

FOOD SAFETY

State and Federal Standards and Regulations

Missouri

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MISSOURI

The Missouri Department of Agriculture is charged with responsibility for meat and poultry inspection as well as the regulation of locker plants milk, dairy products and eggs. The Department of Health has responsibilities for regulating the sale of dairy products and for food regulation, generally.

Meat Inspection

The Department of Agriculture regulates all commercial plants at which livestock and poultry are slaughtered or at which meat and meat products are processed or where meat or meat products are stored.¹⁴⁶⁰ "Livestock" includes cattle, calves, sheep, swine, ratite birds including ostrich and emu, aquatic products, elk from legal sources and not from the wild, goats, horses and other equines and rabbits raised in confinement. Poultry includes any domesticated bird.¹⁴⁶¹ The primary regulatory approach is to require a license for all such plants.¹⁴⁶² The act is designed to apply to intrastate commerce and specifically exempts products subject to federal inspection.¹⁴⁶³ The act exempts any operation which is subject to federal inspection under either the Federal Meat Inspection Act or the Federal Poultry Products Inspection Act and is not applicable if the state is designated as one in which federal rules apply to intrastate commerce.¹⁴⁶⁴

¹⁴⁶⁰ MO. ANN. STAT. § 265.310 (West 1993 & Supp. 1999)

¹⁴⁶¹ § 265.300 (11).

¹⁴⁶² § 265.410.

¹⁴⁶³ § 265.430.

¹⁴⁶⁴ § 265.320.

Inspection

Inspection is required of all livestock and poultry slaughtered, all meat and meat products processed, and of the sanitary conditions at commercial plants.¹⁴⁶⁵ It is a violation of the act to sell, transport, offer for sale or transport or receive for transportation any meat or meat products which have not been inspected as required.¹⁴⁶⁶

Adulteration

It is also a violation of the act to adulterate meat or meat products or to sell, transport, offer for sale or transportation, or receive for transportation meat or meat products capable for use as human food that are adulterated.¹⁴⁶⁷ “Adulterated” is defined by specific reference to the federal law.¹⁴⁶⁸

Adulterated articles found by an inspector are to be marked as "inspected and condemned" and are to be destroyed, unless they can be rendered unadulterated by reprocessing.¹⁴⁶⁹

Misbranding

Misbranding is also a violation as is the sale, transport, offering for sale or transport or receiving for transport any misbranded meat or meat products.¹⁴⁷⁰ “Misbranding” is defined by

¹⁴⁶⁵ § 265.350.

¹⁴⁶⁶ § 265.442.1 (2).

¹⁴⁶⁷ § 265.442.1 (1), (3).

¹⁴⁶⁸ § 265.300(1).

¹⁴⁶⁹ §§ 265.370, 380.

¹⁴⁷⁰ § 265.442.1 (1), (3).

specific reference to the federal law.¹⁴⁷¹ The statute sets forth specific labeling requirements with regard to containers which must bear a statement of the ingredients, net weight or other measure of contents and the official inspection mark.¹⁴⁷² Labels must be approved before being used.¹⁴⁷³ Specific labeling requirements also apply to carcasses of horses, mules or other equines or meat or meat food products from such animals. These must be plainly and conspicuously identified.¹⁴⁷⁴

A related provision in the statutes prohibits the false or deceptive advertising of meat. These prohibitions apply to all retail sellers of meat.¹⁴⁷⁵

Enforcement

As mentioned above, inspectors may order the destruction of unwholesome or adulterated articles intended for human consumption, unless it can be rendered wholesome or unadulterated by reprocessing.¹⁴⁷⁶ When products are found to be misbranded, "stop-sale" orders may be issued and if the condition is not corrected, the articles may be seized and disposed of in a manner consistent with the public interest and safety.¹⁴⁷⁷

A violation of any of the provisions outlined above can result in the suspension or revocation of the license or the refusal of a license. Operation without the license is a criminal

¹⁴⁷¹ § 265.300(9).

¹⁴⁷² § 265.390.

¹⁴⁷³ § 265.400.

¹⁴⁷⁴ § 265.442.2.

