

**FOOD SAFETY**  
**State and Federal Standards and Regulations**

***New Jersey***

**1999**

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## NEW JERSEY

### Food and Drugs

#### Definitions

- (1) “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.
- (2) “Package” or “container” means wrapper, case, basket, hamper, can, bottle, jar, tube, cask, vessel, tub, firkin, keg, jug, barrel, or other receptacles, but the word, “package” shall not include open containers which permit a visual and physical inspection by the purchaser at retail, nor bags and other receptacles which are filled in the presence of the purchaser at retail.
- (3) “Label” means a display of written, printed, or graphic matter upon the immediate container of any article; and a requirement made by or under authority of Subtitle I that any word, statement or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any there be, of the retail package of such article, or is easily legible through the outside container or wrapper. The term “immediate container” does not include package liners.
- (4) “Labeling” means all labels and other written, printed or graphic matter (1) upon an article or any of its containers or wrappers, or (2) accompanying such article.<sup>1739</sup>
- (5) “Misbranded” applies to all articles of food and to articles which enter into the

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<sup>1739</sup> N.J. STAT. ANN. § 24:1-1 (West 1997 & Supp. 1998).

composition of foods, the package of which shall bearing any statement or design which is false or misleading in any aspect, and to food which is falsely branded as to the State, territory or country in which it is manufactured or produced.<sup>1740</sup>

- (6) “State Department” means the “State Department of Health.”
- (7) The term “Federal Act” means the Federal Food, Drug and Cosmetic Act (Title 21, U.S.C. 301 et seq.: 52 Stat. 1040 et. seq.).<sup>1741</sup>

### **Enforcement Agencies**

The State Department is charged with the execution and enforcement of provisions of the Food and Drug Subtitle of the New Jersey Code. It makes and publishes all rules and regulations for the enforcement of the Subtitle. The State Department is authorized to adopt regulations promulgated under the Federal Act.<sup>1742</sup> Local boards of health also enforce provisions of the Food and Drug Subtitle within their jurisdictions.<sup>1743</sup> The state board as well as local boards may appoint inspectors.<sup>1744</sup>

### **Inspection – Samples**

The State Department, local board and any of their officers or employees have full access to any premises, container or conveyance used in the production, preparation, manufacture, packing, storage, transportation, handling, distribution or sale of any food and may inspect any

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<sup>1740</sup> § 24:5-16

<sup>1741</sup> § 24:1-1.

<sup>1742</sup> § 24:2-1.

<sup>1743</sup> § 24:2-2.

<sup>1744</sup> §§ 24:2-3, 24:2-4.

premises, place or conveyance for compliance with sanitary requirements. The inspection entails the examination and opening of any package or container which is believed to contain any food manufactured, sold, or exposed for sale in violation of any provision of the Food and Drug Subtitle and the taking of samples for analysis.<sup>1745</sup>

Every person who distributes, sells, or offers for distribution or sale, or has in his possession with intent to distribute or sell, any food, must upon request and tender of the value, deliver to the department a requested sample.<sup>1746</sup> If the requested sample is not promptly tendered, the department may take as much of the food as it needs by tendering to the person in charge what it deems to be the reasonable value.<sup>1747</sup>

### **Condemnation and Destruction of Food**

Any food, not in transit from one state to another, that is available for sale, or is intended for distribution or sale in violation of any provision of the Food and Drug Subtitle, may be confiscated by a summary proceeding.<sup>1748</sup> Upon the filing of a complaint, the court may issue a warrant directing the sheriff or other peace officer to seize and take the article described in the complaint. Also, the court may summon the person named in the warrant, and any other person who may be found in possession of the article, to appear at a specified time and place.<sup>1749</sup>

In the hearing if it appears that the article was offered, possessed, or intended for

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<sup>1745</sup> § 24:3-1.

<sup>1746</sup> § 24:3-2.

<sup>1747</sup> § 24:3-3.

<sup>1748</sup> § 24:4-1.

