

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 893
SENATE BILL 544

1 AN ACT TO PROVIDE FOR MANDATORY INSPECTION OF THE SLAUGHTER OF
2 CATTLE, SHEEP, SWINE, GOATS AND EQUINES, AND THE PREPARATION OF
3 THE CARCASSES, PARTS THEREOF, MEAT, AND MEAT FOOD PRODUCTS OF
4 SUCH ANIMALS, SOLELY FOR DISTRIBUTION IN THIS STATE; FOR
5 COOPERATION WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE;
6 AND FOR PENALTIES FOR VIOLATIONS, DETENTION, SEIZURE AND OTHER
7 ENFORCEMENT AUTHORITIES.

8
9 The General Assembly of North Carolina do enact:

10
11 Part I

12 INSPECTION REQUIREMENTS: ADULTERATION AND MISBRANDING

13 **Section 1.** As used in this Act, except as otherwise specified, the following terms
14 shall have the meanings stated below:

15 (a) The term "Commissioner" means the North Carolina Commissioner of
16 Agriculture or his authorized representative.

17 (b) The term "firm" means any partnership, association, or other unincorporated
18 business organization.

19 (c) The term "meat broker" means any person, firm, or corporation engaged in the
20 business of buying or selling carcasses, parts of carcasses, meat, or meat food products of
21 cattle, sheep, swine, goats, horses, mules, or other equines on commission, or otherwise
22 negotiating purchases or sales of such articles other than for his own account or as an employee
23 of another person, firm, or corporation.

24 (d) The term "renderer" means any person, firm, or corporation engaged in the
25 business of rendering carcasses, or parts or products of the carcasses, of cattle, sheep, swine,
26 goats, horses, mules, or other equines, except rendering conducted under inspection under Part
27 I of this Act.

28 (e) The term "animal food manufacturer" means any person, firm, or corporation
29 engaged in the business of manufacturing or processing animal food derived wholly or in part
30 from carcasses, or parts or products of the carcasses, of cattle, sheep, swine, goats, horses,
31 mules, or other equines.

32 (f) The term "intrastate commerce" means commerce within this State.

33 (g) The term "meat food product" means any product capable of use as human food
34 which is made wholly or in part from any meat or other portion of the carcass of any cattle,
35 sheep, swine, or goats, excepting products which contain meat or other portions of such
36 carcasses only in a relatively small proportion or historically have not been considered by
37 consumers as products of the meat food industry, and which are exempted from definition as a
38 meat food product by the Board under such conditions as it may prescribe to assure that the
39 meat or other portions of such carcasses contained in such product are not adulterated and that
40 such products are not represented as meat food products. This term as applied to food products
41 of equines shall have a meaning comparable to that provided in this paragraph with respect to
42 cattle, sheep, swine, and goats.

(h) The term "capable of use as human food" shall apply to any carcass, or part or product of a carcass, of any animal, unless it is denatured or otherwise identified as required by regulations prescribed by the Board to deter its use as human food, or it is naturally inedible by humans.

(i) The term "prepared" means slaughtered, canned, salted, smoked, rendered, boned, cut up, or otherwise manufactured or processed.

(j) The term "adulterated" shall apply to any carcass, part thereof, meat or meat food 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 in or on such article does not ordinarily render it injurious to health;
- (2) (A) if it bears or contains (by reason of administration of any substance to the live animal or otherwise) any added poisonous or added deleterious substance (other than one which is (i) a pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; or (iii) a color additive) which may, in the judgment of the Commissioner make such article unfit for human food;
- (B) if it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of Section 408 of the Federal Food, Drug, and Cosmetic Act;
- (C) if it bears or contains any food additive which is unsafe within the meaning of Section 409 of the Federal Food, Drug, and Cosmetic Act;
- (D) if it bears or contains any color additive which is unsafe within the meaning of Section 706 of the Federal Food, Drug, and Cosmetic Act: Provided, That an article which is not adulterated under clause (B), (C), or (D) shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive in or on such article is prohibited by order of the Commissioner in establishments at which inspection is maintained under Part I of this Act;
- (3) if it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;
- (4) if it has been 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 died otherwise than by slaughter;
- (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 it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to Section 409 of the Federal Food, Drug, and Cosmetic Act;
- (8) if any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to

