

The original documents are located in Box 66, folder “10/18/76 HR10073 Rabbit Meat Inspection (vetoed)” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library.

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POCKET VETO
OFF. MIDWEST 10/18/76
MEMO OF DISAPPROVAL
(DATED 10/17/76)
ISSUED 10/18/76

disapproved
10/17/76

THE WHITE HOUSE
WASHINGTON
October 16, 1976

ACTION
Last Day: October 18

MEMORANDUM FOR THE PRESIDENT
FROM: JIM CANNON *J.C. Cannon*
SUBJECT: H.R. 10073 - Rabbit Meat Inspection

Attached for your consideration is H.R. 10073, sponsored by Representative Sebelius.

The enrolled bill would require mandatory Department of Agriculture inspection of domesticated rabbits slaughtered for human food.

Presently, the Food and Drug Administration does inspect domestic and imported rabbit meat for compliance with Federal pure food laws to assure that it is healthful. In addition, there is presently a voluntary Department of Agriculture program available for inspection of domesticated rabbits for wholesomeness on a cost reimbursable basis.

H.R. 10073 would make this USDA inspection mandatory. Also, all rabbit meat imports would be subject to USDA regulations to assure that such imports are wholesome.

A detailed explanation of the provisions of the enrolled bill including complete agency comments and contrasting arguments for approval and disapproval, is provided in OMB's enrolled bill report at Tab A.

Agency Recommendations

Agriculture recommends disapproval and concludes:

"..This Department does not believe that the benefit to be derived from the inspection of meat consumed on such a small scale warrants the commitment of the resources needed to implement a mandatory inspection program. There is presently a voluntary program available under the Agricultural Marketing Act for inspection of domesticated rabbits on a reimbursable basis. This program provides a means of supplying rabbits certified as wholesome to those consumers who demand such assurance."



OMB recommends disapproval, arguing:

"The present voluntary inspection program is operating efficiently and is available to those who desire it. In light of the Administration's continued attempts to achieve a reduction in unnecessary regulation, we believe the arguments for disapproval are stronger. Accordingly, we join Agriculture in recommending that you veto H.R. 10073."

All other agencies defer to Agriculture, including the State Department, which notes that the bill would have the effect of excluding Chinese rabbit meat from the U.S., that rabbit meat exports are of some significance to the People's Republic of China and that the bill would have a negative impact on our relations with the PRC.

Staff Recommendations

Max Friedersdorf	"Recommend approval. Sebelius, Hammerschmidt, McClellan and Bumpers have written requesting bill be signed."
Counsel's Office (Lazarus)	"Concur in OMB's recommendation for disapproval"
National Security Council	"Concur in OMB's recommendation for disapproval"

Recommendation

I recommend that you veto H.R. 10073 because it provides for unnecessary regulation and does not increase health protection.





EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

OCT 11 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 10073 - Rabbit meat inspection
Sponsor - Rep. Sebelius (R) Kansas

Last Day for Action

October 18, 1976 - Monday

Purpose

Provides for the mandatory inspection of domesticated rabbits slaughtered for human food.

Agency Recommendations

Office of Management and Budget	Disapproval (Memorandum of Disapproval attached)
Department of Agriculture	Disapproval (Memorandum of Disapproval attached)
Department of Health, Education and Welfare	Defers to Agriculture
Department of State	Defers to Agriculture
Office of the Special Representative for Trade Negotiations	Defers to Agriculture (Informally)
Department of the Treasury	Defers to Agriculture

Discussion

There is no existing requirement for inspection of domesticated rabbit meat as is required under Federal law for meat and poultry. The Food and Drug Administration (FDA)



does inspect all of these foods for compliance with Federal pure food laws, including those foods that are imported, but these are random spot checks which differ from the Department of Agriculture's tests for wholesomeness.

During 1975, some 7.8 million pounds of domesticated rabbit meat was available for public consumption, with about 1.8 million pounds of it being imported. Out of this total, only 1.8 million pounds is subject to Federal inspection under a voluntary program paid for by the rabbit meat processors who have elected to request inspection.

H.R. 10073 would provide for the mandatory inspection of the slaughter of domesticated rabbits and their carcasses, meat, and products intended for use as human food by making the provisions of the Poultry Products Inspection Act (PPIA) applicable to such rabbits and articles. Generally, other provisions of PPIA, including the prohibitions on distribution of adulterated or misbranded products, would apply to persons engaged in the business of slaughtering domesticated rabbits or preparing, handling, or distributing the carcasses, meat, or products thereof. All imports of domesticated rabbit meat would be subject to regulations issued by the Secretary to assure that such imports are healthful and wholesome.

For slaughter plants operating in interstate commerce under PPIA, as would be applicable concerning rabbit plants under H.R. 10073, certain States have elected to run their own inspection programs, approved by USDA, with the Federal Government sharing 50 percent of the program's cost. The other States have turned to USDA for administering the inspection program at no cost to the State.

In practical terms, under H.R. 10073, this means that of the 59 rabbit processing plants now operating in the United States, 21 would be subject to Federal inspection beginning in 1977, three would qualify for State inspection programs where there is 50/50 Federal/State cost sharing, and the remaining 35 would have 2 years in which to develop an approved rabbit meat inspection program.



Agriculture estimates the costs attributable to H.R. 10073 would be \$254,000 for fiscal year 1977 and \$583,000 by fiscal year 1979.

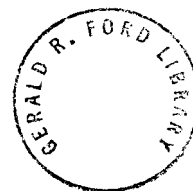
In reporting to the Congress on a related bill that applied only to domestic rabbits, Agriculture opposed mandatory inspection on the basis that rabbit meat is not a significant source of protein in the American diet and accordingly, that Federal funds should not be used to assure the wholesomeness of this specialty food. The Department did note that its voluntary inspection program was available to those producers who wanted and were willing to pay for the service.

However, the Congressional Agriculture Committees disagreed with the Department's reasoning, and in their reports on H.R. 10073, argued that the American consumers should have adequate inspection of rabbit meat just as they do in the case of meat and poultry. With the same reasoning, the committees amended the bill to cover domesticated rabbit meat, thus extending the bill's general coverage to imported products.

Agency Views

Agriculture recommends veto while all other agencies defer to USDA. In its attached enrolled bill letter, Agriculture estimates that on an annual per capita basis only four-tenths of one ounce of rabbit meat would be subject to inspection under this bill, and the Department concludes that:

"... This Department does not believe that the benefit to be derived from the inspection of meat consumed on such a small scale warrants the commitment of the resources needed to implement a mandatory inspection program. There is presently a voluntary program available under the Agricultural Marketing Act for inspection of domesticated rabbits on a reimbursable basis. This program provides a means of supplying rabbits certified as wholesome to those consumers who demand such assurance."