<sup>1749</sup> § 24:4-5.

distribution or sale in violation of the Food and Drug Subtitle, the article will be confiscated and disposed of by destruction or sale. However, no article shall be sold contrary to any provision of the Food and Drug Subtitle. Proceeds from a sale, less the legal costs and charges, shall be paid to the State Department for the State treasury, or to the local board for the use of the municipality.<sup>1750</sup>

When articles seized are not injurious to health and can be properly marked or branded, the court may order such articles delivered to the owner upon the payment of the costs of the proceeding and the execution of a bond.<sup>1751</sup>

The State Department or local board shall condemn any food of a perishable nature and destroy or dispose of it in a way to prevent its use as human food , whenever the food is found to be:

- (1) exposed or offered for sale, or had in possession with intent to sell, in violation of any provision of the Food and Drug Subtitle; or
- (b) in a state of rotteness or putrefaction, or in any condition which renders it unwholesome or unfit for use as human food.<sup>1752</sup>

Whenever an agent of the State Department or of a local board of health finds, or has probable cause to believe, that any food is adulterated or so misbranded as to be dangerous or fraudulent, he shall affix to such food a tag or other appropriate marking. Such tag gives notice that the food is, or is suspected of being, adulterated or misbranded and has been detained or

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<sup>1750</sup> § 24:4-9.

<sup>1751</sup> § 24:4-10

<sup>1752</sup> § 24:4-11.

embargoed. Moreover, the notice must warn all persons not to remove or dispose of the article by sale or otherwise until permission for removal or disposal is given by such agent or the court. It is unlawful for any person to remove or dispose of such detained or embargoed food by sale or otherwise without such permission.<sup>1753</sup>

### **Food Bank Good Samaritan Act**

This act provides immunity from liability to any donor or gatherer of prepared or perishable food who gives it to a non-profit organization. The immunity applies to any civil action or criminal prosecution for injury or death due to the condition of the food, unless the injury or death is the direct result of the gross negligence, recklessness, or knowing misconduct of the donor or gatherer. The immunity applies as long as the food appears to be fit for human consumption at the time of donation. The purpose of the immunity is to encourage the distribution of food to the poor by non-profit organizations – the belief being that fear of culpability, should an accident occur, might discourage such charitable ventures.<sup>1754</sup>

### **General Adulteration and Misbranding of Foods**

No person shall distribute, sell, or manufacture for distribution or sale, or have in his possession with intent to distribute or sell, any food which is adulterated or misbranded.<sup>1755</sup> However, no dealer shall be prosecuted for adulteration or misbranding of any food if the food is in the original, unbroken package and he can establish a guarantee signed by the person from whom he purchased the same:

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<sup>1753</sup> § 24:4-12.

<sup>1754</sup> § 24:4A-1 *et seq.*

<sup>1755</sup> § 24:5-1.

- (a) that as a resident of the State, the food is not adulterated or misbranded within the meaning of the Food and Drug Subtitle; or
- (b) that as a nonresident of the State residing in the United States, the food is not adulterated or misbranded within the meaning of an Act of Congress entitled “An act to prohibit the movement in interstate commerce of adulterated and misbranded food...and for other purposes,” approved June 25, 1938, and the supplements and amendments thereto.<sup>1756</sup>

However, no guarantee that any food is not adulterated or misbranded within the meaning of the federal legislation can exempt any dealer from prosecution unless the requirements of the Federal legislation is identical to the Food and Drug Subtitle requirements.<sup>1757</sup>

No food shall be deemed adulterated or misbranded when specially prepared for export to any foreign country:

- (a) if the food is prepared and packed according to the specifications of the foreign purchaser; and
- (b) if no substance is used in the preparation or packing of the food which is prohibited by the laws of the foreign country to which the food was prepared for export; and
- (c) if the article is labeled on the outside of the shipping package to show that it is intended for export.

If such food shall later be sold or offered for sale within the United States, then all the

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<sup>1756</sup> § 24:5-2.