¹⁴⁷⁵ §§ 265.490, -265.499.

¹⁴⁷⁶ § 265.370.

¹⁴⁷⁷ § 265.444.

offense.¹⁴⁷⁸

Locker Plants

Missouri has a separate statute dealing with the regulation of locker plants for the storage of food, including meat. This statute requires an annual license from the Department of Agriculture and semi-annual inspections of the facilities.¹⁴⁷⁹ No license will be issued if the facilities are in unsanitary, unclean condition. Moreover, they must be maintained in clean and sanitary condition at all times.¹⁴⁸⁰ Temperatures in the plant must be maintained at specified levels.¹⁴⁸¹ Failure to properly comply with the provisions of the statute can result in revocation or suspension of the license to operate.¹⁴⁸²

Food Regulation

The Missouri Food, Drug and Cosmetic Act gives the Department of Health authority to regulate food, that is, any articles used for food or drink, chewing gum and components of these articles.¹⁴⁸³ The regulations issued under the state law cannot be more rigid or stringent than those of the federal law and the definitions and standards of the federal law are applicable for a given product or commodity.¹⁴⁸⁴

¹⁴⁷⁸ §§ 265.450, 265.460.

¹⁴⁷⁹ §§ 196.455, 196.465 (1933).

¹⁴⁸⁰ § 196.480.

¹⁴⁸¹ § 196.485.

¹⁴⁸² § 196.515.

¹⁴⁸³ §§ 196.010.1 (7) (defining food); 196.045 (giving regulatory authority).

¹⁴⁸⁴ § 196.050.

Inspection

The Department of Health is given access to all factories, warehouses or establishments where food is manufactured, processed, packed or held for introduction into commerce and to any vehicles used to transport food for the purpose of inspecting the premises or vehicle and to take samples for examination and analysis for purposes of enforcing the provisions of the act.¹⁴⁸⁵ It is a violation under the act to refuse to permit entry or inspection or to permit the taking of samples.¹⁴⁸⁶

Adulteration

The act prohibits the adulteration of food as well as the manufacture, sale, delivery, holding or offering for sale, receipt in commerce, or proffered delivery for pay or otherwise, of any adulterated food.¹⁴⁸⁷ Food is deemed to be adulterated under twelve specified circumstances which, generally, track the federal definition.¹⁴⁸⁸ The Missouri statute adds a special provision with reference to the use of poisonous or deleterious substances in the production of foods and indicates that if such substances cannot be avoided or are required by good manufacturing practice, the Department of Health may set limits on the quantity of any such substance which may be tolerated in or on different articles of food.¹⁴⁸⁹

¹⁴⁸⁵ § 196.055.

¹⁴⁸⁶ § 196.015 (6).

¹⁴⁸⁷ § 196.015 (1)- (3).

¹⁴⁸⁸ § 196.070.

¹⁴⁸⁹ § 196.085.

Misbranding

Misbranding of food is also prohibited by the act. The manufacture, sale, delivery, holding or offering for sale, receipt in commerce or the proffered delivery for pay or otherwise, of any misbranded food is also unlawful. Misbranding is defined consistently with the federal act.¹⁴⁹⁰ Specific labeling requirements are included relating to the name and business location of the manufacturer, the quantity and ingredients.¹⁴⁹¹ If an article is alleged to be misbranded because the label is misleading, the extent to which the label fails to reveal material facts is to be taken into account.¹⁴⁹² A separate section prohibits the false advertisement of food.¹⁴⁹³ An advertisement of food is considered false if it is false or misleading in any material respect.¹⁴⁹⁴

Special provisions prohibit the false representation of food or food preparation to be kosher and details the requirements for the preparation of food represented to be kosher.¹⁴⁹⁵

Horse or mule meat must be labeled as such.¹⁴⁹⁶ Goat meat may be sold if labeled as goat meat or chevon.¹⁴⁹⁷ Mixed flour, meal, grits or hominy made from admixtures or adulteration of grains must be clearly labeled.¹⁴⁹⁸

¹⁴⁹⁰ § 196.075.

¹⁴⁹¹ § 196.075.

¹⁴⁹² § 196.010.2.