Although State defers to Agriculture in its attached enrolled bill letter, the Department does offer two comments concerning H.R. 10073. First, the Department advises that the bill would have the effect of excluding chinese rabbit meat from the U.S. market because the People's Republic of China (PRC) cannot be expected to comply with USDA inspection of their facilities. State notes that rabbit meat exports are of some significance to China and that the enrolled bill would create additional barriers to our imports and have a negative impact on our relations with the PRC. Second, State observes that there are already Federal Food, Drug and Cosmetic Act regulations applicable to imported meat which require certain standards of purity and wholesomeness.

Arguments for Approval

1. H.R. 10073 would establish a rabbit meat inspection program that would be consistent with the mandatory inspection requirements for meat and poultry products.
2. The competitive relationships between rabbit meat and related foods would not be distorted by requiring rabbit processors to pay for inspection costs.
3. American consumers have come to rely upon the uniform wholesomeness of their meat and poultry supply as assured by existing meat and poultry inspection programs -- exceptions to this assurance based on relatively small production volume is not justified (what is a specialty food to one consumer may be a staple to another).
4. Since rabbit meat consumers as a general class help pay for meat and poultry inspection costs through their taxes, they are entitled to equal protection in terms of rabbit meat inspection.

Arguments for Disapproval

1. Rabbit meat consumption is insignificant -- about one-half of an ounce per capita on an annual basis.

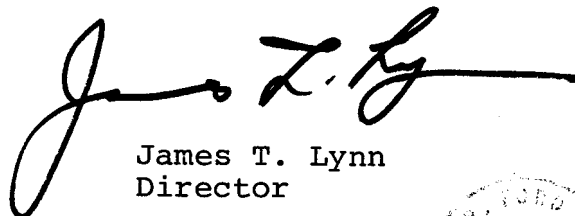


2. H.R. 10073 would be contrary to the general Administration policy of shifting inspection costs to the producer whenever possible.
3. USDA inspection has traditionally been for meat and poultry products that enjoy very wide consumption by the public because the cost for this function is shared by a large number of benefitting taxpayers; where consumption is not broadly based, the producer and benefitting consumer of specialty foods should pay instead of most non-benefitting taxpayers.
4. FDA inspects rabbit meat to insure compliance with Federal pure food laws -- this is not a health issue.
5. The voluntary inspection program is available for those producers who desire it.
6. Approval of this legislation could encourage other specialty producers (squab, pheasant, etc.) to seek similar inspection assistance.
7. Our relations with China could be adversely affected by the bill.

Conclusion

The present voluntary inspection program is operating efficiently and is available to those who desire it. In light of the Administration's continued attempts to achieve a reduction in unnecessary regulation, we believe the arguments for disapproval are stronger. Accordingly, we join Agriculture in recommending that you veto H.R. 10073.

We have made minor modifications to Agriculture's draft Memorandum of Disapproval which is attached for your consideration.


James T. Lynn
Director

Enclosures





DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OCT 6 1970

The Honorable James T. Lynn
Director, Office of Management
and Budget
Washington, D. C. 20503

Dear Mr. Lynn:

This is in response to your request for a report on H.R. 10073, an enrolled bill "To provide for the mandatory inspection of domesticated rabbits slaughtered for human food, and for other purposes."

In substance, the enrolled bill would vest in the Department of Agriculture a responsibility for the inspection of domesticated rabbits slaughtered for human food that the Agriculture Department now exercises in connection with poultry and poultry products.

The enrolled bill does not in any way seek to impair the jurisdiction of this Department conferred by the Federal Food, Drug, and Cosmetic Act. In consequence, we defer on the desirability of its enactment to the Department of Agriculture.

Sincerely,

Under Secretary





THE GENERAL COUNSEL OF THE TREASURY
WASHINGTON, D.C. 20220

OCT 6 1976

Director, Office of Management and Budget
Executive Office of the President
Washington, D. C. 20503

Attention: Assistant Director for Legislative
Reference

Sir:

Reference is made to your request for the views of this Department on the enrolled enactment of H.R. 10073, "To provide for the mandatory inspection of domesticated rabbits slaughtered for human food, and for other purposes."

The enrolled enactment would make rabbit meat inspection mandatory, at Federal cost, by extending the provisions of the Poultry Products Inspection Act to domesticated rabbits and rabbit products. Under the proposed legislation, imported rabbits would be required to be prepared under standards at least equal to those in the United States. The stated purpose of the legislation is to give to consumers of rabbit products the same assurance that such products are wholesome, unadulterated, and correctly labeled, as presently given under the law to consumers of meat and poultry products.

Since the subject matter of this legislation is not of primary concern to this Department, we defer to the Department of Agriculture on the merits of the enrolled enactment.

Sincerely yours,

General Counsel

Richard R. Albrecht





DEPARTMENT OF STATE

Washington, D.C. 20520

OCT 7 1976

Dear Mr. Lynn:

The Secretary has asked me to reply to your communication (Office of Management and Budget Memorandum dated October 4 signed by Mr. Frey) requesting our views on H.R. 10073, an enrolled bill providing for the mandatory inspection of the slaughter of rabbits and the carcasses, meat and products thereof intended for human consumption.

The proposed legislation dealing with the introduction of additional sanitation requirements, is of primary interest to other executive agencies, and we defer to their views. In so doing, however, we would like to make two specific comments.

The United States currently imports rabbit meat for human consumption from two countries, the People's Republic of China and Poland, the bulk of it coming from the PRC. The proposed legislation to extend the Poultry Products Inspection Act to cover rabbit meat would have the effect of excluding Chinese rabbit meat from the U.S. market, since the provisions of the act include measures which the Chinese cannot be expected to comply with, such as USDA inspection of their facilities. While rabbit meat is not the mainstay of our China trade, it is an item of some significance; any action taken at this time to erect barriers to our imports from China beyond those substantial ones already in place will inevitably have a negative impact on our relations with the PRC, however marginal.

The Honorable
James T. Lynn, Director,
Office of Management and Budget.

