

FOOD SAFETY

State and Federal Standards and Regulations

Utah

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UTAH

Meat and Poultry Products Inspection and Licensing

The Utah Department of Agriculture, acting through a Commissioner, administers the Meat and Poultry Products and Licensing Act, with the express purpose of equaling the inspection programs enforced under the Federal Meat Inspection Act and the Federal Poultry Products Inspection Act.²⁶¹⁹ Under the Act, the Department is to adopt by reference the rules and regulations of the federal act that the Commissioner considers appropriate.²⁶²⁰ This Act applies to livestock products, that is, those from cattle, domesticated elk, sheep, swine, goats and horses, mules or other equines.²⁶²¹ Poultry products are those from any domesticated bird.²⁶²²

One major regulatory aspect of the Act is to require a license or permit for all businesses that slaughter livestock, including farm custom slaughter.²⁶²³ Domesticated elk facilities are subject to special licensing requirements.²⁶²⁴ Except for elk, a person who raises livestock may slaughter those livestock without a permit if slaughtered on the premises of the owner, and the product is exclusively for that person, his immediate family, regular employees and nonpaying guests.²⁶²⁵ In addition, registration may be required for brokers, renderers, animal food manufacturers, wholesalers, public warehousemen of livestock and poultry products and anyone

²⁶¹⁹ UTAH CODE ANN. § 4-32-2 (1995 & Supp. 1998).

²⁶²⁰ § 4-32-7 (7)(a).

²⁶²¹ § 4-32-3 (17).

²⁶²² § 4-32-3(28).

²⁶²³ § 4-32-4.

²⁶²⁴ § 4-39-101 *et. seq.*

²⁶²⁵ § 4-39-4 (2).

buying, selling or transporting dead, dying, disabled or diseased livestock or poultry.²⁶²⁶

Inspection

The Department is mandated the responsibility of providing for antemortem and postmortem inspections of livestock and poultry and their products. Livestock and poultry products not prepared under the provided inspection proceeding may be prohibited or limited.²⁶²⁷ Products placed in containers must be sealed or enclosed under the supervision of an inspector.²⁶²⁸

Any person engaged in the slaughter business must permit inspection of the business premises and allow samples to be taken for analysis. If sanitary conditions at such premises allow adulteration of any livestock or poultry product, Department may refuse to provide inspection services.²⁶²⁹ The Department may refuse inspection services for any cause specified in the federal acts.²⁶³⁰

The Department may exempt from inspection requirements the slaughtering and processing of livestock and poultry by any person who raises these animals for his own use, members of his household, employees and nonpaying guests. Farm custom slaughter performed by a permittee may also be exempt from the inspection requirements.²⁶³¹ However, the sale or

²⁶²⁶ § 4-32-8 (7).

²⁶²⁷ § 4-32-7.

²⁶²⁸ § 4-32-15.

²⁶²⁹ §§ 4-32-7 (5)(c), (6).

²⁶³⁰ § 4-32-8 (2).

²⁶³¹ § 4-32-8 (13).

offering for sale of any uninspected livestock or poultry product is prohibited.²⁶³²

Adulteration

No livestock, poultry, livestock product or poultry product may be sold, transported, offered for sale or transportation or received for transportation if it has been adulterated. Any act that results in adulteration while being transported or held for sale is also prohibited.²⁶³³

Adulteration is defined in a manner consistent with the federal law. Margarine containing animal fat is adulterated if it contains any filthy, putrid or decomposed substance.²⁶³⁴

Misbranding and Labeling

Misbranding of products while being transported or held for sale is a violation. The sale, transportation, offering for sale or transportation, or receipt for transportation of any misbranded livestock, poultry, livestock product or poultry product is also prohibited.²⁶³⁵ Misbranding is defined in a manner consistent with the federal law. This includes requirements for marking with the official inspection legend. Representation that any livestock or poultry product has been upgraded, when it has not, is a violation.²⁶³⁶ Special provisions require that carcasses, meat or meat-food products from horses, mules or other equines be plainly and conspicuously marked and identified.²⁶³⁷

²⁶³² §§ 4-32-4 (6), 4-32-11(1)(b).

²⁶³³ § 4-32-11.

