

FOOD SAFETY

State and Federal Standards and Regulations

Vermont

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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

VERMONT

Much of Vermont's Pure Food and Drug Act was repealed in 1959 and 1977. The majority of remaining statutes address drugs rather than food. Several food provisions do remain however. It is unlawful to sell any food intended for internal use which contains methyl or wood alcohol.²⁶⁷³

Definitions

- ! "Food" means articles used for food or drink for man or other animals, chewing gum, and articles used for components of any such article.
- ! "Immediate container" does not include package liners.
- ! "Contaminated with filth" applies to any food not securely protected from dust, dirt, and as far as may be necessary by all reasonable means, from all foreign or injurious contaminations.
- ! "Federal Act" means the Federal Food, Drug and Cosmetic Act (Title 21, U.S.C. 301 et seq.; 52 Stat. 1040 et. seq.).²⁶⁷⁴

Prohibited Acts

The following acts are prohibited:

- (1) Manufacture, sale, or delivery any food that is adulterated or misbranded except where a person in good faith delivers or offers to deliver the food and furnishes shipping documents to the secretary.
- (2) Adulteration or misbranding of any food.

²⁶⁷³ VT. STAT. ANN. tit. 18 § 4024 (1982).

²⁶⁷⁴ § 4051.

- (3) Knowingly receiving in commerce any food which is adulterated or misbranded.
- (4) Refusal to permit during normal business hours entry to, inspection of or taking of a sample or access to or copying of any record at a food establishment.
- (5) Removal or disposal of a detained or embargoed food article.
- (6) Alteration, mutilation, destruction, obliteration or removal of the whole or any part of the labeling of a food or the doing of any other act with respect to a food, if the act is done while the food is held for sale and results in the food being adulterated or misbranded.
- (7) Forging, counterfeiting, simulating, falsely representing or using without proper authority any mark, stamp, tag, label or other identification device authorized or required under the act.²⁶⁷⁵

Adulterated Food

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 does not ordinarily render it injurious to health;
- (2) if it bears or contains any added poisonous or added deleterious substance which is unsafe;
- (3) if it consists in whole or in part of any filthy, putrid, or decomposed substance, or is otherwise unfit for food;
- (4) if it has been produced, prepared, packed or held under insanitary conditions

²⁶⁷⁵ § 4052.

whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

- (5) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;
- (6) if any valuable constituent has been in whole or in part omitted or abstracted therefrom;
- (7) if any substance has been substituted wholly or in part therefor;
- (8) if damage or inferiority has been concealed in any manner; or
- (9) if any substance has been added thereto or mixed or packaged therewith so as to increase its bulk or weight, or reduce its quality or strength or make it appear better or of greater value than it is.²⁶⁷⁶

Misbranded Food

A food is deemed misbranded:

- (1) if its labeling is false or misleading in any particular;
- (2) if it is offered for sale under the name of another food;
- (3) if it is an imitation of another food, unless its label bears, in prominent type of uniform size, 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 containing:
 - (i) the name and place of business of the manufacturer, packer, or distributor;

²⁶⁷⁶ § 4059.

and

- (ii) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count;
- (6) if it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by federal regulations, unless it conforms to such definition and standard, and its label bears the name of the food specified in the definition and standard, and, in so far as may be required by regulation, the common names of optional ingredients, other than spices, flavoring, and coloring present in such food;
- (7) if it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as necessary in order to fully inform purchasers as to its value for such uses;
- (8) if it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact; provided, that to the extent that compliance with the requirements of this paragraph is impracticable, exemptions shall be established by regulations promulgated.²⁶⁷⁷

Poisonous or Deleterious Substance

Any poisonous or deleterious substance added to any food, except where such substance is required in the production thereof or cannot be avoided by good manufacturing practice, shall be deemed to be unsafe.²⁶⁷⁸

²⁶⁷⁷ § 4060.

²⁶⁷⁸ § 4062.

Inspections

The board has free access at all reasonable hours to any factory, warehouse or establishment in which food is manufactured, processed, packed, or held for introduction into commerce, and may secure samples of any food after paying for or offering to pay for the sample.²⁶⁷⁹

Irradiated Foods

All fruits, vegetables, meats, poultry, eggs, dairy products and other natural and processed products offered for sale at retail or wholesale in Vermont for human or animal consumption which indicate that they have been subjected to an irradiation process shall be labeled “Treated with radiation.”²⁶⁸⁰

Eggs

- (1) “Candling” means the process by which the apparent condition of the egg is determined by holding and twirling the egg before a bright light.
- (2) “Individual shell eggs” means those eggs which are a product of the domesticated chicken hen and which are in the shell.
- (3) “Shell protected eggs” means eggs which have a protective covering applied to the surface of the egg.
- (4) Eggs are deemed to be “fresh” which meet the requirements of United States or Vermont grade A as determined by the United States Department of Agriculture or the Commissioner of agriculture, food and markets. The final determination as

²⁶⁷⁹ § 4070.