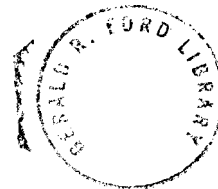


We would also note that we are not in possession of any information indicating a need for the United States Government to undertake the kind of pervasive regulatory scheme directed against imported articles implied by the proposed legislation. We note that imported products are already required to comply with the standards of purity and wholesomeness laid down in regulations implementing the Federal Food Drug and Cosmetic Act and articles failing to conform to such standards are excluded from entry. We further understand that the Food and Drug Administration of the Department of Health, Education and Welfare has legislative authority to impose additional procedures, such as requiring certification by foreign governments, that products were processed under sanitary conditions comparable to those generally prevailing in the United States when circumstances warrant.

Sincerely,



Kempton B. Jenkins
Acting Assistant Secretary
for Congressional Relations





DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20250

Honorable James T. Lynn
Director, Office of Management
and Budget
Washington, DC 20503

October 8, 1976

Dear Mr. Lynn:

In reply to the request of your office, the following report is submitted on the enrolled enactment H.R. 10073, "To provide for the mandatory inspection of domesticated rabbits slaughtered for human food, and for other purposes."

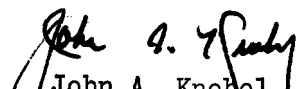
The Department recommends that the President disapprove the Act.

With certain exceptions, the Act makes the provisions of the Poultry Products Inspection Act (71 Stat. 441; 21 U.S.C. 451-470) applicable to the slaughter, processing, and distribution of domesticated rabbits. Section 2 of the Act makes the provisions of section 24(a) of the Poultry Products Inspection Act inapplicable to domesticated rabbits, but fails to substitute therefor a provision exempting domesticated rabbits from the provisions of the Federal Food, Drug, and Cosmetic Act. This could result in some concurrent regulation by this Department and the Food and Drug Administration.

The Department estimates that approximately 6 million pounds of domesticated rabbit meat would be subject to inspection under this Act. On a per capita basis, the consumption of such meat would amount to approximately four-tenths of one ounce per person. This Department does not believe that the benefit to be derived from the inspection of meat consumed on such a small scale warrants the commitment of the resources needed to implement a mandatory inspection program. There is presently a voluntary program available under the Agricultural Marketing Act for inspection of domesticated rabbits on a reimbursable basis. This program provides a means of supplying rabbits certified as wholesome to those consumers who demand such assurance.

This Act would require additional appropriations of approximately \$254,000 for fiscal year 1977, \$203,000 for 1978, \$583,000 for 1979, \$618,000 for 1980, and \$656,000 for 1981.

Sincerely,


John A. Knebel
Acting Secretary



THE SPECIAL REPRESENTATIVE FOR
TRADE NEGOTIATIONS
WASHINGTON

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12 OCT 1976

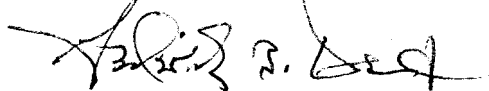
Honorable James T. Lynn
Director
Office of Management and Budget
Old Executive Office Building
Washington, D.C. 20503

Dear Mr. Lynn:

This is in response to your request for the views of this Office on the enrolled bill H.R. 10073, "To provide for the mandatory inspection of domesticated rabbits slaughtered for human food, and for other purposes."

This bill does not appear to involve significant trade policy concerns. Therefore this Office defers to the USDA on the merits of this bill.

Sincerely,



Frederick B. Dent



MEMORANDUM

NATIONAL SECURITY COUNCIL

5697

October 13, 1976

MEMORANDUM FOR: JAMES M. CANNON
FROM: Jeanne W. Davis *JWT*
SUBJECT: *JW* H. R. 10073

The NSC Staff concurs in OMB's Memorandum of Disapproval on
H. R. 10073-Rabbit Meat Inspection.



To the House of Representatives:

I return herewith, without my approval, H.R. 10073, entitled "An Act to provide for the mandatory inspection of domesticated rabbits slaughtered for human food, and for other purposes."

This Act would make applicable to domesticated rabbits, with minor exceptions, the provisions of the Poultry Products Inspection Act. It would require the Secretary of Agriculture to implement a mandatory inspection program for all domesticated rabbits, their carcasses, and parts, to be sold in commerce with certain exemptions related to type and volume of operations.

The effect of this Act would be to substitute a mandatory taxpayer financed inspection program for one that is now provided under another law but which is paid for by the processors and consumers of rabbit meat. Although the latter program is voluntary, it does provide means for certifying wholesomeness to those consumers who demand such protection.

The cost of providing mandatory inspection of rabbit meat is estimated between \$200,000 and \$700,000 annually for the next five fiscal years. The amount of meat inspected would be about 6 million pounds. Stated in terms of consumption on a per capita basis, this would provide only four-tenths of one ounce of inspected meat per person per year to our United States population.

I do not believe that the limited benefit to be derived from enactment of this Act can be justified in terms of its cost.



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 11

Time: 1000pm

FOR ACTION: Paul Leach *veto* cc (for information): Jack Marsh
 Max Friedersdorf *sign (Comments)* Ed Schmults
 Bobbie Kilberg *do* Robert Hartmann Steve McConahey *dfo*
 Bill Seidman *NO COMMENT*
 NSC/S *veto*

FROM THE STAFF SECRETARY

DUE: Date: October 13

Time: 1100am

SUBJECT:

H.R. 10073-Rabbit meat inspection

ACTION REQUESTED:

- | | |
|---|---|
| <input type="checkbox"/> For Necessary Action | <input type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief | <input type="checkbox"/> Draft Reply |
| <input checked="" type="checkbox"/> For Your Comments | <input type="checkbox"/> Draft Remarks |

REMARKS:

please return to judy johnston, ground floor west wing



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

October 11

Time: 1000pm

LOG NO.: 10/12/76 - 10:45 am

FOR ACTION:

Paul Leach
Max Friedersdorf
Bobbie Kilberg
Bill Seidman
NSC/S

cc (for information):

Robert Hartmann ✓

Jack Marsh
Ed Schmults
Steve McConahey

FROM THE STAFF SECRETARY

DUE: Date: October 13

Time: 1100am

SUBJECT:

H.R.10073-Rabbit meat inspection

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks



REMARKS:

please return to judy johnston, ground floor west wing

10/12/76 - Copy sent for researching. nm

10/12/76 - Researched copy returned. nm *

~~Recommend with~~

Veto me if needed
HJ

Original copy with me
was better than
this

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James M. Cannon
For the President

LOG NO.:

October 11

Time: 1000pm

10/12/73-10:45 am

FOR ACTION: Paul Leach
Max Friedersdorf
Bobbie Kilberg
Bill Seidman
NSC/S

cc (for information):

Robert Hartmann ✓

Jack Marsh
Ed Schmults
Steve McConahey

FROM THE STAFF SECRETARY

DUE: Date: October 13

352
to Rep 1:07
10/12 AM

Time: 1100am

J. Johnston
to DIS

10/12 5:40
AM

SUBJECT:

H.R.10073-Rabbit meat inspection

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing



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James M. Cannon
For the President

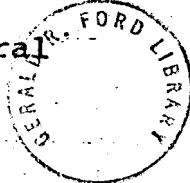
MEMORANDUM OF DISAPPROVAL

I have withheld my approval from H.R. 10073, "An Act to provide for the mandatory inspection of domesticated rabbits slaughtered for human food, and for other purposes."

