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CHAPTER 17.

MEAT AND MEAT FOOD

ARTICLE 1.

MEAT AND MEAT FOOD REGULATIONS INSPECTION LAW OF 1967

SECTION 47-17-10. Short title.

This article may be cited as the “South Carolina Meat and Meat Food Regulations and Inspection Law of 1967.”

SECTION 47-17-20. Definitions.

For purposes of this article:

- (a) The term “intrastate commerce” means commerce within this State.
- (b) The commission, which has the responsibility of administering this article, means the State Livestock-Poultry Health Commission.
- (c) The term “livestock” means cattle, sheep, swine or goats.
- (d) The term “carcass” means all parts, including viscera, of slaughtered livestock that are capable of being used for human food.
- (e) The term “meat” means the edible part of the muscle of cattle, sheep, swine or goats which is skeletal or which is found in the tongue, in the diaphragm, in the heart, or in the esophagus, with or without the accompanying and overlying fat, and the portions of bone, skin, sinew, nerve, and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing. It does not include the muscle found in the lips, snout and ears.
- (f) The term “meat by-products” means any edible part other than meat which has been derived from one or more cattle, sheep, swine, or goats.
- (g) The term “meat food product” means any article of food, or any article intended for or capable of use as human food, which is derived or prepared, in whole or in part, from any portion of any livestock, unless exempted by the Director upon his determination that the article (1) contains only a minimal amount of meat and is not represented as a meat food product or (2) is for medicinal purposes and is advertised only to the medical profession.
- (h) The term “wholesome” means sound, healthful, clean, and otherwise fit for human food.
- (i) The term “unwholesome” means (1) unsound, injurious to health, containing any biological residue not permitted by rules or regulations prescribed by the Director, or otherwise rendered unfit for human food; (2) consisting in whole or in part of any filthy, putrid, or decomposed substance; (3) processed, prepared, packed, or held under unsanitary conditions whereby any livestock carcass or part thereof or any meat food product or meat by-product may have become contaminated with filth or may have been rendered injurious to health; (4) produced in whole or in part from livestock which has died otherwise than by slaughter; or (5) packaged in a container composed of any poisonous or deleterious substance which may render the contents injurious to health.
- (j) The term “adulterated” shall apply to any livestock carcass, part thereof, meat food product or meat by-product under one or more of the following circumstances: (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 article shall not be considered adulterated under this clause 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, unless such substance is permitted in its production or unavoidable under good manufacturing practices as may be determined by rules and regulations prescribed by the Director. Provided, that any quantity of such added substances exceeding the limit so fixed shall also be deemed to

constitute adulteration; (3) if any substance has been substituted, wholly or in part, therefor; (4) if damage or inferiority has been concealed in any manner; (5) if any valuable constituent has been in whole or in part omitted or abstracted therefrom; (6) if any substance has been added thereto or mixed or packed 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.

(k) The term “inspector” means an employee or official of this State authorized by the Director to inspect livestock or carcasses or parts thereof, meat food products, or meat by-products under the authority of this article. A “veterinary inspector” means an inspector who is a graduate veterinarian approved by the Director and acting under his authority.

(l) The term “official inspection mark” means any symbol, formulated pursuant to rules and regulations prescribed by the Director, for the marking of livestock, carcasses, parts of carcasses and containers of meat or meat products.

(m) The term “inspection service” means the official government service within the Livestock-Poultry Health Department of Clemson University of this State designated by the Director as having the responsibility for carrying out the provisions of this article. The “inspection service” shall be administered by a veterinarian approved by the Director and acting under his authority.

(n) The term “container” and “package” include any box, can, tin, cloth, plastic, or any other receptacle, wrapper, or cover.

(o) The term “official establishment” means any establishment in this State as determined by the Director at which inspection of the slaughter of livestock or the processing of livestock or parts thereof, meat food products, or meat by-products, is maintained under the authority of this article.

(p) The term “label” means any written, printed, or graphic material upon the shipping container, if any, or upon the immediate container, including but not limited to an individual consumer package, of an article, or accompanying such article.

(q) The term “shipping container” means any container used or intended for use in packaging the article packed in an immediate container.

(r) The term “immediate container” means any consumer package or any other container in which an article, not consumer packaged, is packed.

(s) The term “Federal Meat Inspection Act” means the act of Congress approved March 4, 1907, as amended.