<sup>1757</sup> § 24:5-5.

provisions of the Food and Drug Subtitle with regard to adulteration and misbranding shall apply.<sup>1758</sup>

Food is deemed adulterated:

- (1) if 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 such food shall not be considered adulterated if the quantity of such substance in such food does not ordinarily render it injurious to health;
- (2) if it bears or contains any added poisonous or added deleterious substance which is unsafe within the meaning of regulations promulgated by the Department of Health limiting the quantity to such extent as the Department of Health of the State of New Jersey finds necessary for the protection of the public health;
- (3) if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for food;
- (4) if it has been produced, prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;
- (5) if it is in whole or in part the product of an animal which has not been inspected, and the meat of such animal passed as fit for food:
  - (a) by an official federal inspector; or
  - (b) by such officer or person as shall be qualified for such purpose in accordance with, and in such manner as shall be prescribed by, regulation

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<sup>1758</sup> § 24:5-6

adopted by the State department, if such inspection is required by such regulations, or if it is in whole or in part the product of an animal which has died otherwise than by slaughter; or

- (6) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;
- (7) if during the course of its processing, it has been exposed to, or treated with, ionized radiation, except this does not apply to any spice;
- (8) if any valuable constituent has been in whole or in part omitted or abstracted therefrom;
- (9) if any substance has been substituted wholly or in part therefor;
- (10) if damage or inferiority has been concealed in any manner;
- (11) if any substance has been added to or mixed or packaged with the food 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;
- (12) if it falls below the standard of purity, quality or strength which it purports or is represented to possess; or
- (13) if it bears or contains a coal-tar color other than one from a batch that has been certified under the federal act.<sup>1759</sup>

Confectionery is deemed adulterated if it bears or contains any alcohol, or non-nutritive article or substance except harmless coloring, harmless flavoring, harmless resinous glaze not in

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<sup>1759</sup> § 24:5-8.

excess of 4/10 of 1%, and natural gum and pectin.<sup>1760</sup> Anyone who sells confectionery that contains more than ½ of 1% alcohol rendered unfit for beverage purposes to a person under the legal age for purchasing alcoholic beverages is guilty of a disorderly persons offense. Any confectionery manufactured in New Jersey that contains more than ½ of 1% alcohol rendered unfit for beverage purposes shall bear a label containing the statement: “Sale of this product to persons under the legal age for purchasing alcoholic beverages is unlawful.”<sup>1761</sup>

No person shall sell, offer or expose for sale, or have in his possession with intent to distribute or sell, any food intended for internal use, which contains methyl or wood alcohol. Violators are liable for a penalty of one hundred dollars for the first offense, two hundred dollars for the second offense, and three hundred dollars for the third and each subsequent offense.<sup>1762</sup>

No person shall distribute sell or have in his possession with intent to distribute or sell any meat or meat product which contains sodium sulphite, sodium bisulphite, or any drug, chemical, chemical compound or preservative, from which sulphur dioxide can be liberated.<sup>1763</sup>

### **Food Misbranding**

Foods are deemed to be misbranded:

- (1) if its labeling is false or misleading in any particular;
- (2) if it is offered for sale or distributed under the name of another food;
- (3) if it is an imitation of another food, unless its label bears, in type of uniform size

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<sup>1760</sup> § 24:5-9.

<sup>1761</sup> § 24:5-9.1.

<sup>1762</sup> § 24:5-13.

<sup>1763</sup> § 24:5-14.

and prominence, the word “imitation” and immediately thereafter, the name of the food imitated;

- (4) if its container is so made, formed, or filled as to be misleading;
- (5) if in package form, unless it bears a label or tag containing the name and place of business of the manufacturer, packer, or distributor;
- (6) if 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;
- (7) if 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; or
- (8) if 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.<sup>1764</sup>

Foods which are in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantities at establishments other than those where originally processed or packed shall be exempted from the labeling and packaging requirements of the Food and Drugs Subtitle provided that such foods are not adulterated or misbranded upon removal from

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<sup>1764</sup> § 24:5-17.

such processing, labeling or repacking establishment.<sup>1765</sup>

### **Standards of Purity, Quality and Strength**

No person shall distribute or sell or offer or expose for sale, or have in his possession with intent to sell, or manufacture for distribution or sale, any food which differs in purity, quality or strength from the standards adopted by the State Department of Health.<sup>1766</sup>