- 1 increase its bulk or weight, or reduce its quality or strength, or make it
2 appear better or of greater value than it is; or
3 (9) if it is margarine containing animal fat and any of the raw material used
4 therein consist in whole or in part of any filthy, putrid, or decomposed
5 substance.
6 (k) The term "misbranded" shall apply to any carcass, part thereof, meat or meat
7 food product under one or more of the following circumstances:
8 (1) if its labeling is false or misleading in any particular;
9 (2) if it is offered for sale under the name of another food;
10 (3) if it is imitation of another food, unless its label bears, in type of uniform
11 size and prominence, the word "imitation" and immediately thereafter, the
12 name of the food imitated;
13 (4) if its container is so made, formed, or filled as to be misleading;
14 (5) if in a package or other container unless it bears a label showing (A) the
15 name and place of business of the manufacturer, packer, or distributor; and
16 (B) an accurate statement of the quantity of the contents in terms of weight,
17 measure, or numerical count; Provided, That under clause (B) of this
18 subparagraph (5), reasonable variations may be permitted, and exemptions
19 as to small packages may be established, by regulations prescribed by the
20 Board;
21 (6) if any word, statement, or other information required by or under authority
22 of this Act to appear on the label or other labeling is not prominently placed
23 thereon with such conspicuousness (as compared with other words,
24 statements, designs, or devices, in the labeling) and in such terms as to
25 render it likely to be read and understood by the ordinary individual under
26 customary conditions of purchase and use;
27 (7) if it purports to be or is represented as a food for which a definition and
28 standard of identity or composition has been prescribed by regulations of the
29 Board under Section 7 of this Act unless (A) it conforms to such definition
30 and standard, and (B) its label bears the name of the food specified in the
31 definition and standard and, insofar as may be required by such regulations,
32 the common names of optional ingredients (other than spices, flavoring, and
33 coloring) present in such food;
34 (8) if it purports to be or is represented as a food for which a standard or
35 standards of fill of container have been prescribed by regulations of the
36 Board under Section 7 of this Act, and it falls below the standard of fill of
37 container applicable thereto, unless its label bears, in such manner and form
38 as such regulations specify, a statement that it falls below such standard;
39 (9) if it is not subject to the provisions of subparagraph (7), unless its label bears
40 (A) the common or usual name of the food, if any there be, and (B) in case it
41 is fabricated from two or more ingredients, the common or usual name of
42 each such ingredient; except that spices, flavorings, and colorings may,
43 when authorized by the Commissioner, be designated as spices, flavorings,
44 and colorings without naming each: Provided that, to the extent that
45 compliance with the requirements of clause (B) of this subparagraph (9) is
46 impracticable, or results in deception or unfair competition, exemptions shall
47 be established by regulations promulgated by the Board:
48 (10) if it purports to be or is represented for special dietary uses, unless its label
49 bears such information concerning its vitamin, mineral, and other dietary
50 properties as the Board determines to be, and by regulations prescribes as,
51 necessary in order fully to inform purchasers as to its value for such uses;

(11) 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 subparagraph (11) is impracticable, exemptions shall be established by regulations promulgated by the Board; or

(12) if it fails to bear, directly thereon or on its container, as the Board may by regulations prescribe, the inspection legend and, unrestricted by any of the foregoing, such other information as the Board may require in such regulations to assure that it will not have false or misleading labeling and that the public will be informed of the manner of handling required to maintain the article in a wholesome condition.

(l) The term "label" means a display of written, printed, or graphic matter upon the immediate container (not including package liners) of any article.

(m) The term "labeling" means all labels and other written, printed, or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying such article.

(n) The term "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).

(o) The term "Federal Food, Drug, and Cosmetic Act" means the Act so entitled, approved June 25, 1938 (52 Stat.1040), and Acts amendatory thereof or supplementary thereto.

(p) The term "pesticide chemical", "food additive", "color additive", and "raw agricultural commodity" shall have the same meanings for purposes of this Act as under the Federal Food, Drug, and Cosmetic Act.

(q) The term "official mark" means the official inspection legend or any other symbol prescribed by regulations of the Board to identify the status of any article or animal under this Act.

(r) The term "official inspection legend" means any symbol prescribed by regulations of the Board showing that an article was inspected and passed in accordance with this Act.

(s) The term "official certificate" means any certificate prescribed by regulations of the Board for issuance by an inspector or other person performing official functions under this Act.

(t) The term "official device" means any device prescribed or authorized by the Board for use in applying any official mark.

(u) The term "Board" means the North Carolina Board of Agriculture.

(v) The term "authorized representative" means the Director of the Meat and Poultry Inspection Service of the North Carolina Department of Agriculture.

Sec. 2. Meat and meat food products are an important source of the Nation's total supply of food. It is essential in the public interest that the health and welfare of consumers be protected by assuring that meat and meat food products distributed to them are wholesome, not adulterated, and properly marked, labeled, and packaged. Unwholesome, adulterated, or misbranded meat or meat food products are injurious to the public welfare, destroy markets for wholesome, not adulterated, and properly labeled and packaged meat and meat food products, and results in sundry losses to livestock producers and processors of meat and meat food products, as well as injury to consumers. The unwholesome, adulterated, mislabeled, or deceptively packaged articles can be sold at lower prices and compete unfairly with the wholesome, not adulterated, and properly labeled and packaged articles, to the detriment of consumers and the public generally. It is hereby found that regulation by the Board and cooperation by North Carolina and the United States as contemplated by this Act are appropriate to protect the health and welfare of consumers and otherwise effectuate the purposes of this Act.

1 **Sec. 3.** For the purpose of preventing the use in intrastate commerce, as hereinafter
2 provided, of meat and meat food products which are adulterated, the Commissioner shall cause
3 to be made, by inspectors appointed for that purpose, an examination and inspection of all
4 cattle, sheep, swine, goats, horses, mules, and other equines before they shall be allowed to
5 enter into any slaughtering, packing, meat-canning, rendering, or similar establishment in this
6 State in which slaughtering and preparation of meat and meat food products of such animals are
7 conducted for intrastate commerce; and all cattle, sheep, swine, goats, horses, mules, and other
8 equines found on such inspection to show symptoms of disease shall be set apart and
9 slaughtered separately from all other cattle, sheep, swine, goats, horses, mules, or other
10 equines, and when so slaughtered, the carcasses of said cattle, sheep, swine, goats, horses,
11 mules, or other equines shall be subject to a careful examination and inspection, all as provided
12 by the rules and regulations to be prescribed by the Board as herein provided for.