¹⁴⁹³ § 196.015 (5).

¹⁴⁹⁴ § 196.120.

¹⁴⁹⁵ § 196.165.

¹⁴⁹⁶ § 196.150.

¹⁴⁹⁷ § 196.160.

¹⁴⁹⁸ § 196.170.

Enforcement

The department is authorized to detain or embargo any article of food believed to be adulterated or misbranded and petition the circuit court for an order for condemnation and, if granted, to destroy the condemned food article or to sell it for non human use. If the adulteration or misbranding can be corrected, upon the posting of a bond, the article may be delivered to the owner with costs and expenses to be paid by the owner.¹⁴⁹⁹

If the department finds meat, seafood, poultry, vegetables, fruit or other perishable articles which are unsound, contain any filthy, putrid or decomposed substance, or are poisonous or deleterious to health or otherwise unsafe, the department may destroy the articles immediately. If the owner objects, a detention order may be issued and a condemnation order obtained from the circuit court.¹⁵⁰⁰

Prosecuting attorneys are to render assistance to the Department when called upon.¹⁵⁰¹ Injunctions may be obtained to restrain violations of the act.¹⁵⁰² Criminal penalties are authorized for violations as well.¹⁵⁰³ The department is not required to report for prosecution what is deemed to be minor violations but may issue suitable notices or warnings.¹⁵⁰⁴

In some cases the department may use permit requirements to assist in carrying out the provisions of the act. These may be applicable if contamination with microorganisms during

¹⁴⁹⁹ § 196.030.

¹⁵⁰⁰ § 196.030.4.

¹⁵⁰¹ § 196.035.

¹⁵⁰² § 196.020.

¹⁵⁰³ § 196.025.

¹⁵⁰⁴ § 196.040.

manufacture, processing, or packing is possible and if this could be injurious to health and could not be determined once the article enters commerce.¹⁵⁰⁵

Sanitation in Food Handling Establishments

The Department of Health is charged with responsibility with regulating all premises used in the preparation for sale, manufacture, packing, storage or distribution of food. This includes restaurants, markets, bakeries, and any other place where food is handled. The primary concern is with the sanitary conditions of the premises, the equipment and utensils used in food preparation, and the health and operating methods of all employees and others who handle food.¹⁵⁰⁶ The department is given broad authority to close any such establishment if it constitutes a menace to the public health because of dirt, filth or other insanitary cause.¹⁵⁰⁷

Soft Drinks and Beverages

The Department of Health also regulates the manufacture, production and distribution of soft drinks and beverages, except malt beverages.¹⁵⁰⁸ Licenses are required for manufacturers and distributors and inspection of sanitary conditions is mandatory.¹⁵⁰⁹ Sanitary requirements for containers and specific labeling requirements are included.¹⁵¹⁰ The use of impure ingredients is prohibited.¹⁵¹¹

¹⁵⁰⁵ § 196.080.

¹⁵⁰⁶ §§ 196.190 - 196.271.

¹⁵⁰⁷ § 196.240.

¹⁵⁰⁸ §§ 196.365 - 196.445.

¹⁵⁰⁹ §§ 196.370, 196.375.

¹⁵¹⁰ §§ 196.415, 196.420.

¹⁵¹¹ § 196.400.

Missouri Dairy Law

The Missouri Manufacturing Milk and Dairy Market Testing Law establishes a state milk board to oversee the production, manufacture and sale of dairy products including milk, butter and cheese. The operating functions are carried out by the Department of Agriculture.¹⁵¹² The Department of Agriculture also regulates imitation butter.¹⁵¹³ The Department of Health retains responsibility for regulating the manufacture and sale of ice cream and related frozen food products.¹⁵¹⁴

Milk and Milk Products

Under the dairy law, standards of quality and purity for milk and dairy products are to be maintained. The regulations are to be equal or superior to those of the USDA.¹⁵¹⁵ The state is authorized to contract with USDA regarding the inspection of manufacturing milk plants and the grading of products.¹⁵¹⁶

The dairy board is authorized to inspect dairy farms and dairy manufacturing plants and to license dairy manufacturing plants, milk graders, fieldmen and bulk milk truck operators.¹⁵¹⁷ The board is granted access to all dairy farms producing or manufacturing milk, dairy manufacturing plants and dairy receiving stations as well as to all equipment and vehicles used in

¹⁵¹² §§ 196.520 - 196.610; *see also* §§ 196.931 - 196.959.