### **Refrigerated Warehouses and Locker Plants**

Any person planning the initial or continual operation of a refrigerated warehouse or locker plant must apply in writing to the State department. The department will examine the sanitary condition of the plant and if found to be in a sanitary condition or otherwise properly equipped, shall issue a license.<sup>1767</sup>

Licensed refrigerated warehouses may be required to report the quantity of each and every food product stored on its premises.<sup>1768</sup> When any part of a licensed refrigerated warehouse is deemed to be in an insanitary condition, the licensee is notified by the department. If the licensee fails to correct the problem, the department shall prohibit use of the warehouse until it is put in a sanitary condition.<sup>1769</sup>

No food article can remain in any refrigerated warehouse beyond the time when it is

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<sup>1765</sup> § 24:5-18.2.

<sup>1766</sup> § 24:6-3

<sup>1767</sup> § 24:9-22

<sup>1768</sup> § 24:9-24

<sup>1769</sup> § 24:9-25.

sound, wholesome and fit to remain in storage.<sup>1770</sup> If any food article is held in a refrigerated warehouse for a period of longer than twenty-four calendar months, and the owner of such food cannot be located, warehouse officials can order the disposition and sale of the food.<sup>1771</sup> No articles once released from storage in a refrigerated warehouse and placed on the market for sale to consumers, shall again be placed in a refrigerated warehouse.<sup>1772</sup> Articles of food may be transferred from one refrigerated warehouse to another so long as such transfer is not made for purposes of evading any provisions of the act.<sup>1773</sup> No articles shall be placed, received or kept in a refrigerated warehouse unless it is in an apparently pure and wholesome condition.<sup>1774</sup>

### **Dairy Products**

No person shall operate a milk plant and no person shall operate as a bulk milk hauler distributing or selling milk to milk plants without first obtaining a permit from the Department of Health.<sup>1775</sup> Permits are restricted to either (a) milk and fluid milk products for fluid or manufacturing purposes, or (b) milk and fluid milk products for manufacturing purposes.<sup>1776</sup> Before issuing permits, the department must be satisfied after inspection that the milk and fluid milk products are of the standard and quality required, that no unapproved milk or fluid milk products are allowed to enter a milk plant from which milk or fluid milk products are distributed,

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<sup>1770</sup> § 24:9-26.

<sup>1771</sup> § 24:9-27.

<sup>1772</sup> § 24:9-28.

<sup>1773</sup> § 24:9-29.

<sup>1774</sup> § 24:9-30.

<sup>1775</sup> § 24:10-57.2

<sup>1776</sup> § 24:10-57.3

sold or held for sale in New Jersey.<sup>1777</sup> Permits may be revoked following violations of the act.<sup>1778</sup>

The department, whenever it shall ascertain that milk, milk products or fluid milk products are produced for distribution or sale in violation of any provision of the act, shall notify the local board having jurisdiction which will then prohibit the distribution or sale of the milk or milk products.<sup>1779</sup> Inspections may be made by the department or by any local board of health or other agency certified as qualified to conduct inspections.<sup>1780</sup>

Laboratories which perform bacteriological or other tests associated with milk, milk products or fluid milk products for a health officer or local board of health, shall utilize methods, techniques, qualified personnel and laboratory facilities, approved by the Department of Health.<sup>1781</sup>

No unpasteurized milk or cream can be sold, offered for sale, or distributed to the ultimate consumer.<sup>1782</sup> No milk products nor fluid milk products shall be manufactured, shipped, transported, or imported for use or sale within New Jersey unless the milk and fluid milk products are pasteurized before or during manufacture; however, this does not apply to cheese which has been kept for at least 60 days after manufacture at a temperature no lower than 35

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<sup>1777</sup> § 24:10-57.6