13 **Sec. 4.** For the purposes hereinbefore set forth the Commissioner shall cause to be
14 made by inspectors appointed for that purpose, as hereinafter provided, a post-mortem
15 examination and inspection of the carcasses and parts thereof of all cattle, sheep, swine, goats,
16 horses, mules, and other equines, capable of use as human food, to be prepared at any
17 slaughtering, meat-canning, salting, packing, rendering, or similar establishment in this State in
18 which such articles are prepared for intrastate commerce; and the carcasses and parts thereof of
19 all such animals found to be not adulterated shall be marked, stamped, tagged, or labeled, as
20 "Inspected and Passed;" and said inspectors shall label, mark, stamp, or tax as "Inspected and
21 Condemned," all carcasses and parts thereof of animals found to be adulterated; and all
22 carcasses and parts thereof thus inspected and condemned shall be destroyed for food purposes
23 by the said establishment in the presence of an inspector, and the Commissioner or his
24 authorized representative may remove inspectors from any such establishment which fails to so
25 destroy any such condemned carcass or part thereof, and said inspectors, after said first
26 inspection shall, when they deem it necessary, reinspect said carcasses or parts thereof to
27 determine whether since the first inspection the same have become adulterated and if any
28 carcass or any part thereof shall, upon examination and inspection subsequent to the first
29 examination and inspection, be found to be adulterated, it shall be destroyed for food purposes
30 by the said establishment in the presence of an inspector, and the Commissioner or his
31 authorized representative may remove inspectors from any establishment which fails to do so
32 destroy any such condemned carcass or part thereof.

33 **Sec. 5.** The foregoing provisions shall apply to all carcasses or parts of carcasses of
34 cattle, sheep, swine, goats, horses, mules, and other equines or the meat or meat products
35 thereof, capable of use as human food, which may be brought into any slaughtering, meat-
36 canning, salting, packing, rendering, or similar establishment, where inspection under this Part
37 is maintained, and such examination and inspection shall be had before the said carcasses or
38 parts thereof shall be allowed to enter into any department wherein the same are to be treated
39 and prepared for meat food products; and the foregoing provisions shall also apply to all such
40 products which, after having been issued from any such slaughtering, meat-canning, salting,
41 packing, rendering, or similar establishment, shall be returned to the same or to any similar
42 establishment where such inspection is maintained. The Commissioner or his authorized
43 representative may limit the entry of carcasses, part of carcasses, meat and meat food products,
44 and other materials into any establishment at which inspection under this part is maintained,
45 under such conditions as he may prescribe to assure that allowing the entry of such articles into
46 such inspected establishments will be consistent with the purposes of this Act.

47 **Sec. 6.** For the purposes hereinbefore set forth the Commissioner or his authorized
48 representative shall cause to be made by inspectors appointed for that purpose an examination
49 and inspection of all meat food products prepared in any slaughtering, meat-canning, salting,
50 packing, rendering, or similar establishment, where such articles are prepared for intrastate
51 commerce and for the purposes of any examination and inspection said inspectors shall have

access at all times during regular business hours to every part of said establishment; and said inspectors shall mark, stamp, tag, or label as "North Carolina Department of Agriculture Inspected and Passed" all such products found to be not adulterated; and said inspectors shall label, mark, stamp, or tag as "North Carolina Department of Agriculture Inspected and Condemned" all such products found adulterated, and all such condemned meat food products shall be destroyed for food purposes, as hereinbefore provided, and the Commissioner or his authorized representative may remove inspectors from any establishment which fails to so destroy such condemned meat food products.

Sec. 7. (a) When any meat or meat food product prepared for intrastate commerce which has been inspected as hereinbefore provided and marked "North Carolina Department of Agriculture Inspected and Passed" shall be placed or packed in any can, pot, tin, canvas, or other receptacle or covering in any establishment where inspection under the provisions of this Act is maintained, the person, firm, or corporation preparing said product shall cause a label to be attached to said can, pot, tin, canvas, or other receptacle or covering, under supervision of an inspector, which label shall state that the contents thereof have been "North Carolina Department of Agriculture Inspected and Passed" under the provisions of this Act, and no inspection and examination of meat or meat food products deposited or inclosed in cans, tins, pots, canvas, or other receptacle or covering in any establishment where inspection under the provisions of this Act is maintained shall be deemed to be complete until such meat or meat food products have been sealed or inclosed in said can, tin, pot, canvas, or other receptacle or covering under the supervision of an inspector.

(b) All carcasses, parts of carcasses, meat and meat food products inspected at any establishment under the authority of this Act and found to be not adulterated, shall at the time they leave the establishment bear, in distinctly legible form, directly thereon or on their containers, as the Commissioner or authorized representative may require, the information required under paragraph (k) of Section 1 of this Act.

(c) The Board whenever it determines such action is necessary for the protection of the public, may prescribe: (1) the styles and sizes of type to be used with respect to material required to be incorporated in labeling to avoid false or misleading labeling of any articles or animals subject to this Act; (2) definitions and standards of identity or composition for articles subject to this Part and standards of fill of container for such articles not inconsistent with any such standards established under the Federal Food, Drug, and Cosmetic Act, or under the Federal Meat Inspection Act, and there shall be consultation between the Commissioner or his authorized representative and the Secretary of Agriculture of the United States prior to the issuance of such standards to avoid inconsistency between such standards and the Federal standards.