This Act would make applicable to domesticated rabbits, with minor exceptions, the provisions of the Poultry Products Inspection Act. It would require the Secretary of Agriculture to implement a mandatory inspection program for all domesticated rabbits, their carcasses, and parts, to be sold in commerce with certain exemptions related to type and volume of operations.

The effect of this Act would be to substitute a mandatory taxpayer financed inspection program for one that is now provided under another law but which is paid for by the processors and consumers of rabbit meat. Although the latter program is voluntary, it does provide means for certifying wholesomeness to those consumers who demand such protection for this specialty food. Moreover, the Food and Drug Administration now inspects rabbit meat to insure that it complies with Federal pure food laws.

The cost of providing mandatory inspection of rabbit meat is estimated between \$200,000 and \$650,000 annually for the next five fiscal years. The amount of meat inspected annually would be about 6 million pounds. In five years, therefore, it would cost more than ten cents per pound to inspect the meat. In terms of consumption on a per capita basis, this would provide less than one-half of one ounce of inspected meat per



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In summary, I do not believe that the limited benefit to be derived from H.R. 10073 can be justified in terms of its cost to the taxpayer.



THE WHITE HOUSE

October , 1976

Date: October 11

LOG NO.:

Time: 1000pm

FOR ACTION:

Paul Leach ✓
Max Friedersdorf
Bobbie Kilberg
Bill Seidman
NSC/S

cc (for information):

Robert Hartmann

Jack Marsh
Ed Schmults
Steve McConahey

FROM THE STAFF SECRETARY

DUE: Date: October 13

Time: 1100am

SUBJECT:

H.R.10073-Rabbit meat inspection



ACTION REQUESTED:

___ For Necessary Action

___ For Your Recommendations

___ Prepare Agenda and Brief

___ Draft Reply

X For Your Comments

___ Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

Agree with USDA & OMB on veto
recommendation. This is unnecessary
Federal intervention involving no
probability of health, since FDA
already inspects for health purposes.

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

PZ 10/12/76

Date: October 11

LOG NO.:

Time: 1000pm

F ACTION:

Paul Leach
Max Friedersdorf
Bobbie Kilberg
Bill Seidman
NSC/S

cc (for information):

Robert Hartmann

Jack Marsh
Ed Schmults
Steve McConahey

FROM THE STAFF SECRETARY

DUE: Date: October 13

Time: 1100am

SUBJECT:

H.R.10073-Rabbit meat inspection

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

*Recommend Approval. Schelin,
Hammerschmidt, McClellan &
Bumpus have written requesting
bill be signed.*

Tref



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James M. Cannon
For the President

Date: October 11

Time: 1000pm

LOG NO.:

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Max Friedersdorf
Bobbie Kilberg
Bill Seidman
NSC/S

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FROM THE STAFF SECRETARY

DUE: Date: October 13

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SUBJECT:

H.R.10073-Rabbit meat inspection

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

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For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

*no comment
JWS*



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James M. Cannon
For the President

Date: October 11

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Paul Leach
Max Friedersdorf
Bobbie Kilberg
Bill Seidman
NSC/S

cc (for information):

Robert Hartmann

Jack Marsh
Ed Schmults
Steve McConahey

FROM THE STAFF SECRETARY

DUE: Date: October 13

Time: 1100am

SUBJECT:

H.R.10073-Rabbit meat inspection

ACTION REQUESTED:

___ For Necessary Action

___ For Your Recommendations

___ Prepare Agenda and Brief

___ Draft Reply

X For Your Comments

___ Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

Concur in OMB's recommendation for disapproval.

K. Lazarus 10/13



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

MEMORANDUM OF DISAPPROVAL

I have withheld my approval from H.R. 10073, "An Act to provide for the mandatory inspection of domesticated rabbits slaughtered for human food, and for other purposes."

This ~~Act~~^{BILL} would make applicable to domesticated rabbits, with minor exceptions, the provisions of the Poultry Products Inspection Act. It would require the Secretary of Agriculture to implement a mandatory inspection program for all domesticated rabbit meat ~~sold~~ sold in commerce, with certain exemptions related to type and volume of operations.

IT SHOULD BE NOTED THAT
the Food and Drug Administration now inspects rabbit meat to ensure that it complies with Federal pure food laws. Thus, there is no health protection reason for requiring mandatory Agriculture Department inspection of rabbit meat.

The effect of this Act would be to substitute a mandatory, AGRICULTURE DEPARTMENT taxpayer-financed inspection program for a voluntary one that is now provided under another law and paid for by the processors and consumers of rabbit meat.

π Thus, the issue involved in this instance is not health protection but rather whether the Federal Government at taxpayer expense should be required to certify the "wholesomeness" of all rabbit meat sold to American consumers. Since the voluntary program already provides a means for certifying wholesomeness to those consumers who demand such protection for this specialty food, **AND ARE WILLING TO PAY FOR BOTH THE PROTECTION,** I do not ~~think~~^{believe} that a mandatory program is wise public policy.

In addition, ~~it~~^{Government inspection} is estimated that the cost to the taxpayer of inspecting rabbit meat provided by this act ~~over the next five years~~ could be

Ten

more than ~~5~~ cents per pound.

~~In summary, I do not believe that~~ the limited benefit to
be derived by a relative few consumers of rabbit meat ~~can~~ ^{cannot} be
justified in terms of the cost to the taxpayer. ~~As a result,~~
I am ^{therefore} not approving H.R. 10073.



MEMORANDUM OF DISAPPROVAL

I have withheld my approval from H.R. 10073, "An Act to provide for the mandatory inspection of domesticated rabbits slaughtered for human food, and for other purposes."