SECTION 47-17-30. Antemortem and postmortem inspections; quarantine, segregation and reinspection; condemnation of unwholesome livestock and meat.

(a) For the purpose of preventing the entry into or movement in intrastate commerce of any livestock carcass, part thereof, meat food product or meat by-product which is unwholesome or adulterated and is intended for or capable of use as human food, the Director shall, where and to the extent considered by him necessary, cause to be made by inspectors antemortem inspection of livestock in any official establishment where livestock is slaughtered.

(b) For the purpose stated in paragraph (a), the Director whenever slaughtering or other processing operations are being conducted, shall cause to be made by inspectors postmortem inspection of the carcasses and parts thereof of each animal slaughtered in any such official establishment and shall cause to be made by inspectors an inspection of all meat food products processed in any official establishment in which meat food products are processed for intrastate commerce.

(c) The Director shall also cause, at any time, such quarantine, segregation, and reinspection of livestock, livestock carcasses and parts thereof, meat food products and meat by-products in official establishments as he deems necessary to effectuate the purposes of this article.

(d) All livestock carcasses and parts thereof, meat food products and meat by-products found by an inspector to be unwholesome or adulterated in any official establishment shall be condemned and shall, if no appeal be taken from such determination of condemnation, be destroyed for human food purposes under the supervision of an inspector. Provided, that articles, which may by reprocessing be made

wholesome and not adulterated, need not be so condemned and destroyed if so reprocessed under the supervision of an inspector and thereafter found to be wholesome and not adulterated. If an appeal be taken from such determination, the articles shall be appropriately marked and segregated pending completion of an appeal inspection, which appeal shall be at the cost of the appellant if the Director determines that the appeal is frivolous. If the determination of condemnation is sustained, the articles shall be destroyed for human food purposes under the supervision of an inspector.

(e) For the purposes stated in this section all condemnations of livestock, livestock carcasses, parts thereof, meat food products or meat by-products, will be made only by authority of a veterinary inspector.

SECTION 47-17-40. Sanitary conditions and practices required in slaughtering and processing establishments.

(a) Each official establishment at which livestock is slaughtered or livestock carcasses or parts thereof, meat food products and meat by-products are processed for intrastate commerce shall have such premises, facilities, and equipment, and be operated in accordance with such sanitary practices, as are required by rules or regulations prescribed by the Director for the purpose of preventing the entry into and movement in such commerce of carcasses, parts thereof, meat food products, and meat by-products which are unwholesome or adulterated. No livestock carcasses or parts thereof, meat food product or meat by-product shall be admitted into any official establishment unless they have been prepared only under inspection pursuant to this article or the Federal Meat Inspection Act, or their admission is permitted by rules or regulations prescribed by the Director under this article.

(b) The Director shall refuse to render inspection to any establishment whose premises, facilities, or equipment, or the operation thereof, fail to meet the requirements of this section. The Director shall immediately notify the South Carolina Department of Health and Environmental Control of the name and address of any establishment for which the Director shall refuse to render veterinary inspection service.

SECTION 47-17-50. Official inspection marks and other information on or accompanying containers and carcasses.

(a) Each shipping container of any meat, meat food product, or meat by-product inspected under the authority of this article and found to be wholesome and not adulterated, shall at the time such product leaves the official establishment bear, in distinctly legible form, the official inspection mark and the approved plant number of the official establishment in which the contents were processed. Each immediate container of any meat, meat food product or meat by-product inspected under the authority of this article and found to be wholesome and not adulterated, shall at the time such product leaves the official establishment bear, in addition to the official inspection mark, in distinctly legible form, the name of the product, a statement of ingredients if fabricated from two or more ingredients, including a declaration as to artificial flavors or colors, if any, the net weight or other appropriate measure of the contents, the name and address of the processor and the approved plant number of the official establishment in which the contents were processed. The name and address of the distributor may be used in lieu of the name and address of the processor if the approved plant number is used to identify the official establishment in which the article was prepared and packed. Each livestock carcass and each primal part of such a carcass shall bear the official inspection mark and approved plant number of the establishment. The Director may by rules or regulations require additional marks or label information to appear on livestock carcasses or parts thereof, meat food products or meat by-products when they leave the official establishments or at the time of their transportation or sale in this State, and he may permit reasonable variations and grant exemptions from the marking and labeling requirements of this paragraph in any manner not in conflict with the purposes of this article. Marks and labels required under this paragraph shall be applied only by, or under the supervision of an inspector.