<sup>1778</sup> § 24:10-57.8

<sup>1779</sup> § 24:10-57.12

<sup>1780</sup> § 24:10-57.13

<sup>1781</sup> § 24:10-57.16

<sup>1782</sup> § 24:10-57.17

degrees Fahrenheit.<sup>1783</sup>

The general sanitary conditions of any dairy farm, milk plant or milk depot and its immediate surroundings, the health of the dairy animals, the health and habits of the personnel employed, and the methods, facilities and equipment used in the production, handling, collection, processing, transporting or storage of milk, milk products and fluid milk products must be such as to insure a safe supply.<sup>1784</sup> Apparatus, containers, equipment and utensils used in the production, handling, collecting, storage, processing or transporting of milk, milk products, fluid milk products or other wholesome beverages acceptable to the department and local boards of health, shall not be used for any other purpose.<sup>1785</sup>

All containers of fluid milk products intended for sale to consumers must be marked with a “NOT TO BE SOLD AFTER” or “SELL BY” legend. No milk product shall be sold or offered for sale after 11:59 p.m. of the date appearing on the container.<sup>1786</sup>

Any milk, milk product or fluid milk product which fails to meet the minimum requirements set forth in the act shall not be sold, offered or exposed for sale, distributed or held in possession with intent to sell or distribute; however, such milk, milk product or fluid milk product may be used in manufacturing food for human consumption if acceptable to the department and local boards of health having jurisdiction.<sup>1787</sup> No person having the possession or

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<sup>1783</sup> § 24:10-57.18

<sup>1784</sup> § 24:10-57.21

<sup>1785</sup> § 24:10-57.22

<sup>1786</sup> § 24:10-57.23

<sup>1787</sup> § 24:10-57.26.

care of any milk which is intended for distribution or sale for human consumption shall permit it to be exposed to or contaminated by the emanations, discharges or exhalations from a person known to be infected with a contagious disease.<sup>1788</sup>

## **Eggs**

A license issued by the State department is required for the operation of an establishment where the business of breaking eggs is carried on.<sup>1789</sup> No establishment for the breaking of eggs shall continue to be operated after revocation of a license by the department.<sup>1790</sup>

No egg shall be broken for use as food:

- (a) which has decomposed to such an extent that it has a putrefactive odor and is graded as “rots;” or
- (b) which is wholly or partially decomposed, moldy, or sour, or which is partially hatched, contains blood rings or veins, or in which the yolk is broken, and is therefore, of that graded as “spots.”<sup>1791</sup>

Any broken eggs of the grades commonly known as “rots” or “spots” must be in a package or container which is plainly and legibly marked on at least two sides with the words “Rots and spots, unfit for food,” in solid black letters.<sup>1792</sup> Eggs broken for manufacturing purposes shall be denatured at the time of breaking with some substances which will make their

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<sup>1788</sup> § 24:10-57.28.

<sup>1789</sup> § 24:11-1

<sup>1790</sup> § 24:11-2

<sup>1791</sup> § 24:11-3

<sup>1792</sup> § 24:11-4.

use for food impossible. Such eggs shall be plainly and legibly labeled on the package or container with the words “For manufacturing purposes only.”<sup>1793</sup>

The state department shall inspect every place where eggs are broken, stored, had in possession with intent to sell, or sold.<sup>1794</sup> No person shall knowingly distribute, sell, receive, accept, import or export any eggs for human consumption which have been removed from incubators used for hatching purposes unless such eggs have been broken, crushed, or smashed and then denatured with kerosene, creolin or other substance approved of by the State Department of Health.<sup>1795</sup>

## **New Jersey Meat and Poultry Inspection Act**

### **Definitions**

- ! “Animal” means cattle, poultry, sheep, swine, goats, horses or other equines, and such other animals as the board may designate.
- ! “Animal food manufacturer” means any person engaged in the business of manufacturing or processing animal food derived wholly or in part from carcasses, or parts or products of the carcasses, of animals for purposes other than for use as human food except as otherwise provided for by law or exempted by regulation prescribed by the board.
- ! “Board” means the State Board of Agriculture, Department of Agriculture, State of New Jersey.
- ! “Carcasses” means bodies or any part or portion of dead animals.

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<sup>1793</sup> § 24:11-5.