(d) No article subject to this title shall be sold or offered for sale by any person, firm, or corporation, in intrastate commerce, under any name or other marking or labeling which is false or misleading, or in any container of a misleading form or size, but established trade names and other marking and labeling and containers which are not false or misleading, and which are approved by the Commissioner or his authorized representative, are permitted.

(e) If the Commissioner or his authorized representative has reason to believe that any marking or labeling or the size or form of any container in use or proposed for use with respect to any article subject to this title is false or misleading in any particular, he may direct that such use be withheld unless the marking, labeling, or container is modified in such manner as he may prescribe so that it will not be false or misleading. If the person, firm, or corporation using or proposing to use the marking, labeling or container does not accept the determination of the Commissioner or his authorized representative, such person, firm, or corporation may request a hearing, but the use of the marking, labeling, or container shall, if the Commissioner so directs, be withheld pending hearing and final determination by the Commissioner. Any such determination by the Commissioner shall be conclusive unless, within thirty days after

receipt of notice of such final determination, the person, firm, or corporation adversely affected thereby appeals to the Superior Court of Wake County. Such appeal shall be under the provision of Article 33 of Chapter 143 of the General Statutes.

Sec. 8. The Commissioner or his authorized representative shall cause to be made, by experts in sanitation, or by other competent inspectors, such inspection of all slaughtering, meat-canning, salting, packing, rendering, or similar establishments in which cattle, sheep, swine, goats, horses, mules, and other equines are slaughtered and the meat and meat food products thereof are prepared for intrastate commerce as may be necessary to inform himself concerning the sanitary conditions of the same, and the Board shall prescribe the rules and regulations of sanitation under which such establishments shall be maintained; and where the sanitary conditions of any such establishment are such that the meat or meat food products are rendered adulterated, the Commissioner or his authorized representative shall refuse to allow said meat or meat food products to be labeled, marked, stamped, or tagged as "North Carolina Department of Agriculture Inspected and Passed."

Sec. 9. No person, firm, or corporation shall, with respect to any cattle, sheep, swine, goats, horses, mules, or other equines, or any carcasses, parts of carcasses, meat or meat food products of any such animals—

(a) slaughter any such animals or prepare any such articles which are capable of use as human food, at any establishment preparing such articles for intrastate commerce, except in compliance with the requirements of this Act.

(b) sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce: (1) any such articles which (a) are capable of use as human food, and (b) are adulterated or misbranded at the time of such sale, transportation, offer for sale or transportation, or receipt for transportation; or, (2) any articles required to be inspected under this Act unless they have been so inspected and passed, or (3) do, with respect to any such articles which are capable of use as human food, any act while they are being transported in intrastate commerce or held for sale after such transportation, which is intended to cause or has the effect of causing such articles to be adulterated or misbranded.

Sec. 10. (a) No brand manufacturer, printer, or other person, firm, or corporation shall cast, print, lithograph, or otherwise make any device containing any official mark or simulation thereof, or any label bearing any such mark or simulation, or any form of official certificate or simulation thereof, except as authorized by the Commissioner or his authorized representative.

(b) No person, firm, or corporation shall (1) forge any official device, mark or certificate; (2) without authorization from the Commissioner or his authorized representative use any official device, mark, or certificate, or simulation thereof, or alter, detach, deface, or destroy any official device, mark, or certificate; (3) contrary to the regulations prescribed by the Board, fail to use, or to detach, deface, or destroy any official device, mark, or certificate; (4) knowingly possess, without promptly notifying the Commissioner or his authorized representative, any official device or any counterfeit, simulated, forged, or improperly altered official certificate or any device or label or any carcass of any animal, or part or product thereof, bearing any counterfeit, simulated, forged, or improperly altered official mark; (5) knowingly make any false statement in any shipper's certificate or other nonofficial or official certificate provided for in the regulations prescribed by the Board; (6) knowingly represent that any article has been inspected and passed, or exempted, under this Act when, in fact, it has, respectively, not been so inspected and passed, or exempted.

Sec. 11. No person, firm, or corporation shall sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce, any carcasses of horses, mules, or other equines or parts of such carcasses, or the meat or meat food products thereof, unless they are plainly and conspicuously marked or labeled or otherwise identified as required by regulations prescribed by the Board to show the kinds of animals from which they were

1 derived. When required by the Commissioner or his authorized representative, with respect to
2 establishments at which inspection is maintained under this Act, such animals and their
3 carcasses, parts thereof, meat and meat food products shall be prepared in establishments
4 separate from those in which cattle, sheep, swine, or goats are slaughtered or their carcasses,
5 parts thereof, meats or meat food products are prepared.