(b) The use of any written, printed or graphic matter upon or accompanying any livestock carcass, or part thereof, meat food product or meat by-product inspected or required to be inspected pursuant to the

provisions of this article, or the container thereof, which is false or misleading in any particular is prohibited. No livestock carcasses or parts thereof meat food products or meat by-products inspected or required to be inspected pursuant to the provisions of this article shall be sold or offered for sale by any person under any false or deceptive name; but established trade names which are usual to such articles and which are not false or deceptive and which shall be approved by the Director are permitted. If the Director has reason to believe that any label in use or prepared for use is false or misleading in any particular, he may direct that the use of the label be withheld unless it is modified in such manner as he may prescribe so that it will not be false or misleading. If the person using or proposing to use the label does not accept the determination of the Director, he may request a hearing, but the use of the label shall, if the Director so directs, be withheld pending hearing and final determination by the Director. Any such determination by the Director shall be conclusive unless within thirty days after the receipt of notice of such final determination the person adversely affected thereby appeals to the court of common pleas or county court of the county in which he has his principal place of business.

SECTION 47-17-60. Prohibited acts.

The following acts or the causing thereof within this State are hereby prohibited:

- (a) The processing for, or the sale or offering for sale, transportation, or delivery or receiving for transportation, in intrastate commerce, of any livestock carcass or part thereof, meat food product or meat by-product, unless such article has been inspected for wholesomeness and unless the article and its shipping container and immediate container, if any, are marked in accordance with the requirements under this article or the Federal Meat Inspection Act.
- (b) The sale or other disposition for human food of any livestock carcass or part thereof, meat food product, or meat by-product which has been inspected and declared to be unwholesome or adulterated under this article.
- (c) Falsely making or issuing, altering, forging, simulating, or counterfeiting, or using without proper authority any official inspection certificate, memorandum, mark, or other identification, or device for making such mark or identification used in connection with inspection under this article, or causing, procuring, aiding, assisting in, or being a party to, such false making, issuing, altering, forging, simulating, counterfeiting, or unauthorized use, or knowingly possessing, without promptly notifying the Director or his representative, uttering, publishing, or using as true, or causing to be uttered, published, or used as true, any such falsely made or issued, altered, forged, simulated, or counterfeited official inspection certificate, memorandum, mark, or other identification, or device for making such mark or identification, or representing that any article has been officially inspected under the authority of this article when such article has in fact not been so inspected, or knowingly making any false representation in any certificate prescribed by the Director in rules and regulations under this article or any form resembling any such certificate.
- (d) Using in intrastate commerce a false or misleading label on any livestock carcass or part thereof, meat food product, or meat by-product.
- (e) The use of any container bearing an official inspection mark except for the article in the original form in which it was inspected and covered by such mark unless the mark is removed, obliterated, or otherwise destroyed.
- (f) The refusal to permit access by any duly authorized representative of the Director, at all reasonable times, to the premises of an establishment in this State at which livestock is slaughtered or the carcasses or parts thereof, meat food products, or meat by-products are processed for intrastate commerce, upon presentation of appropriate credentials.
- (g) The refusal to permit access to and the copying of any record as authorized by Section 47-17-80.
- (h) The using by any person to his own advantage, or revealing, other than to the authorized representatives of any government agency in their official capacity, or to the courts when relevant in any judicial proceeding, any information acquired under the authority of this article, concerning any matter which as a trade secret is entitled to protection.

(i) Delivering, receiving, transporting, selling, or offering, for sale or transportation in intrastate commerce, for human consumption, any livestock carcass or part thereof, meat food product or meat by-product which has been processed in violation of any requirements under this article, except as may be authorized by and pursuant to rules and regulations prescribed by the Director.

(j) Delivering, receiving, transporting, selling, or offering for sale or transportation in intrastate commerce any livestock carcass or part thereof, meat food product or meat by-product which is exempted under Section 47-17-90, and which is unwholesome or adulterated, and is intended for human consumption.

(k) Applying to any livestock carcass or part thereof, meat food product or meat by-product, or any container thereof, any official inspection mark or label required under this article, except by, or under the supervision of, an inspector.