This ~~bill~~^{BILL} would make applicable to domesticated rabbits, with minor exceptions, the provisions of the Poultry Products Inspection Act. It would require the Secretary of Agriculture to implement a mandatory inspection program for all domesticated rabbit meat sold in commerce, with certain exemptions related to type and volume of operations.

IT SHOULD BE NOTED THAT

the Food and Drug Administration now inspects rabbit meat to ensure that it complies with Federal pure food laws. Thus, there is no health protection reason for requiring mandatory Agriculture Department inspection of rabbit meat.

The effect of this Act would be to substitute a mandatory, taxpayer-financed AGRICULTURE DEPARTMENT inspection program for a voluntary one that is now provided under another law and paid for by the processors and consumers of rabbit meat.

π

Thus, the issue involved in this instance is not health protection but rather whether the Federal Government at taxpayer expense should be required to certify the "wholesomeness" of all rabbit meat sold to American consumers. Since the voluntary program already provides a means for certifying wholesomeness to those consumers who demand such protection for this specialty food, **AND ARE WILLING TO PAY FOR ~~SOME~~ PROTECTION,** I do not ~~think~~^{believe} that a mandatory program is wise public policy.

In addition, it is estimated that the cost to the taxpayer of inspecting rabbit meat ~~over the next five years~~ could be



Ten

more than ~~1~~ cents per pound.

In summary, I do not believe that the limited benefit to be derived by a relative few consumers of rabbit meat can be justified in terms of the cost to the taxpayer. As a result, I am not approving H.R. 10073.



MEMORANDUM OF DISAPPROVAL

I have withheld my approval from H.R. 10073, "An Act to provide for the mandatory inspection of domesticated rabbits slaughtered for human food, and for other purposes."

This Act would make applicable to domesticated rabbits, with minor exceptions, the provisions of the Poultry Products Inspection Act. It would require the Secretary of Agriculture to implement a mandatory inspection program for all domesticated rabbits, their carcasses, and parts, to be sold in commerce with certain exemptions related to type and volume of operations.

The effect of this Act would be to substitute a mandatory taxpayer financed inspection program for one that is now provided under another law but which is paid for by the processors and consumers of rabbit meat. Although the latter program is voluntary, it does provide means for certifying wholesomeness to those consumers who demand such protection for this specialty food. Moreover, the Food and Drug Administration now inspects rabbit meat to insure that it complies with Federal pure food laws.

The cost of providing mandatory inspection of rabbit meat is estimated between \$200,000 and \$650,000 annually for the next five fiscal years. The amount of meat inspected annually would be about 6 million pounds. In five years, therefore, it would cost more than ten cents per pound to inspect the meat. In terms of consumption on a per capita basis, this would provide less than one-half of one ounce of inspected meat per person per year to our population.



In summary, I do not believe that the limited benefit to be derived from H.R. 10073 can be justified in terms of its cost to the taxpayer.

THE WHITE HOUSE

October , 1976



MEMORANDUM OF DISAPPROVAL

I have withheld my approval from H.R. 10073, "An Act to provide for the mandatory inspection of domesticated rabbits slaughtered for human food, and for other purposes."

This bill would make applicable to domesticated rabbits, with minor exceptions, the provisions of the Poultry Products Inspection Act. It would require the Secretary of Agriculture to implement a mandatory inspection program for all domesticated rabbit meat sold in commerce, with certain exemptions related to type and volume of operations.

It should be noted that the Food and Drug Administration now inspects rabbit meat to ensure that it complies with Federal pure food laws. Thus, there is no health protection reason for requiring mandatory Agriculture Department inspection of rabbit meat.

The effect of this Act would be to substitute a mandatory taxpayer-financed Agriculture Department inspection program for a voluntary one that is now provided under another law and paid for by the processors and consumers of rabbit meat. Since the voluntary program already provides a means for certifying wholesomeness to those consumers who demand such protection for this specialty food and are willing to pay for the protection, I do not believe that a mandatory program is wise public policy.

In addition, it is estimated that the cost to the taxpayer of government inspection provided by this Act could be more than ten cents per pound.

The limited benefit to be derived by a relative few consumers of rabbit meat cannot be justified in terms of the cost to the taxpayer. I am therefore not approving H.R. 10073.

Gerald R. Ford

THE WHITE HOUSE,
October 17, 1976.



DOMESTICATED RABBIT MEAT INSPECTION

NOVEMBER 3, 1975.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. FOLEY, from the Committee on Agriculture,
submitted the following

REPORT

[To accompany H.R. 10073]

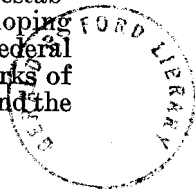
The Committee on Agriculture, to whom was referred the bill (H.R. 10073) to provide for the mandatory inspection of domesticated rabbits slaughtered for human food, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE AND NEED FOR THE LEGISLATION

The bill would provide for the mandatory inspection of the slaughter of domesticated rabbits and the carcasses, meat and products thereof intended for use for human food by making the provisions of the Poultry Products Inspection Act (71 Stat. 441; 21 U.S.C. 451-470) applicable to such rabbits and articles.

The Executive Vice President of the National Association of Federal Veterinarians, testifying in favor of this legislation, had the following pertinent comments to make concerning the inspection of rabbit meat:

Domestic rabbit meat could become a more important part of the diet. The raising of rabbits does not require a large capital expenditure and it fits in well as an enterprise even for older people and people with certain handicaps. In some parts of the country procedures have been established which have facilitated the marketing of the live rabbits. It would be relatively easy for existing meat and poultry slaughtering establishments to provide facilities that would permit developing a good outlet for the rabbit meat bearing the marks of federal inspection. I am confident that rabbits bearing the marks of federal inspection would be well accepted by consumers and the demand for rabbit meat would increase.



At present imported domestic rabbits have an uncertain background. There is no requirement that antemortem and postmortem inspection in the country of origin be adequate. We know little or nothing about the quality of rabbit inspection in the Peoples' Republic of China and Poland, the principal exporters of domestic rabbits to the United States. Under the proposed legislation such rabbits would be required to be prepared under standards at least equal to those in the United States. It has been estimated that 1.5 million pounds of domestic rabbit meat is imported annually.

Rabbits are susceptible to most of the diseases and conditions found in other animals and some diseases that are transmissible to man. Rabbits can now be sold in many states without any form of inspection. Under the present system of voluntary inspection it is possible that only the better rabbits would be presented for inspection with the others being sorted out and disposed of in a facility where there is no inspection.