6 **Sec. 12.** The Commissioner or his authorized representative shall appoint from time
7 to time inspectors to make examination and inspection of all cattle, sheep, swine, goats, horses,
8 mules, and other equines the inspection of which is hereby provided for, and of all carcasses
9 and parts thereof, and of all meats and meat food products thereof, and of the sanitary
10 conditions of all establishments in which such meat and meat food products hereinbefore
11 described are prepared; and said inspectors shall refuse to stamp, mark, tag or label any carcass
12 or any part thereof, or meat food product therefrom, prepared in any establishment hereinbefore
13 mentioned, until the same shall have actually been inspected and found to be not adulterated;
14 and shall perform such other duties as are provided by this Act and by the rules and regulations
15 to be prescribed by said Board and said Board shall, from time to time, make such rules and
16 regulations as are necessary for the efficient execution of the provisions of this Act, and all
17 inspections and examinations made under this Act shall be such and made in such manner as
18 described in the rules and regulations prescribed by said Board not inconsistent with the
19 provisions of this Act and as directed by the Commissioner or his authorized representative.
20 Any person, firm, or corporation, or any agent or employee of any person, firm, or corporation,
21 who shall give, pay, or offer, directly or indirectly, to any inspector, or any other officer or
22 employee of this State authorized to perform any of the duties prescribed by this Act or by the
23 rules and regulations of the Board or by the Commissioner or his authorized representative any
24 money or other thing of value, with intent to influence said inspector, or other officer or
25 employee of this State in the discharge of any duty herein provided for, shall be deemed guilty
26 of a felony and, upon conviction thereof, shall be punished by a fine not less than five hundred
27 dollars (\$500.00) nor more than ten thousand dollars (\$10,000.00) and by imprisonment for not
28 less than one year nor more than three years; and any inspector, or other officer or employee of
29 this State authorized to perform any of the duties prescribed by this Act who shall accept any
30 money, gift, or other thing of value from any person, firm, or corporation, or officers, agents, or
31 employees thereof, given with intent to influence his official action, or who shall receive or
32 accept from any person, firm, or corporation engaged in intrastate commerce any gift, money,
33 or other thing of value given with any purpose or intent whatsoever, shall be deemed guilty of a
34 felony and shall, upon conviction thereof, be summarily discharged from office and shall be
35 punished by a fine not less than five hundred dollars (\$500.00) nor more than ten thousand
36 dollars (\$10,000.00) and by imprisonment for not less than one year nor more than three years.

37 **Sec. 13.** (a) The provisions of this Part requiring inspection of the slaughter of
38 animals and the preparation of the carcasses, parts thereof, meat and meat food products at
39 establishments conducting such operations shall not (1) apply to the slaughtering by any person
40 of animals of his own raising, and the preparation by him and transportation in intrastate
41 commerce of the carcasses, parts thereof, meat and meat food products of such animals
42 exclusively for use by him and members of his household and his nonpaying guests and
43 employees; nor (2) to the custom slaughter by any person, firm, or corporation of cattle, sheep,
44 swine or goats delivered by the owner thereof for such slaughter, and the preparation by such
45 slaughterer and transportation in intrastate commerce of the carcasses, parts thereof, meat and
46 meat food products of such animals, exclusively for use, in the household of such owner, by
47 him, and members of his household and his nonpaying guests and employees: Provided, That
48 all carcasses, parts thereof, meat and meat food products derived from custom slaughter shall
49 be identified as required by the Commissioner, during all phases of slaughtering, chilling,
50 cooling, freezing, packing, meat-canning, rendering, preparation, storage and transportation;
51 provided further, that the custom slaughterer does not engage in the business of buying or

1 selling any carcasses, parts thereof, meat or meat food products of any cattle, sheep, swine,
2 goats or equines, capable of use as human food, unless the carcasses, parts thereof, meat or
3 meat food products have been inspected and passed and are identified as having been inspected
4 and passed by the Commissioner or the United States Department of Agriculture.

5 (b) The provisions of this Act requiring inspection of the slaughter of animals and
6 the preparation of carcasses, parts thereof, meat and meat food products shall not apply to
7 operations of types traditionally and usually conducted at retail stores and restaurants, when
8 conducted at any retail store or restaurant or similar retail-type establishment for sale in normal
9 retail quantities or service of such articles to consumers at such establishments. No provision
10 of this Act, nor any rule or regulation of the North Carolina Department of Agriculture, shall
11 apply to any person who sells or offers for sale to a consumer in any one calendar year not in
12 excess of two thousand dollars (\$2,000.00) in retail value of any meat food product produced
13 and raised on his own land or land rented by or leased to him. "Person" shall be defined as an
14 individual and shall not include any corporation, partnership, association or cooperative.
15 Records of the type meat food product sold and the amount received from such sale shall be
16 kept for at least two years from the date of sale by the seller and such record shall be open for
17 inspection during regular business hours by representatives of the Department of Agriculture.
18 Meat food products coming under this paragraph may be stored, processed, or prepared at any
19 freezer locker plant provided such meat food products are identified and kept separate and apart
20 from other meat food products while in the freezer locker plant.

21 (c) In order to accomplish the objectives of this Act, the Commissioner shall
22 exempt any other operations which the Commissioner shall determine would best be exempted
23 to further the purposes of this Act, to the extent such exemptions conform to the Federal Meat
24 Inspection Act and the regulations thereunder.

25 (d) The slaughter of animals and preparation of articles referred to in paragraphs
26 (a)(2) and (b) of this Section shall be conducted in accordance with such sanitary conditions as
27 the Board may by regulations prescribe. Willful violation of any such regulation is a
28 misdemeanor and punishable by a fine of not over five hundred dollars (\$500.00) and
29 imprisonment for not over six months or both fine and imprisonment.