²⁶⁸⁰ VT. STAT. ANN. tit. 6, § 201.

to eggs meeting requirements is made by candling.²⁶⁸¹

The terms “fresh eggs,” “strictly fresh eggs,” “henery eggs,” “new-laid eggs,” “farm fresh eggs,” “selected eggs,” “quality certified eggs,” “nearby eggs,” “native eggs” or words or descriptions of similar import shall not be used on any eggs not meeting the minimum requirements for Vermont Grade A.²⁶⁸²

Eggs shall not be packed in containers that are not structurally sound and clean.²⁶⁸³ The Commissioner of Agriculture has free access at all reasonable hours to any building or other place wherein it is reasonable to believe eggs are being sold, offered or exposed for sale.²⁶⁸⁴

Violations are subject to monetary fine.²⁶⁸⁵

Milk

Vermont requires licensing of public warehouses that store farm products,²⁶⁸⁶ and handlers of milk.²⁶⁸⁷ An “adulterated” dairy product is a dairy product containing noxious, unwholesome or deleterious material, preservative, drugs or chemical in a quantity injurious to health.²⁶⁸⁸

Dairy farms must be inspected as to their premises, equipment, dairy animals, procedures

²⁶⁸¹ § 351.

²⁶⁸² § 352.

²⁶⁸³ § 354a.

²⁶⁸⁴ § 355.

²⁶⁸⁵ § 357.

²⁶⁸⁶ § 891.

²⁶⁸⁷ § 2721.

²⁶⁸⁸ § 2672.

and sanitation conditions at least once a year by the Commissioner.²⁶⁸⁹ The Commissioner has authority to inspect, advise, and take appropriate action to protect the public health when discovering unsanitary conditions.²⁶⁹⁰

Adulteration of milk and milk products is prohibited.²⁶⁹¹

Preparation of Livestock and Poultry Products

Meat, meat food products, poultry and poultry products are an important source of Vermont's total supply of food. They are consumed throughout the state. It is essential to the public interest that the health and welfare of consumers be protected by assuring that these commodities are wholesome, unadulterated and properly marked, labeled, and packaged. Unwholesome, adulterated, or misbranded meat, meat food products, and poultry products impair the effective regulation of intrastate commerce, are injurious to the public welfare, destroy markets for wholesome, not adulterated and properly labeled and packaged meat, meat food product, and poultry product, as well as cause injury to consumers.²⁶⁹²

Vermont's aim is to provide for meat and poultry products inspection programs that will impose and enforce requirements with respect to intrastate operations and commerce that are at least equal to those imposed and enforced under the Federal Meat Inspection Act and the Federal Poultry Products Inspection Act with respect to operations and transactions in interstate commerce. Vermont aims to provide for licensing and periodic review of establishments such as

²⁶⁸⁹ § 2742.

²⁶⁹⁰ § 2744.

²⁶⁹¹ § 2801.

²⁶⁹² § 3301.

retail vendors, custom licensed establishments, and wholesale distributors, which are not subject to traditional inspection under the Federal Meat Inspection Act and the Federal Poultry Products Inspection Act. The public will be better protected from uninspected, adulterated, unwholesome, mislabeled, or otherwise illegal meat and poultry products. The Commissioner is directed to accomplish these purposes. The Department of Agriculture, Food and Markets is designated as the appropriate state agency to cooperate with the U.S. Secretary of Agriculture of the United States and to administer Vermont's laws.²⁶⁹³

No person shall (1) slaughter any livestock or poultry capable for use as human food, at any establishment preparing products solely for intrastate commerce, except in compliance with Vermont's livestock preparation statutes; (2) sell, transport, offer for sale or transportation any products which are capable for use as human food and (a) are adulterated or misbranded or (b) are required to be inspected unless they have been inspected and passed; (3) cause any products to be adulterated or misbranded; or (4) sell any slaughtered poultry from which the blood, feathers, feet, head or viscera have not been removed in accordance with rules promulgated by the Commissioner.²⁶⁹⁴

It is unlawful to buy or sell any livestock or poultry products which are not intended for human food, unless they are denatured or otherwise identified as required or are naturally inedible by humans.²⁶⁹⁵

The Commissioner may inspect at all times, day or night, any establishment required to

²⁶⁹³ § 3303.

²⁶⁹⁴ § 3308.

²⁶⁹⁵ § 3310.

have inspections under the preparation of livestock statutes.²⁶⁹⁶ Where offenses are discovered the Commissioner may detain or cause the forfeiture of any livestock or poultry in violation of the statutes.²⁶⁹⁷ Penalties in the form of monetary fine or imprisonment or both may be imposed.²⁶⁹⁸

²⁶⁹⁶ § 3313.

²⁶⁹⁷ §§ 3314-3315.

²⁶⁹⁸ § 3311.