The same situations that convinced the Congress to provide for mandatory meat and poultry inspection will be found to exist with rabbits. With the exception of one year (1947) when the entire cost of the Meat Inspection Service was borne by the industry it has always been the policy that, with the exception of overtime, the cost of meat inspection should be paid out of public funds. This same policy should now be extended to rabbit inspection and the inspection should be mandatory.

The U.S. Department of Agriculture, under the Agricultural Marketing Act of 1946, currently makes Federal inspection available to the rabbit industry through a voluntary program paid for by the processors who have elected to request inspection. However, there is no Federal law requiring the inspection of rabbit meat by the U.S. Government. Where the voluntary inspection program is in effect, Federal inspectors, according to testimony, conduct antemortem inspection of the live rabbits and post-mortem inspections of the dressed meat.

Based on information supplied by the Department of Agriculture, production of domesticated rabbit meat in 1974 under the voluntary inspection program was an estimated 3.2 million pounds. The Department estimates that annual production in plants, which would be required to have inspection under this bill, other than those under the voluntary program, amounts to about 9.2 million pounds.

In addition, the Department estimates that annual imports of domesticated rabbit meat from Poland and the Peoples Republic of China, are approximately 1.5 million pounds.

According to the testimony provided in the hearings, imported domesticated rabbit meat is subject to inspection by the Food and Drug Administration (FDA) to determine compliance with the requirements of the United States pure food laws. However, it was also understood that not all shipments are inspected, and it was not clear whether laboratory bacterial testing was conducted on all inspections performed by FDA officials.

Thus, it would appear that of the approximately 13.9 million pounds (3.2+ 9.2+ 1.5) of domesticated rabbit meat produced or imported for human consumption, only 3.2 million is inspected under Federal standards, as are the other meats which humans consume in this country. Although there are some State rabbit meat inspection programs in effect, it appears from the testimony that the standards required are uneven and the enforcement of standards vary from State to State.

Meanwhile, the reason the Committee used the Poultry Products Inspection Act as the basis for this domesticated rabbit meat legislation is that the procedures for slaughtering and processing are similar and, in fact, many poultry processing plants are also used for the slaughter and processing of domesticated rabbits.

The Committee is of the opinion that the basic need for this legislation is bottomed on the proposition of a consumer interest in insuring the wholesomeness of rabbit meats and rabbit products. It is considered that the only way that such assurance to the consumer can be established is through a Federal program, such as that established for red meat and poultry products.

As testified to by the Executive Vice President, National Association of Federal Veterinarians, mandatory meat and poultry inspection has historically been supported and paid for by use of public funds. Given the large amount of imports of rabbit products from Poland and the Peoples Republic of China and the uncertainty that State inspections programs are providing wholesome rabbit meat to consumers, it is the Committee's opinion that the relatively small cost associated with this legislation is justified by its need.

SECTION-BY-SECTION ANALYSIS

Section 1. Applicability of Poultry Products Inspection Act.

Section 1 provides that, except as provided in section 2, all the penalties, terms and other provisions of the Poultry Products Inspection Act are made applicable—

(a) to domesticated rabbits, the carcasses of such rabbits, and parts and products thereof, and to the establishments in which such rabbits are slaughtered or in which the carcasses, or parts or products thereof, are processed;

(b) to all persons who slaughter domesticated rabbits or prepare or handle the carcasses of such rabbits or parts or products thereof; and,

(c) to all other persons who perform any act relating to domesticated rabbits or the carcasses of such rabbits or parts or products thereof, and who would be subject to such provisions (and to the same manner and extent) if such acts related to poultry or poultry products as defined in the Poultry Products Inspection Act.

Section 2. Exceptions to Applicability.

Section 2(a) provides that the following provisions of the Poultry Products Inspection Act shall not apply to this Act:

1. Section 15(a)(2) which permitted the Secretary to grant an exemption from the Poultry Inspection Act for a period up to 1970;

2. Section 24(a) which provided that poultry products would be exempt from the provisions of the Federal Food, Drug, and Cosmetic Act in some circumstances;

3. Section 29 which established an effective date for the Poultry Inspection Act.

In addition, this subsection provides that the provisions of section 5(c)(1) of the Poultry Inspection Act relating to the two-year period—within which a State agency must adopt a State rabbit meat inspection program within a State or risk the Federal program applying to operations and transactions *wholly within* such State—would commence upon enactment of this legislation. Also, the provisions of section 5(c)(4) of the Poultry Inspection Act calling for the Secretary to make periodic reports to Congress on the progress of enforcement, etc., by the States are made effective upon enactment of this rabbit meat inspection legislation.

Likewise, this subsection applies the volume exemption for turkeys placed in section 15(c)(3) and (4) of the Poultry Inspection Act such that for purposes of this legislation it will apply to rabbits.

Section 2(b). Section 2(b)(1) and (2) state that wherever the terms poultry and poultry products are used in the Poultry Inspection Act, such term for purposes of this legislation shall be deemed to refer to domesticated rabbits.

Section 2(b)(3) states that where the term domesticated birds is used in the Poultry Inspection Act (section 4(e)), such term for purposes of this legislation shall be deemed to refer to domesticated rabbits.

Finally, section 2(b)(4) provides that the prohibited acts of section 9(a)(4) of the Poultry Inspection Act shall apply to domesticated rabbits, except that the term "feathers" in that Act shall be deemed to be "pelt" for purposes of this enactment.

Section 3. Effective Date.

Section 3 provides that H.R. 10073 would become effective upon enactment, except that no person shall be subject to the provisions of this Act prior to January 1, 1977, unless such person applies for and receives inspection for the processing for commerce (as defined in the Poultry Inspection Act) in accordance with this legislation and regulations promulgated by the Secretary.

Section 4. Effect on Poultry Products Inspection Act.

Section 4 provides that no provisions of this Act shall affect the application of the Poultry Products Inspection Act in relation to poultry products.

COMMITTEE CONSIDERATION

The Subcommittee on Livestock and Grains met at 10 a.m., Thursday, September 11, 1975, to consider H.R. 1502, a bill to provide for the mandatory inspection of rabbits slaughtered for human food, and for other purposes.