²⁶³⁴ § 4-32-3 (1).

²⁶³⁵ § 4-32-11.

²⁶³⁶ § 4-32-3 (20).

²⁶³⁷ § 4-32-13.

Enforcement

In addition to the licensing, permit and registration requirements and inspection procedures outlined above, the Department may enforce the provisions of the Act by not only refusing to provide inspection services, but by suspending or revoking the license of an operator of a slaughterhouse who fails to maintain required sanitation conditions or advertises or publicizes any false or misleading statements regarding livestock or poultry products.²⁶³⁸

Livestock or poultry products found to be adulterated or misbranded or that have not been inspected may be detained by the Department.²⁶³⁹ Products in violation may be seized, quarantined and condemned. If a hearing is requested, the Commissioner will conduct a hearing, and if the articles are condemned, they are to be destroyed or denatured. The Commissioner's decision is final.²⁶⁴⁰ The district courts are empowered to enforce the Act as may restrain violations.²⁶⁴¹

Food Regulations

Under the Utah Wholesome Food Act, the Department of Agriculture is charged with the responsibility of regulating all aspects of food processing and marketing. Regulations are to conform as far as practicable with federal regulations, and a number of federal regulations are specifically incorporated by reference. Pesticide chemical regulations, food additive regulations, color additive regulations, special dietary use regulations, and Fair Packaging and Labeling Act

²⁶³⁸ § 4-32-20.

²⁶³⁹ § 4-32-16.

²⁶⁴⁰ § 4-32-17.

²⁶⁴¹ § 4-32-10.

regulations are automatically adopted unless objections are received.²⁶⁴²

The Department may regulate food by requiring permits for manufacturers, processors or packers of any class of food that may, by reason of contamination with microorganisms during manufacture, processing or packaging, be injurious to health when the injurious nature cannot be determined after the article has entered commerce.²⁶⁴³

Inspections

The inspection of any factory, warehouse or establishment where food is manufactured, processed, packed or held for introduction into commerce, or any vehicle being used to hold or transport food is authorized. Samples may be obtained for analysis. Upon such inspections, the owner is to be presented a copy of any report setting forth any conditions or practices that indicate food is being held under unsanitary conditions or is adulterated. Copies of any analyses must also be provided.²⁶⁴⁴

Adulteration

The manufacture, sale, delivery, holding or offering for sale of adulterated food is prohibited, as is the adulteration of food.²⁶⁴⁵ Adulteration is defined in a manner consistent with the federal law. Special provisions relate to nonnutritive substances and the alcohol content in confectionery.²⁶⁴⁶

²⁶⁴² § 4-5-17.

²⁶⁴³ § 4-5-9.

²⁶⁴⁴ § 4-5-18.

²⁶⁴⁵ § 4-5-3 (1).

²⁶⁴⁶ § 4-5-7.

Misbranding and Labeling

Misbranding is prohibited. The manufacture, sale, delivery, holding or offering for sale of any misbranded food is also a violation.²⁶⁴⁷ Proper labeling is required, which, generally, means the labeling must conform to the Federal Fair Packaging and Labeling Act.²⁶⁴⁸ False advertising is also prohibited.²⁶⁴⁹

Enforcement

Food believed to be adulterated or misbranded in such a way to be dangerous or fraudulent may be detained and embargoed by the Department. A petition to the District Court that the food be condemned, if granted, results in a decree that the food be destroyed, unless the adulteration or misbranding can be corrected by proper processing or labeling. If so, it may be delivered to the owner upon payment of expenses and posting of a bond to assure compliance.²⁶⁵⁰

Perishable food found to be unsound, containing filthy, decomposed or putrid substances, poisonous, deleterious to health or otherwise unsafe, may be condemned or destroyed immediately.²⁶⁵¹

Flour and Cereal

Flour and cereal must conform to enrichment and fortification standards and labeling requirements adopted upon consideration of the U.S. Department of Health and Human Service

²⁶⁴⁷ § 4-5-3 (1)(a) - (b).

²⁶⁴⁸ §§ 4-5-3 (1)(c), 4-5-15.

²⁶⁴⁹ §§ 4-3-3 (1)(e), 4-5-16.