(l) For any person, or any agent or employee thereof, to give, pay, or offer, directly or indirectly, to any department employee, who is not an executive officer within the meaning of Sections 16-9-210 and 16-9-220, authorized to perform any duty prescribed by this article or regulations, any money, or other thing of value with intent to influence such employee in the discharge of his duty. It is also unlawful for any department employee engaged in the performance of any duty prescribed by this article or the regulations to accept from any person, or from any agent or employee of such person, any gift, money, or other thing of value given with intent to influence action, or to receive or accept from any person engaged in intrastate commerce any gift, money, or any other thing of value given for any purpose or intent whatsoever.

SECTION 47-17-70. Slaughtering or processing except in compliance with article prohibited.

Subject to the provisions of Section 47-17-140(a), no establishment in this State shall slaughter any livestock or process any livestock carcasses, or parts thereof, meat food products or meat by-products, for human consumption, except in compliance with the requirements of this article.

SECTION 47-17-80. Records.

For the purpose of enforcing the provisions of this article, persons engaged in this State in the business of processing for intrastate commerce or transporting, shipping or receiving in such commerce livestock slaughtered for human consumption, or meat, meat food products or meat by-products, or holding such articles so received, shall maintain such records as the Director by regulation may require, showing, to the extent that they are concerned therewith, the receipt, delivery, sale, movement, or disposition of such articles and shall, upon the request of a duly authorized representative of the Director, permit him at reasonable times to have access to and to copy all such records. Any record required to be maintained by this section shall be maintained for such period of time as the Director may be regulations prescribe.

SECTION 47-17-90. Exemptions from provisions requiring inspection by Director.

The provisions of this article requiring inspection by the Director shall not apply:

(1) To the slaughter on his own premises of livestock of his own raising, and the preparation and transportation in intrastate commerce of the carcasses, parts thereof, meat and meat food products of such livestock exclusively for use by him, members of his immediate household and his nonpaying guests and employees. "Raising" shall mean born and raised on the premises or purchased from another source and fed or otherwise maintained by such person for not less than thirty days prior to slaughter by the person on his own premises.

(2) To retail dealers with respect to meat or meat products sold to eating establishments, places which furnish meals as a part of their activities or functions or directly to household consumers in retail stores; provided, that the only processing operation performed by such retail dealers is the cutting up of meat products which have been inspected under the provisions of this article. Products, product content, and labeling of all meat processed by chopping, canning, curing, and similar methods of manufacture by these

retail dealers shall be subject to the provisions of this article and to the provisions of regulations promulgated by the South Carolina Department of Agriculture.

(3) Persons slaughtering livestock or otherwise processing or handling livestock carcasses or parts thereof, meat food products or meat by-products, which have been or are to be processed as required by recognized religious dietary laws, to the extent that the Director determines is necessary to avoid conflict with such requirements while still effectuating the purposes of this article.

(4) To the custom preparation by any person of carcasses, parts thereof, meat or meat food products derived from the slaughter by any person of cattle, sheep, swine, or goats of his own raising or from game animals delivered by the owner therefor for such custom preparation and transportation in intrastate commerce of such custom prepared articles, exclusive for use in the household of such owner by him for members of his household and his nonpaying guest or employees; provided, that in cases where such persons engaged in such custom operations at an establishment at which inspection under this article is maintained, the Director may exempt from such inspection at such establishment any meat or meat food product prepared on such custom basis; provided, further, that custom operation at any establishment shall be exempt from inspection requirements as provided by this section only if the establishment complies with regulations which the Director is hereby authorized to promulgate to assure that any carcass, parts thereof, meat or meat food products wherever handled on a custom basis are in containers or packages containing such articles are separated at all times from carcasses, parts thereof, meat or meat food products prepared for sale and that all such articles prepared on a custom basis, or any containers or packages containing such articles are plainly marked "NOT FOR SALE" immediately after being prepared and kept so identified until delivered to the owner and that the establishment conducting the custom operation is maintained and operated in a sanitary manner.

SECTION 47-17-100. Violations.

(A) A person who violates Section 47-17-60, 47-17-70, 47-17-80, or 47-17-120 is guilty of a misdemeanor and, upon conviction, must be punished in accordance with Section 47-4-130; but if such violation involves intent to defraud, or any distribution or attempted distribution of an article that is adulterated, such person shall be fined not more than ten thousand dollars or imprisoned not more than three years, or both. When construing or enforcing the provision of such sections, the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, or association within the scope of his employment or office shall in every case be deemed the act, omission, or failure of such individual, partnership, corporation, or association as well as of such person.