Among those who testified were Congressman Sebelius; Dr. Harry Mussman, Associate Administrator, Animal and Plant Health Inspection Service, U.S. Department of Agriculture; Mr. Robert W. Dubbell, General Manager of Pel-Freez Meat, Inc., Rogers Arkansas, who also appeared on behalf of 25 commercial rabbit meat processing com-

panies; and the American Rabbit Breeders Associations, Inc., Bloomington, Illinois; and Dr. Clarence H. Palo, Executive Vice President, National Association of Federal Veterinarians. Jowanda Shelton, Washington Director, Committee for Humane Legislation; Oren R. Reynolds, Director, the American Rabbit Breeders Association, Inc.; and Darlene V. Sartore, Chairman of the Board, International Rabbit Producers Cooperative Association, Inc., filed statements for the record.

Except for Dr. Mussman, the testimony and statements provided the Subcommittee favored enactment of this legislation.

The Subcommittee discussed and approved action to change the word "domestic" to "domesticated" where it appeared in the bill and voted unanimously, by voice vote, to report the bill, H.R. 1502, to the full Committee with a recommendation for favorable action.

Upon the consideration of H.R. 1502 in the full Committee on Thursday, October 30, 1975, a "clean bill," H.R. 10073, which was nearly identical to H.R. 1502, except for substituting the word "domesticated" for "domestic" and other technical amendments, was substituted for H.R. 1502 and by voice vote was unanimously reported favorably by the Committee.

EARLIER SENATE ACTION

S. 16, a bill nearly identical to H.R. 1502 and H.R. 10073, was introduced in the Senate early in this session of Congress.

S. 43, a bill similar to H.R. 10073 (and S. 16 and H.R. 1502), was passed by the Senate in the 93d Congress on February 21, 1973.

The Department of Agriculture in the 92d Congress, by letter dated February 25, 1972, did not oppose enactment of this legislation, as is evidenced by a copy of that letter appearing in Senate Report No. 93-22, which accompanied S. 43 passed by the Senate February 21, 1973:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., February 25, 1972.

HON. HERMAN E. TALMADGE,
Chairman, Committee on Agriculture and Forestry,
U.S. Senate.

DEAR MR. CHAIRMAN: This responds to your request for a report on S. 1943, a bill to provide for the mandatory inspection of rabbits slaughtered for human food, and for other purposes.

The Department does not oppose enactment of this bill.

An estimated 20 to 30 million pounds of rabbits are consumed each year. Commercial output of processed rabbit meat is estimated at about 4 million fryers annually, while hobby producers raise another 4 to 8 million rabbits which they often sell locally.

Based on a recent survey made by the Consumer and Marketing Service, a total of 29 plants could come under inspection provided for in the bill. First year costs for fiscal year 1972 (based on 6 months' operation) would approximate \$93,000 (including one-time training activities). Costs for program operations would approximate \$154,000 for fiscal year 1973; \$162,000 for fiscal year 1974; \$170,000 for fiscal

year 1975; and \$178,000 for fiscal year 1976. The survey covered two plants now under voluntary Federal inspection, one which has been surveyed as the first step toward applying for voluntary Federal inspection, 14 plants under State inspections, and 12 additional plants which are not now inspected by Federal or State agencies.

Of these 29 plants, 17 (three having voluntary Federal inspection and 14 having State inspection) could probably qualify for the mandatory inspection program. The remaining 12 plants probably would meet the criteria for exemption as listed in the proposed bill.

In accordance with Public Law 91-190, section 102(2)(C), attached is a statement on the impact this proposed bill would have on the quality of the environment.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

J. PHIL CAMPBELL,
Under Secretary.

ADMINISTRATION POSITION

The following letter forwarded to the Chairman by J. Phil Campbell, Under Secretary, dated August 20, 1975, sets forth the position of the Department of Agriculture on H.R. 1502, which has been superseded by H.R. 10073, the clean bill reported by the Committee:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., August 20, 1975.

HON. THOMAS S. FOLEY,
*Chairman, Committee on Agriculture,
House of Representatives.*

DEAR MR. CHAIRMAN: This is in reply to your request for a report on H.R. 1502, a bill "To provide for the mandatory inspection of rabbits slaughtered for human food."

This Department does not recommend enactment of this bill.

Under the bill, the inspection of the slaughter of domestic rabbits and the carcasses, meat, and products thereof, intended for use by humans would be made mandatory by extending the provisions of the Poultry Products Inspection Act (21 U.S.C. 451-470) to include such animals and articles. With few exceptions, the other provisions of the Act, including the exemptions and the prohibitions on distribution of adulterated or misbranded products, would also apply to persons engaged in the business of slaughtering domestic rabbits or preparing, handling, or distributing the carcasses, meat, or products thereof.

The Department is currently providing rabbit inspection in five plants. This inspection is voluntary and paid for by the firms under provisions of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 *et seq.*). Production in 1974 under the voluntary inspection program was an estimated 3.2 million pounds.

Information on the remainder of the rabbit meat industry is quite limited. The Department conducted a telephone survey of State inspection officials and was able to locate 59 slaughtering plants in 17 States, some of which would require inspection under the provisions of

S. 16. Production data were available from 19 of these plants. Using an average annual production figure developed for the 19 plants, the Department estimates that the annual production in all 59 plants would be a maximum of 9.2 million pounds.

Based on telephone contacts with State officials and some rabbit producers, the remainder of the rabbit meat industry can be characterized as consisting of many very small operations that would be exempt from the inspection requirements of H.R. 1502. This portion of the industry produces meat and products of rabbits for sale locally and for the personal consumption of the producers.

Annual imports of domestic rabbit meat, mostly from Poland and the People's Republic of China, are estimated at 1.5 million pounds. An additional million pounds of meat from wild rabbits is imported from Australia. Since H.R. 1502 covers only domestic rabbits, these Australian imports would not be covered by the provisions of the bill.

Based on the above information, approximately 13.9 million pounds of domestic rabbit meat that would require inspection under H.R. 1502 is consumed annually in the United States. On a per capita basis, that is approximately one ounce per person. Therefore, because domestic rabbit meat is not a significant source of protein in the American diet, this Department feels that, at this time, the rabbit meat industry should not be placed under mandatory inspection, paid for with appropriated funds. The Department will continue to provide a voluntary inspection program.

Enactment of the bill would require additional appropriations of approximately \$400,000 on an annual basis.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

J. PHIL CAMPBELL,
Under Secretary.

CURRENT AND FIVE SUBSEQUENT FISCAL YEAR COST ESTIMATE

Pursuant to clause 7 of Rule XIII of the Rules of the House of Representatives, the Committee estimates the cost to be incurred by the Federal Government during the current and five subsequent fiscal years as a result of this legislation would be four hundred thousand dollars annually based on the information supplied by the Under Secretary of the Department of Agriculture in his letter of August 20, 1975.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(1)(4), of Rule XI, of the Rules of the House of Representatives, the Committee estimates that enactment of H.R. 10073 would have little inflationary impact on prices and costs in the operation of the national economy.