30 (e) The adulteration and misbranding provisions of this title, other than the
31 requirement of the inspection legend, shall apply to articles which are not required to be
32 inspected under this Section.

33 **Sec. 14.** The Board may by regulations prescribe conditions under which carcasses,
34 parts of carcasses, meat, and meat food products of cattle, sheep, swine, goats, horses, mules, or
35 other equines, capable of use as human food, shall be stored or otherwise handled by any
36 person, firm, or corporation engaged in the business of buying, selling, freezing, storing, or
37 transporting, in or for intrastate commerce, such articles, whenever the Board deems such
38 action necessary to assure that such articles will not be adulterated or misbranded when
39 delivered to the consumer. Willful violation of any such regulation is a misdemeanor and
40 punishable by a fine of not over five hundred dollars (\$500.00) and imprisonment for not over
41 six months or both fine and imprisonment.

42 Part II

43 FEDERAL AND STATE COOPERATION

44 **Sec. 15.** (a) The North Carolina Department of Agriculture is hereby designated as
45 the State agency which shall be responsible for cooperating with the Secretary of Agriculture of
46 the United States under the provisions of Section 301 of the Federal Meat Inspection Act and
47 such agency is directed to cooperate with the Secretary of Agriculture of the United States in
48 developing and administering the meat inspection program of this State under this Act in such a
49 manner as will effectuate the purposes of this Act.

50 (b) In such cooperative efforts, the North Carolina Department of Agriculture is
51 authorized to accept from said Secretary advisory assistance in planning and otherwise

1 developing the State program, technical and laboratory assistance and training (including
2 necessary curricular and instructional materials and equipment), and financial and other aid for
3 administration of such a program. The North Carolina Department of Agriculture is further
4 authorized to spend public funds of this State appropriated for administration of this Act to pay
5 fifty per centum (50%) of the estimated total cost of the cooperative program.

6 (c) The North Carolina Department of Agriculture is further authorized to
7 recommend to the said Secretary of Agriculture such officials or employees of this State as the
8 Commissioner shall designate, for appointment to the advisory committees provided for in
9 Section 301 of the Federal Meat Inspection Act; and the Commissioner or his authorized
10 representative shall serve as the representative of the Governor for consultation with said
11 Secretary under paragraph (c) of Section 301 of said Act.

12 Part III

13 AUXILIARY PROVISIONS

14 **Sec. 16.** The Commissioner may (for such period, or indefinitely, as he deems
15 necessary to effectuate the purposes of this Act) refuse to provide, or withdraw, inspection
16 service under Part I of this Act with respect to any establishment if he determines, after
17 opportunity for a hearing is accorded to the applicant for, or recipient of, such service, that such
18 applicant or recipient is unfit to engage in any business requiring inspection under Part I
19 because the applicant or recipient, or anyone responsibly connected with the applicant or
20 recipient, has been convicted, in any Federal or State court, of (1) any felony, or (2) more than
21 one violation of any law, other than a felony, based upon the acquiring, handling, or
22 distributing of unwholesome, mislabeled, or deceptively packaged food or upon fraud in
23 connection with transactions in food. This Section shall not affect in any way other provisions
24 of this Act for withdrawal of inspection services under Part I from establishments failing to
25 maintain sanitary conditions or to destroy condemned carcasses, parts, meat or meat food
26 products.

27 For the purpose of this Section a person shall be deemed to be responsibly
28 connected with the business if he was a partner, officer, director, holder, or owner of ten per
29 centum (10%) or more of its voting stock or employee in a managerial or executive capacity.
30 The determination and order of the Commissioner with respect thereto under this Section shall
31 be final and conclusive unless the affected applicant for, or recipient of, inspection service files
32 application for judicial review within thirty days after the effective date of such order in the
33 appropriate court as provided in Section 19.

34 **Sec. 17.** Whenever any carcass, part of a carcass, meat or meat food product of
35 cattle, sheep, swine, goats, horses, mules, or other equines, or any product exempted from the
36 definition of a meat food product, or any dead, dying, disabled, or diseased cattle, sheep, swine,
37 goat, or equine is found by any inspector of the Meat and Poultry Inspection Service of the
38 North Carolina Department of Agriculture upon any premises where it is held for purposes of,
39 or during or after distribution in intrastate commerce, and there is reason to believe that any
40 such article is adulterated or misbranded and is capable of use as human food, or that it has not
41 been inspected, in violation of the provisions of Part I of this Act or of the Federal Meat
42 Inspection Act or the Federal Food, Drug and Cosmetic Act, or that such article or animal has
43 been or is intended to be, distributed in violation of any such provisions, it may be detained by
44 such inspector, upon approval of his supervisor, for a period not to exceed twenty days,
45 pending action under Section 19 of this Act, and shall not be moved by any person, firm, or
46 corporation from the place at which it is located when so detained, until released by the area
47 supervisor of the Meat and Poultry Inspection Service. All official marks may be required by
48 such inspector to be removed from such article or animal before it is released unless it appears
49 to the satisfaction of the area supervisor that the article or animal is eligible to retain such
50 marks.