<sup>1794</sup> § 24:11-6

<sup>1795</sup> § 24:11-7

- ! “Disposal plant” means a place of business or a location where the carcasses of animals or meat-packing house refuse are received or unloaded and where such carcasses or refuse either are processed for the purpose of obtaining the hide, skin, grease, residue, fertilizer, food for animals or any other by-product from said animals or refuse, in any way whatsoever, or are fed to hogs, dogs, fur-bearing or other animals.
- ! “Federal Meat Inspection Act” means the act so entitled approved March 4, 1907 (34 Stat. 1260), as amended by the Wholesome Meat Act (81 Stat. 584), and acts amendatory thereof or supplementary thereto, including those hereafter enacted.
- ! “Handler-distributor” means a person who engages in the business of buying, selling or distributing, storing or transporting any animal carcass, or part thereof, or meat or meat food product intended for use as human food.
- ! “Inspector” means an employee or agent of the Department of Agriculture authorized to inspect animals or carcasses, meat or meat food products.
- ! “Meat” means any edible part of the carcass of any animal.
- ! “Meat food product” means any article of food, or any article intended for use as human food, which is derived or prepared from any portion of any animal.
- ! “Official inspection mark” means any symbol, formulated pursuant to rules and regulations stating that an article was inspected and passed.
- ! “Packing” means the activity of packaging or containing and labeling any animal carcass or meat or meat food product intended for use as human food.
- ! “Preparing” means the activity of slaughtering, canning, salting, rendering, boning, cutting-up or otherwise manufacturing or processing any animal carcass, meat or meat

food product intended for use as human food.

! “Processing” means the activity of preparing, canning, salting, freezing or otherwise manufacturing any animal carcass, meat or meat food product intended for use as human food.

! “Renderer” means any person engaged in the business of rendering carcasses or parts or products of animals.

! “Wholesome” means sound, healthful, clean and otherwise fit for human consumption.<sup>1796</sup>

The Secretary of Agriculture of the State of New Jersey shall authorize inspection and examination of animals, carcasses and parts thereof, meat and meat food products prepared in licensed establishments and of the sanitary conditions of licensed establishments and the manner of handling of carcasses and meat and meat food products by any licensee. Inspectors have access to every part of establishments at any time, whether the establishment is in operation or not.<sup>1797</sup> The State Board of Agriculture is authorized to prescribe rules and regulations for the disposition of animal carcasses in order to control contagious, infectious or communicable animal diseases and to protect the public health and welfare. Any person owning or having custody of an animal that has died must dispose of the carcass as mandated by the board. Secondary licensees must follow the same board regulations and conditions.<sup>1798</sup> The board can also prescribe the type and extent of disease or other physical condition that can render an animal

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<sup>1796</sup> § 24:16B-3.

<sup>1797</sup> § 24:16B-17.

<sup>1798</sup> § 24:16B-18.

unfit for use as food for animal consumption.<sup>1799</sup>

Antemortem inspection of animals by duly authorized inspectors are required prior to the entry of such animals into the slaughtering or processing areas of any licensed primary establishment.<sup>1800</sup> Any animal found to show symptoms of disease must be set apart and slaughtered separately from other animals and, when so slaughtered, the carcasses of said animal be carefully examined and inspected and then disposed of in accordance with the rules and regulations prescribed by the board.<sup>1801</sup>

The secretary shall cause a postmortem inspection of animal carcasses which are slaughtered in any licensed primary establishment. Upon inspection, such carcasses found to be unadulterated and wholesome shall be labeled, marked, stamped or tagged with the official inspection mark.<sup>1802</sup> No primary licensee shall permit or allow any animal carcass to be prepared, processed, packaged, shipped, sold or offered for sale unless it has been examined and inspected by an inspector and labeled, marked, stamped, or tagged with the official inspection mark.<sup>1803</sup>

All meat and meat food products shall be inspected during processing or preparation. Carcasses found to be unadulterated and wholesome shall be labeled, marked, stamped or tagged with the official inspection mark.<sup>1804</sup> No primary licensee shall permit or allow any meat or meat food product to be packaged, shipped, sold or offered for sale unless it has been examined and

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<sup>1799</sup> § 24:16B-19.

<sup>1800</sup> § 24:16B-20.

<sup>1801</sup> § 24:16B-22.

<sup>1802</sup> § 24:16B-24.