¹⁵¹³ § 196.810.

¹⁵¹⁴ §§ 196.856 - 196.895.

¹⁵¹⁵ § 196.530.

¹⁵¹⁶ § 196.612.

¹⁵¹⁷ § 196.540.

handling milk and milk products to the point of sale.¹⁵¹⁸ The board is authorized to take samples of milk and milk products for testing purposes.¹⁵¹⁹

The statute prohibits the sale, offering for sale or exposing for sale or delivery of manufacturing milk or any dairy product made from manufacturing milk which are produced from cows with disease deleterious to man or detrimental to milk quality or from cows that have been fed or been in contact with any substance that is unhealthful or that may produce unhealthful, impure or unwholesome milk. Also prohibited is the handling of the milk or dairy products by any person with an infectious or contagious disease or their production in unhealthy or unsanitary surroundings or held in unclean or unsanitary containers. Adulteration by adding any unauthorized substance is also unlawful.¹⁵²⁰ Illegal dairy products may be condemned.¹⁵²¹

Fluid milk which is to be pasteurized and sold to the final consumer as graded fluid milk and fluid milk products are subject to separate inspection requirements.¹⁵²² Filled milk, butter substitutes and cheese are subject to labeling requirements and other regulation by the Department of Agriculture.¹⁵²³

Ice Cream and Frozen Food

Ice cream and related frozen food products such as ice milk, sherbet and frozen custard as

¹⁵¹⁸ § 196.555.

¹⁵¹⁹ § 196.565.

¹⁵²⁰ § 196.545.

¹⁵²¹ § 196.570.

¹⁵²² § 196.935.

¹⁵²³ §§ 196.695 - 196.810.

well as imitation products such as mellorine, are subject to regulation by the Department of Health.¹⁵²⁴ A manufacturer's license is required and minimum standards of sanitation must be observed.¹⁵²⁵ Labeling requirements are also outlined in the statute.¹⁵²⁶

Egg Regulation

The Department of Agriculture is responsible for the regulation of the sale of eggs in Missouri.¹⁵²⁷ The regulatory approach is to require a license of all persons who are engaged in buying, selling, trafficking in or processing eggs.¹⁵²⁸ Exempt from the licensing requirement are those who sell eggs produced only by their own flocks at the premises of the producer; hotels and restaurants and other eating places; hatcheries; and bakeries, confectionaries and ice cream manufacturers purchasing eggs for use in their products.¹⁵²⁹

Standards of cleanliness and sanitation must be observed at all such facilities and inspections by the department are authorized to assure compliance.¹⁵³⁰

Standards for grades of eggs and size and weight designations are to be no lower than those of USDA.¹⁵³¹ Inedible eggs cannot be sold or handled.¹⁵³² Specific labeling requirements

¹⁵²⁴ §§ 196.851 - 196.895.

¹⁵²⁵ §§ 196.866, (licensing requirement); 196.872 (sanitary regulations).

¹⁵²⁶ § 196.886.

¹⁵²⁷ § 196.354.

¹⁵²⁸ § 196.316.

¹⁵²⁹ § 1906.313.

¹⁵³⁰ § 196.341.

¹⁵³¹ § 196.321.

¹⁵³² § 196.323,

are also outlined in the statute.¹⁵³³

In addition to the suspension or revocation of the license, the department may issue stop sale orders and institute condemnation proceedings in circuit court to enforce the provisions of the statute.¹⁵³⁴ Injunctive relief may be sought to restrain violations.¹⁵³⁵ Violations are a misdemeanor.¹⁵³⁶

¹⁵³³ §§ 196.326 to 196.336.

¹⁵³⁴ §§ 196.351 (license suspension or revocation); 196.346 (stop sale orders); 196.348 (condemnation).

¹⁵³⁵ § 196.357.

¹⁵³⁶ § 196.361.