(B) When construing or enforcing this article, the act, omission, or failure of a person acting for or employed by an individual, a partnership, a corporation, an association, or other business unit, within the scope of his employment or office, is deemed the act, omission, or failure of the individual, partnership, corporation, association, or other business unit, as well as of the person.

(C) No carrier or warehouseman is subject to the penalties of this article, other than the penalties for violation of Section 47-17-80, by reason of his receipt, carriage, holding, or delivery, in the usual course of business, as a carrier or warehouseman, of livestock carcasses or their parts, meat food products, or meat by-products owned by another person unless the carrier or warehouseman has knowledge, or is in possession of facts which would cause a reasonable person to believe, that the articles were not inspected or marked in accordance with this article or were not otherwise in compliance with this article.

SECTION 47-17-110. Repealed by 1994 Act No. 362, Section 30, eff May 3, 1994.

SECTION 47-17-120. Permit required; fee; application; refusal, revocation or suspension.

(A) A person operating an establishment in which equine, cattle, sheep, swine, or goats are slaughtered or in which meat, meat by-products, or meat food products of, or derived from, equine, cattle, sheep, swine,

or goats are wholly or in part canned, cured, smoked, salted, packed, rendered, or otherwise prepared, which are offered for sale as food for humans shall secure a permit from the commission. This section is not applicable to persons exempted from inspection under Section 47-17-90 (1) and (2).

(B) The permit fee is fifty dollars annually or for part of a year. The permit year is July first to June thirtieth. The fees must be retained by the commission. The commission by regulation may increase the fee to not more than two hundred dollars.

(C) Applications for permits must be in writing to the commission on forms it prescribes.

(D) The commission, for cause, may refuse to grant a permit, may revoke or modify a permit, or assess a civil penalty in accordance with Section 47-4-130. Veterinary inspection must not be conducted in an establishment whose permit has been denied, suspended, or revoked. The commission immediately shall notify the South Carolina Department of Health and Environmental Control of action upon a permit.

SECTION 47-17-130. Rules and regulations.

The Director shall promulgate such rules and regulations and appoint such veterinarians and other qualified personnel as are necessary to carry out the purposes or provisions of this article. Such rules and regulations shall be in conformity with the rules and regulations under the Federal Meat Inspection Act and the South Carolina Department of Health and Environmental Control as now in effect and with subsequent amendments thereof unless they are considered by the Director as not to be in accord with the objectives of this article.

SECTION 47-17-140. Article inapplicable to transactions regulated under Federal Meat Inspection Act; cooperation with Federal, State and local agencies; inadequate personnel.

(a) This article shall not apply to any act or transaction subject to regulations under the Federal Meat Inspection Act.

(b) The Director shall cooperate with the South Carolina Department of Health and Environmental Control and may cooperate with the Federal Government in carrying out the provisions of this article or the Federal Meat Inspection Act.

(c) The provisions of this article shall be applied in such a manner as to maintain the support and cooperation of all State and local agencies dealing with animals, animal diseases and human diseases, and in no way shall this article restrict the authority given to the Department of Health and Environmental Control, the State Department of Agriculture or any other agency under the General Statutes of South Carolina.

(d) No person shall be prohibited from the operation of a business regulated by this article because of the inability of the Director to provide adequate personnel for inspection within two years from July 1, 1967.

SECTION 47-17-150. Cost of inspection.

The cost of inspection rendered under this article shall be borne by this State except that the cost of overtime and holiday work performed in establishments subject to the provisions of this article at such rates as the Director may determine shall be borne by such establishments. Sums received by the Director in reimbursement of sums paid out by him for such premium pay work shall be available without fiscal year limitations to carry out the purposes of this section.

ARTICLE 3.

IMPORTATION OF MEAT

SECTION 47-17-310. Unlawful importation of foreign meat containing communicable diseases.

It shall be unlawful to import from foreign countries into the State of South Carolina any type of meat, whether fresh, dried or canned, which is not free of communicable diseases which adversely affect the people of South Carolina and the animal life of the State. All foreign meats imported into the State and offered for sale wholesale and retail shall be labeled "imported." The word imported shall be of size twenty-four point type.

SECTION 47-17-320. Enforcement; confiscation and destruction of meat.

The Department of Health and Environmental Control is charged with the enforcement of the provisions of this article. All meat found by the Department of Health and Environmental Control which is landed within the boundaries of the State and does not comply with the provisions of this article shall be confiscated and destroyed.