<sup>1803</sup> § 24:16B-25.

<sup>1804</sup> § 24:16B-26.

inspected by an inspector and labeled, marked, stamped or tagged with the official inspection mark or has been inspected and passed.<sup>1805</sup>

All animal carcasses, meat and meat food products, found to be unwholesome or adulterated shall be condemned and labeled, marked, stamped or tagged as “New Jersey Inspected and Condemned” by inspectors. All such carcasses inspected and condemned shall be destroyed for food purposes in the presence of the inspector. Articles which may, by reprocessing, be made wholesome and unadulterated need not be so condemned and destroyed if the articles are within a reasonable time reprocessed under the supervision of an inspector and then found to be wholesome and unadulterated by the inspector.<sup>1806</sup>

No primary licensee shall seal or enclose any carcass or meat or meat food product into any package or container unless such meat bears the official inspection mark or has been inspected and passed and is placed or packaged into the container under the supervision of an inspector.<sup>1807</sup>

No licensee shall sell, offer to sell or cause to be shipped any package or container which is falsely, deceptively or fraudulently labeled, mislabeled, misbranded, improperly labeled or which fails to comply in any respect with the rules and regulations prescribed by the board.<sup>1808</sup>

No primary licensee shall sell, offer for sale or cause to be shipped any adulterated, misbranded or unwholesome animal carcasses, parts thereof, meat or meat food products unless they are

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<sup>1805</sup> § 24:16B-27.

<sup>1806</sup> § 24:16B-28.

<sup>1807</sup> § 24:16B-32.

<sup>1808</sup> § 24:16B-35.

plainly and conspicuously labeled, marked, stamped or tagged as “New Jersey inspected and condemned.”<sup>1809</sup>

No handler-distributor shall knowingly accept for shipment, storage or distribution any adulterated, misbranded or unwholesome animal carcass, meat or meat food product unless they are plainly and conspicuously labeled, marked, stamped or tagged as “New Jersey inspected and condemned.”<sup>1810</sup>

Inspection of the slaughter or preparation of the carcasses or meat and meat food products at establishments conducting such operations shall not apply to:

- A. the slaughtering by any person of animals of his own raising, and the preparation by him and transportation of the carcasses, meat and meat food products of such animals exclusively for use by him, members of his household and his nonpaying guests or employees;
- B. the custom slaughter by any person of any animal delivered by the owner thereof for such slaughter, and the preparation by such slaughterer and transportation of the carcasses, meat and meat food products of such animals, exclusively for use, in the household of such owner, by the members of his household and his nonpaying guests and employees; provided that such custom slaughterer does not engage in the business of buying or selling of any carcasses, meat or meat food products of any animal;
- C. operations of types traditionally and usually conducted at retail stores and

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<sup>1809</sup> § 24:16B-36.

<sup>1810</sup> § 24:16B-37.

restaurants, when conducted at any retail store or restaurant or similar retail-type establishment for sale in normal retail quantities or service of such articles to consumers at such establishments;

- D. the slaughter of animals or the preparation of any carcasses or parts or products of such animals, which are not intended for use as human food, but such articles shall, prior to their offer for sale or shipment, unless naturally inedible by humans, be denatured or otherwise identified to deter their use for human food as prescribed by regulations of the board;
- E. any licensed establishment in which Federal inspection service is provided under the Federal Meat Inspection Act; or
- F. any licensed secondary establishment.<sup>1811</sup>

The slaughter of animals and preparation of articles referred to in paragraphs B, C, D and F must be conducted under prescribed sanitary conditions. Also, the adulterated and misbranding provisions apply to the above articles.<sup>1812</sup>

A food bank or a nonprofit organization that provides food to the needy, may accept the donation of and serve the meat of wild game animals, killed during the hunting season, if:

- a. the meat is prepared and packaged pursuant to the Wholesome Meat Act; and
- b. the package or container in which the meat is transported is labeled “not for sale.”<sup>1813</sup>

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<sup>1811</sup> § 24:16B-42.

<sup>1812</sup> *Id.*

<sup>1813</sup> § 24:16B-61.1