1 **Sec. 18.** (a) Any carcass, part of a carcass, meat or meat food product of cattle,
2 sheep, swine, goats, horses, mules or other equines, or any dead, dying, disabled, or diseased
3 cattle, sheep, swine, goat, or equine, that is being transported in intrastate commerce, or is held
4 for sale in this State after such transportation, and that (1) is or has been prepared, sold,
5 transported or otherwise distributed or offered or received for distribution in violation of this
6 Act, or (2) is capable of use as human food and is adulterated or misbranded, or (3) in any other
7 way is in violation of this Act, shall be liable to be proceeded against and seized and
8 condemned, at any time, on a complaint in any proper court as provided in Section 19 of this
9 Act within the jurisdiction of which the article or animal is found. If the article or animal is
10 condemned it shall, after entry of the order be disposed of by destruction or sale as the court
11 may direct and the proceeds, if sold, less the court costs and fees, and storage and other proper
12 expenses, shall be paid into the General Fund of this State, but the article or animals shall not
13 be sold contrary to the provisions of this Act. Provided, That upon the execution and delivery
14 of a good and sufficient bond conditioned that the article or animal shall not be sold or
15 otherwise disposed of contrary to the provisions of this Act, the court may direct that such
16 article or animal be delivered to the owner thereof subject to such supervision by the authorized
17 representative of the Commissioner as is necessary to insure compliance with the applicable
18 laws. When an order of condemnation is entered against the article or animal and it is released
19 under bond, or destroyed, court costs and fees, and storage and other proper expenses shall be
20 awarded against the person, if any, intervening as claimant of the article or animal. The
21 proceedings in such cases shall be heard by the Superior Court without a jury, with the right of
22 the aggrieved party to appeal to the Court of Appeals, and all such proceedings shall be at the
23 suit of and in the name of this State. No appeal shall lie from the Court of Appeals.

24 (b) The provisions of this Section shall in no way derogate from authority for
25 condemnation or seizure conferred by other provisions of this Act, or other laws.

26 **Sec. 19.** The Superior Court is vested with jurisdiction specifically to enforce, and
27 to prevent and restrain violations of this Act, and shall have jurisdiction in all other kinds of
28 cases arising under this Act, provided however, all prosecutions for criminal violations under
29 this Act shall be in any court having jurisdiction over said violation.

30 **Sec. 20.** Any person who willfully assaults, resists, opposes, impedes, intimidates,
31 or interferes with any person while engaged in or on account of the performance of his official
32 duties under this Act shall be guilty of a misdemeanor and fined not more than five hundred
33 dollars (\$500.00) or imprisoned for not more than six months or both fined and imprisoned. For
34 the purposes of this Section, "impede", "oppose", and "intimidate", or "interfere" shall include,
35 but not be limited to, the use of profane and indecent language, or any act or gesture, verbal or
36 nonverbal, which tends to cast disrespect on an inspector or the Meat and Poultry Inspection
37 Service. Whoever, in the commission of any such acts, uses a deadly weapon, shall be fined not
38 less than two hundred fifty dollars (\$250.00) or not more than one thousand dollars (\$1,000.00)
39 or imprisoned not less than one year or not more than two years, or both.

40 **Sec. 21.** (a) Any person, firm, or corporation who violates any provision of this Act
41 or any regulation of the Board for which no other criminal penalty is provided by this Act shall
42 upon conviction be subject to imprisonment for not more than six months, or a fine of not more
43 than five hundred dollars (\$500.00), or both such imprisonment and fine; but if such violation
44 involves intent to defraud, or any distribution or attempted distribution of an article that is
45 adulterated (except as defined in Section 1 (j)(8) of this Act), such person, firm or corporation
46 shall be subject to imprisonment for not more than three years or a fine of not more than ten
47 thousand dollars (\$10,000.00) or both: Provided, That no person, firm, or corporation shall be
48 subject to penalties under this Section for receiving for transportation any article or animal in
49 violation of this Act if such receipt was made in good faith, unless such person, firm, or
50 corporation refuses to furnish on request of a representative of the Meat and Poultry Inspection
51 Service the name and address of the person from whom he received such article or animal, and

copies of all documents, if any there be, pertaining to the delivery of the article or animal to him.

(b) Nothing in this Act shall be construed as requiring the Commissioner or his authorized representative to report for prosecution or for the institution of condemnation or injunction proceedings, minor violations of this Act whenever he believes that the public interest will be adequately served by a suitable written notice of warning.

Sec. 22. (a) The Commissioner shall also have power—

(1) To gather and compile information concerning and, to investigate from time to time the organization, business, conduct, practices, and management of any person, firm, or corporation engaged in intrastate commerce, and the relation thereof to other persons, firms, or corporations;

(2) To require, by general or special orders, persons, firms, and corporations engaged in intrastate commerce, or any class of them, or any of them to file with the Commissioner, in such form as the Commissioner may prescribe, annual or special, or both annual and special, reports or answers in writing to specific questions, furnishing to the Commissioner such information as he may require as to the organization, business, conduct, practices, management, and relation to other persons, firms, and corporations, of the person, firm, or corporation filing such reports or answers in writing. Such reports and answers shall be made under oath, or otherwise, as the Commissioner may prescribe, and shall be filed with the Commissioner within such reasonable period as the Commissioner may prescribe, unless additional time be granted in any case by the Commissioner.

(b) For the purposes of this Act the Commissioner shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documentary evidence of any person, firm, or corporation being investigated or proceeded against, and may require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence of any person, firm, or corporation relating to any matter under investigation. The Commissioner may sign subpoenas and may administer oaths and affirmations, examine witnesses, and receive evidence.

