

their own raising to be processed for the exclusive use of the owner, members of the household or nonpaying guests and employees. Likewise, the provisions do not apply to poultry producers with respect to poultry of their own raising which are exempt under the Federal Poultry Products Act.¹³⁹⁹

The Commissioner of Agriculture and Commerce is empowered to promulgate rules and regulations, consistent with those of the USDA, governing the covered businesses.¹⁴⁰⁰ The Department of Agriculture and Commerce is to cooperate with USDA to assure inspection programs at least equal to those under federal law.¹⁴⁰¹

Inspection

Under the inspection provisions, all plants, not under federal inspection, are to be inspected for wholesomeness.¹⁴⁰² Ante-mortem inspection of all cattle, sheep, swine, goats, horses, mules and other equines is required.¹⁴⁰³ Post-mortem inspection of the carcasses is also required.¹⁴⁰⁴ Any carcasses or parts brought into an establishment, where an inspection is maintained, are to be inspected prior to entering any department where they will be treated and prepared for meat-food products.¹⁴⁰⁵ After the preparation is completed, inspectors are to re-

¹³⁹⁹ § 75-33-3(3)-(4).

¹⁴⁰⁰ § 75-33-5.

¹⁴⁰¹ § 75-35-201.

¹⁴⁰² § 75-33-33.

¹⁴⁰³ § 75-35-7.

¹⁴⁰⁴ § 75-35-9.

¹⁴⁰⁵ § 75-35-11.

inspect the meat-food products.¹⁴⁰⁶

Facilities where slaughtering, meat-canning, salting, packing, rendering or where meat-food products are prepared are all subject to sanitary inspections.¹⁴⁰⁷ However, inspection requirements are not applicable to those who slaughter animals of their own raising and prepare the products solely for their own use or by household members, nonpaying guests or employees. Custom slaughtering and preparation for these purposes is also exempt. Moreover, inspection requirements do not apply to operations at retail stores and restaurants where products are sold to consumers in normal retail quantities. Sanitary conditions, however, must be maintained, and adulteration and misbranding prohibitions remain applicable.¹⁴⁰⁸

While the state provides inspection services for those plants not subject to federal inspection laws, additional inspection fees for quail, rabbits, ratites and other exotic animals are to be paid by the establishment. Those, who require inspection services beyond those normally provided for sanitary purposes, or who devise grading services, are responsible for the cost of such services.¹⁴⁰⁹

Adulteration

The statute prohibits the sell, transport, offering for sale or transport, or receipt for sale or transport in intrastate commerce any products that are adulterated.¹⁴¹⁰ Any act, while the

¹⁴⁰⁶ § 75-35-13.

¹⁴⁰⁷ § 75-35-17.

¹⁴⁰⁸ § 75-35-31.

¹⁴⁰⁹ § 75-33-33.

¹⁴¹⁰ § 75-35-21 (b).

products are being transported or held for sale that is intended to cause or has the effect of causing the items to be adulterated, is likewise prohibited.¹⁴¹¹ “Adulteration” is defined in a manner consistent with the federal law.¹⁴¹² The adulteration prohibitions apply even to those establishments that are exempt from inspection requirements.¹⁴¹³

Misbranding

The sell, transport, offering for sale or transport, or receipt for transport in intrastate commerce of misbranded articles is a violation.¹⁴¹⁴ Any act that is intended to cause or has the effect of causing the items to be misbranded is likewise prohibited.¹⁴¹⁵ Misbranding is defined consistently with the federal law.¹⁴¹⁶

Meat and meat-food products that are properly inspected are to be marked “Mississippi Inspected and Passed,” and receptacles or coverings of these products are to be so labeled.¹⁴¹⁷ Special labeling provisions apply to carcasses of horses and mules. They must be plainly and conspicuously marked.¹⁴¹⁸ The misbranding prohibitions apply to establishments even if exempt from inspection.¹⁴¹⁹

¹⁴¹¹ § 75-35-21 (c).

¹⁴¹² § 75-35-3 (j).

¹⁴¹³ § 75-35-31 (4)

¹⁴¹⁴ § 75-35-21 (b).