²⁶⁵⁰ § 4-5-5 (1) - (3).

²⁶⁵¹ § 4-5-5 (4).

standards.²⁶⁵²

Dairy

The Department of Agriculture is empowered to make rules under the Utah Dairy Act.²⁶⁵³

The Department also prescribes common standards to be followed if any local jurisdictions regulate dairy products, frozen dairy products, grade A milk, grade A milk products or milk.²⁶⁵⁴

A major regulatory approach of the Department is to require a license to operate a plant to manufacture butter or cheese, to pasteurize milk, to test milk, or to haul milk in bulk. A permit or certificate is required to produce milk and to market milk.²⁶⁵⁵ In addition, the sale of raw milk is prohibited, unless the producer holds a permit from the Department.²⁶⁵⁶ Milk and milk products produced on the farm and consumed by the owner or member of the immediate family are exempt from regulation.²⁶⁵⁷

Inspections

The Department is authorized to inspect any premises where dairy products are produced, manufactured, processed, altered or held for distribution.²⁶⁵⁸ Samples may be secured and

²⁶⁵² §§ 4-6-2, 4-6-3.

²⁶⁵³ § 4-3-2

²⁶⁵⁴ § 4-3-3.

²⁶⁵⁵ §§ 4-3-8(1)-(2), 4-3-10 (1)-(3).

²⁶⁵⁶ § 4-13-14 (a).

²⁶⁵⁷ § 4-3-13.

²⁶⁵⁸ § 4-3-4.

examined.²⁶⁵⁹ Refusal to allow sampling for testing is a violation.²⁶⁶⁰

Adulteration

The manufacture, distribution, sale, delivery, holding, storing or offering for sale of any adulterated dairy product is prohibited.²⁶⁶¹ Adulteration is defined in a manner similar to federal law.²⁶⁶²

Misbranding and Labeling

The manufacture, sale, distribution, delivery, holding, storing or offering for sale of any misbranded dairy product is prohibited.²⁶⁶³ This includes any filled milk labeled as milk or as a dairy product.²⁶⁶⁴ Raw milk must be properly labeled as such.²⁶⁶⁵ Misbranded is defined by specific reference to federal regulations related to packaging and labeling. Dairy products must bear the manufacturer's, packer's or distributor's name, address and plant number and information on common name, quantity and ingredients. Butter must be at least B grade and meet grades claimed on the package. Imitation butter must be labeled "margarine." Renovated butter must be labeled in specific ways. Nutritional claims, additives or adjustments in nutrients for any dairy product must be so labeled.²⁶⁶⁶

²⁶⁵⁹ § 4-3-5.

²⁶⁶⁰ § 4-3-10 (14).

²⁶⁶¹ § 4-3-10 (4).

²⁶⁶² § 4-3-1 (1).

²⁶⁶³ § 4-3-10 (4).

²⁶⁶⁴ § 4-3-10 (7).

²⁶⁶⁵ § 4-3-14 (1)(d).

²⁶⁶⁶ § 4-3-1 (10).

Enforcement

In addition to the inspection authority mentioned above, the Department may condemn or embargo any milk or dairy product that is adulterated, misbranded or otherwise produced or processed in violation of the Act. Equipment or containers found to be unclean or contaminated may be condemned or embargoed.²⁶⁶⁷

Licenses or permits may be revoked or suspended for violators.²⁶⁶⁸ The Department may apply for injunctions restraining violators.²⁶⁶⁹

Eggs

The Department of Agriculture is authorized to make and enforce rules related to the sale of eggs.²⁶⁷⁰ This includes the establishment of grades and standards of quantity, size and weight.²⁶⁷¹ The Act prohibits the sale, offering for sale, exposing for sale for human consumption of eggs that contain black spots, black rot, white rot, bloody yolks, adherent yolks, or bloody or green white (albumen). Also, a sign or label conforming to the standards for display and grade is required.²⁶⁷²

²⁶⁶⁷ § 4-3-6.

²⁶⁶⁸ § 4-3-9.

²⁶⁶⁹ § 4-3-12 (1).

²⁶⁷⁰ § 4-4-2.

²⁶⁷¹ § 4-4-1.

²⁶⁷² § 4-4-4.