(1) Such attendance of witnesses, and the production of such documentary evidence, may be required at any designated place of hearing. In case of disobedience to a subpoena the Commissioner may invoke the aid of any court designated in Section 19 of this Act in requiring the attendance and testimony of witnesses and the production of documentary evidence.

(2) Any of the courts designated in Section 19 of this Act within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to any person, firm, or corporation, issue an order requiring such person, firm, or corporation, to appear before the Commissioner or to produce documentary evidence if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(3) Upon the application of the Attorney General of this State at the request of the Commissioner, the Superior Court shall have jurisdiction to issue writs of mandamus commanding any person, firm, or corporation to comply with the provisions of this Act or any order of the Commissioner made in pursuance thereof.

(4) The Commissioner may order testimony to be taken by deposition in any proceeding or investigation pending under this Act at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the Commissioner and having power to administer

oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the Commissioner as hereinbefore provided,

(5) Witnesses summoned before the Commissioner shall be paid the same fees and mileage that are paid witnesses in the courts of this State, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in such courts.

(6) No person, firm, or corporation shall be excused from attending and testifying or from producing books, papers, schedules of charges, contracts, agreements, or other documentary evidence before the Commissioner or in obedience to the subpoena of the Commissioner whether such subpoena be signed or issued by him or his delegate, or in any cause or proceedings, criminal or otherwise, based upon or growing out of any alleged violation of this Act, or of any amendments thereto, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him or it may tend to incriminate him or it or subject him or it to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any person so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(c) Any person, firm, or corporation that shall neglect or refuse to attend and testify or to answer any lawful inquiry, or to produce documentary evidence, if in his or its power to do so, in obedience to the subpoena or lawful requirement of the Commissioner shall be guilty of a misdemeanor and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than six months or by both such fine and imprisonment.

(1) Any person, firm, or corporation that shall willfully make, or cause to be made, any false entry or statement of fact in any report required to be made under this Act, or that shall willfully make, or cause to be made, any false entry in any account, record, or memorandum kept by any person, firm, or corporation subject to this Act or that shall willfully neglect or fail to make, or to cause to be made, full, true, and correct entries in such accounts, records, or memoranda, of all facts and transactions appertaining to the business of such person, firm, or corporation, or that shall willfully remove out of the jurisdiction of this State, or willfully mutilate, alter, or by any other means falsify any documentary evidence of any such person, firm, or corporation or that shall willfully refuse to submit to the Commissioner or to any of his authorized agents, for the purpose of inspection and taking copies, any documentary evidence of any such person, firm, or corporation in his possession or within his control, shall be deemed guilty of an offense and shall be subject, upon conviction in any court of competent jurisdiction to a fine of not more than five hundred dollars (\$500.00) or to imprisonment for a term of not more than six months or to both such fine and imprisonment.

(2) If any person, firm, or corporation required by this Act to file any annual or special report shall fail so to do within the time fixed by the Commissioner for filing the same, and such failure shall continue for thirty days after notice

of such default, such person, firm, or corporation shall forfeit to this State the sum of one hundred dollars (\$100.00) for each and every day of the continuance of such failure, which forfeiture shall be payable into the General Fund of this State, and shall be recoverable in a civil suit in the name of the State brought in the Superior Court where the person, firm, or corporation has his or its principal office or in Wake County. It shall be the duty of the Attorney General of this State, to prosecute for the recovery of such forfeitures. The costs and expenses of such prosecution shall be paid out of the amount recovered in such action.

- (3) Any officer or employee of this State who shall make public any information obtained by the Commissioner without his authority, unless directed by a court, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment, not exceeding six months or by both such fine and imprisonment, in the discretion of the court.

Sec. 23. The requirements of this Act shall apply to persons, firms, corporation establishments, animals, and articles regulated under the Federal Meat Inspection Act only to the extent provided for in Section 408 of said Federal Act.

Sec. 24. If any provision of this Act or the application thereof to any person, firm, or corporation or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons, firms, and corporations and circumstances shall not be affected thereby.

Sec. 25. This Act shall be designated as the "North Carolina Compulsory Meat Inspection Act."

Sec. 26. Articles 49B and 49C of Chapter 106 of the General Statutes is hereby repealed. The provisions of Article 12 of Chapter 106 which are inconsistent with the provisions of this Act shall not apply to any meat or meat food product regulated herein.

Sec. 27. All rules and regulations of the North Carolina Department of Agriculture not inconsistent with the provisions of this Act shall remain in full force and effect until amended or repealed by the Board.

Sec. 27(a). The Commissioner, or his agents, shall not be required to furnish meat inspection, as herein provided, for more than eight hours in any one day, or in excess of forty hours in any one calendar week or on Sundays or legal holidays except on payment to the Department by the operator of an establishment under inspection of an hourly fee for each hour of State meat inspection furnished over eight hours in any one day or in excess of forty hours in any calendar week or on Sundays and legal holidays. The Commissioner shall establish an hourly rate for such overtime at an amount sufficient to defray the cost of such inspection.

All fees received by the Department under this Section shall be deposited in the General Fund in the State treasury, credited to the Department of Agriculture account, and continuously appropriated to the Department for the purpose of administration and enforcement of this Act.

Sec. 28. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 29. This Act shall be in full force and effect from and after January 1, 1970.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.