¹⁴¹⁵ § 75-35-21 (c).

¹⁴¹⁶ § 75-35-3 (k).

¹⁴¹⁷ § 75-35-15.

¹⁴¹⁸ *Id.* § 75-35-25.

¹⁴¹⁹ § 75-35-31 (4).

Enforcement

The major enforcement tool is the authority of the Commission to withdraw inspection services or to refuse to provide such services to applicants or recipients convicted of any felony or more than one violation related to food transactions. Additionally, failure to maintain sanitary conditions or to destroy condemned carcasses or meat-food products may result in withdrawal of inspection services.¹⁴²⁰ This provision is of some consequence because it is a violation to sell, transport, offer for sale or transport, or receive any article required to be inspected that has not been inspected and passed.¹⁴²¹

Any carcass, part, meat or meat-food product found to be adulterated, misbranded or not inspected as required may be detained by the Commissioner and is liable to seizure and condemnation.¹⁴²² The products so condemned must be destroyed or sold, after payment of expenses, for non-food purposes. The owner may obtain possession upon payment of costs with the posting of a bond to assure compliance.¹⁴²³

The Chancery Courts are empowered to restrain violators.¹⁴²⁴ Administrative fines may be imposed for violators of the Meat Inspection Law.¹⁴²⁵ Criminal charges may be imposed in some cases, especially when the violation marks intent to defraud or distribution or attempted

¹⁴²⁰ § 75-35-301.

¹⁴²¹ § 75-35-21 (b).

¹⁴²² §§ 75-35-303, -305.

¹⁴²³ § 75-35-305.

¹⁴²⁴ § 75-35-307.

¹⁴²⁵ § 75-35-325.

distribution of adulterated products.¹⁴²⁶

Sale and Inspection of Food

Under provisions related to the regulation of food, the State Board of Health, generally, is charged with responsibility.¹⁴²⁷ The intent is to prevent the sale of adulterated or misbranded food, that is, articles used for food or drink that are unfit for human consumption.¹⁴²⁸ The State Board of Health is authorized to obtain samples or specimens for analysis of articles and is given access to any places where foods are sold.¹⁴²⁹

Adulteration

The manufacture for sale, production for sale, knowingly exposing for sale, possession or sale of any adulterated food is prohibited.¹⁴³⁰ Adulteration is defined by incorporating the federal definition.¹⁴³¹

Misbranding and Mislabeling

The manufacture for sale, production for sale, knowingly exposing for sale, possession or sale of any misbranded or insufficiently labeled article of food is prohibited.¹⁴³² An article is misbranded if: it is an imitation of or offered for sale under the name of another food; it is labeled so as to deceive or mislead the purchaser; it purports to be a foreign product when it is

¹⁴²⁶ § 75-35-311.

¹⁴²⁷ § 75-29-19 (Supp. 1998).

¹⁴²⁸ §§ 75-29-1 (purpose); § 75-29-7 (definition).

¹⁴²⁹ § 75-29-21, -23.

¹⁴³⁰ § 75-29-5.

¹⁴³¹ § 75-29-3.

¹⁴³² § 75-29-5.

not; the contents have been substituted; or if the package contains false statements, inaccuracies, or devices regarding the ingredients.¹⁴³³ It is also misbranded or mislabeled if not in conformity with the Federal Fair Packaging and Labeling Act.¹⁴³⁴

Enforcement

Food found to be adulterated or misbranded so as to be dangerous or fraudulent, is to be detained and embargoed, with a condemnation proceeding commenced in Circuit Court. If condemned, the article is to be destroyed at the expense of the owner unless this condition can be corrected. In such cases, the owner may post a bond to assure compliance and receive possession of the article. If perishable food articles are found that are unsound or contain filthy, decomposed or putrid substances or that may be poisonous or deleterious to health or otherwise unsafe, they may be immediately destroyed.¹⁴³⁵

Violations may be prosecuted by any district attorney, city attorney or county attorney under criminal provisions.¹⁴³⁶ The Board of Health may choose to use suitable written notice or warning for minor violations instead of the institution of criminal proceedings.¹⁴³⁷

Special Provisions

Mississippi statutes include a number of specific provisions related to syrup, hominy grits and corn meal, enrichment of flour and bread, enrichment of oleomargarine, honey and honey

¹⁴³³ § 75-29-9 (1991).

¹⁴³⁴ § 75-29-11 (Supp. 1998).

¹⁴³⁵ § 75-29-27.

¹⁴³⁶ § 75-29-29.

¹⁴³⁷ § 75-29-31.

products and bottled drinking water.

Syrup

The Commissioner of Agriculture and Commerce enforces provisions related to syrup.¹⁴³⁸

These provisions require specific labeling on the container.¹⁴³⁹

Grits and Corn Meal

Degerminated corn meal and hominy grits must contain specific levels of specified vitamins and minerals.¹⁴⁴⁰ Labeling must conform to federal requirements.¹⁴⁴¹ The Board of Health enforces these provisions.¹⁴⁴²

Flour and Bread

Flour and bread must contain specified ingredients.¹⁴⁴³ Labeling must comply with federal requirements.¹⁴⁴⁴ The Board of Health enforces these provisions.¹⁴⁴⁵

Oleomargarine

Oleomargarine must contain specific levels of Vitamin A and other specified

¹⁴³⁸ § 75-29-203 (1991).

¹⁴³⁹ §§ 75-29-201, -207.

¹⁴⁴⁰ § 75-29-305.

¹⁴⁴¹ § 75-29-309.

¹⁴⁴² § 75-29-311.

¹⁴⁴³ §§ 75-29-405, -407.

¹⁴⁴⁴ § 75-29-411.

¹⁴⁴⁵ § 75-29-413.

ingredients.¹⁴⁴⁶ Labeling must comply with federal requirements.¹⁴⁴⁷ The Board of Health enforces these provisions.¹⁴⁴⁸

Honey

The Department of Agriculture and Commerce enforces provisions related to honey.¹⁴⁴⁹ These provisions relate to the proper labeling of honey and honey products.¹⁴⁵⁰

Bottled Water

The State Board of Health regulates the sanitation and labeling of bottled drinking water, particularly the origin of each source or supply in meeting health protection standards.¹⁴⁵¹

Milk and Milk Products

The Mississippi Department of Agriculture and Commerce and the State Board of Health are both charged with responsibilities for the regulation of milk and milk products. The Department of Agriculture and Commerce has authority with regard to dairy farms and premises where dairy products are manufactured, handled, stored or sold.¹⁴⁵² The State Board of Health is to regulate milk and milk products sold at retail, including frozen desserts.¹⁴⁵³ The Commissioner of Agriculture and Commerce may inspect barns or stables where cows are kept

¹⁴⁴⁶ §§ 75-29-503, -505.

¹⁴⁴⁷ § 75-29-511.

¹⁴⁴⁸ § 75-29-507.

¹⁴⁴⁹ § 75-29-603.

¹⁴⁵⁰ § 75-29-601.

¹⁴⁵¹ §§ 75-29-801, -803.

¹⁴⁵² § 75-31-7 (Supp. 1998).

¹⁴⁵³ § 75-31-47.

or milked and any premises where dairy products are located.¹⁴⁵⁴ These establishments must comply with specific sanitary regulations.¹⁴⁵⁵ It is a violation to maintain premises or equipment in an unsanitary condition. Additionally, the Commissioner of Agriculture regulates cheeses, butter and imitation products.¹⁴⁵⁶

Under the Board of Health provisions, milk and milk products sold at retail must meet labeling requirements¹⁴⁵⁷ and minimum butterfat specifications.¹⁴⁵⁸ The sale or offering for sale of any adulterated milk or milk products or cream is prohibited.¹⁴⁵⁹

¹⁴⁵⁴ § 75-31-7 (2).

¹⁴⁵⁵ §§ 75-31-3, -5 (1991).

¹⁴⁵⁶ § 75-31-7 (1)-(2) (Supp. 1998).

¹⁴⁵⁷ § 75-31-43 (1991).

¹⁴⁵⁸ § 75-31-45.

¹⁴⁵⁹ § 75-31-57.