BUDGET ACT COMPLIANCE (SECTION 308 AND SECTION 403)

The provisions of clause (1)(3)(B) and clause (1)(3)(C) of rule XI of the House of Representatives, and Section 308(a) and Section 403 of the Congressional Budget Act of 1974 (relating to estimates

of new budget authority or new or increased tax expenditures and estimates and comparisons prepared by the Director of the Congressional Budget Office) are not considered applicable.

OVERSIGHT STATEMENT

No specific oversight activities, other than the hearings accompanying the Committee's consideration of H.R. 10073 (Subcommittee hearings were on H.R. 1502) were made by the Committee, within the definition of findings and recommendations made by the Committee on Government Operations under clause 2(b)(2) of rule X of the Rules of the House of Representatives was available to the Committee with reference to the subject matter specifically addressed by H.R. 10073.

CHANGES IN EXISTING LAW

The bill would make no change in existing law (see clause 3 of rule XIII of the Rules of the House of Representatives), but it would make the following law applicable to domesticated rabbits, the carcasses of such rabbits, and parts and products thereof:

THE POULTRY PRODUCTS' INSPECTION ACT

This Act may be cited as the Poultry Products Inspection Act.

LEGISLATIVE FINDINGS

SEC. 2. Poultry and poultry products are an important source of the Nation's total supply of food. They are consumed throughout the Nation and the major portion thereof moves in interstate or foreign commerce. It is essential in the public interest that the health and welfare of consumers be protected by assuring that poultry products distributed to them are wholesome, not adulterated, and properly marked, labeled, and packaged. Unwholesome, adulterated, or misbranded poultry product impair the effective regulation of poultry products in interstate or foreign commerce, are injurious to the public welfare, destroy markets for wholesome, not adulterated, and properly labeled and packaged poultry products, and result in sundry losses to poultry producers and processors of poultry and poultry products, as well as injury to consumers. It is hereby found that all articles and poultry which are regulated under this Act are either in interstate or foreign commerce or substantially affect such commerce, and that regulation by the Secretary of Agriculture and cooperation by the States and other jurisdictions as contemplated by this Act are appropriate to prevent and eliminate burdens upon such commerce, to effectively regulate such commerce, and to protect the health and welfare of consumers.

DECLARATION OF POLICY

SEC. 3. It is hereby declared to be the policy of the Congress to provide for the inspection of poultry and poultry products and otherwise regulate the processing and distribution of such articles as hereinafter prescribed to prevent the movement or sale in interstate or foreign commerce of, or the burdening of such commerce by, poultry products

which are adulterated or misbranded. It is the intent of Congress that when poultry and poultry products are condemned because of disease, the reason for condemnation in such instances shall be supported by scientific fact, information, or criteria, and such condemnation under this Act shall be achieved through uniform inspection standards and uniform applications thereof.

DEFINITIONS

SEC. 4. For purposes of this Act—

(a) The term "commerce" means commerce between any State, any territory, or the District of Columbia, and any place outside thereof; or within any territory not organized with a legislative body, or the District of Columbia.

(b) Except as otherwise provided in this Act, the term "State" means any State of the United States and the Commonwealth of Puerto Rico.

(c) The term "territory" means Guam, the Virgin Islands of the United States, American Samoa, and any other territory or possession of the United States, excluding the Canal Zone.

(d) The term "United States" means the States, the District of Columbia, and the territories of the United States.

(e) The term "poultry" means any domesticated bird, whether live or dead.

(f) The term "poultry product" means any poultry carcass, or part thereof; or any product which is made wholly or in part from any poultry carcass or part thereof, excepting products which contain poultry ingredients only in a relatively small proportion or historically have not been considered by consumers as products of the poultry food industry, and which are exempted by the Secretary from definition as a poultry product under such conditions as the Secretary may prescribe to assure that the poultry ingredients in such products are not adulterated and that such products are not represented as poultry products.

(g) The term "adulterated" shall apply to any poultry 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 poultry 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 Secretary, 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 otherwise deemed 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 regulations of the Secretary in official establishments;

(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 any poultry 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; or

(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 increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

(h) The term "misbranded" shall apply to any poultry product under one or more of the following circumstances:

(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) it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated;

(4) if its container is so made, formed, or filled as to be misleading;

(5) unless it bears a label showing (A) the name and the place of business of the manufacturer, packer, or distributor; and (B) an accurate statement of the quantity of the product in terms of weight, measure, or numerical count: *Provided*, That under clause (B) of this subparagraph (5), reasonable variations may be permitted, and exemptions as to small packages or articles not in packages or other containers may be established by regulations prescribed by the Secretary;

(6) if any word, statement, or other information required by or under authority of this Act to appear on the label or other labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in

the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(7) if it purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by regulations of the Secretary under section 8 of this Act unless (A) it conforms to such definition and standard, and (B) its label bears the name of the food specified in the definition and standard and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food;

(8) if it purports to be or is represented as a food for which a standard or standards of fill of container have been prescribed by regulations of the Secretary under section 8 of this Act, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard;

(9) if it is not subject to the provisions of subparagraph (7), unless its label bears (A) the common or usual name of the food, if any there be, and (B) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings may, when authorized by the Secretary, be designated as spices, flavorings, and colorings without naming each: *Provided*, That to the extent that compliance with the requirements of clause (B) of this subparagraph (9) is impracticable or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the Secretary;

(10) 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 the Secretary, after consultation with the Secretary of Health, Education, and Welfare, determines to be, and by regulations prescribes as, 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 Secretary; or

(12) if it fails to bear on its containers, and in the case of non-consumer packaged carcasses (if the Secretary so requires) directly thereon, as the Secretary may by regulations prescribe, the official inspection legend and official establishment number of the establishment where the article was processed, and, unrestricted by any of the foregoing, such other information as the Secretary 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.

(i) The term "Secretary" means the Secretary of Agriculture or his delegate.

(j) The term "person" means any individual, partnership, corporation, association, or other business unit.

(k) The term "inspector" means: (1) an employee or official of the United States Government authorized by the Secretary to inspect poultry and poultry products under the authority of this Act, or (2) any employee or official of the government of any State or Territory or the District of Columbia authorized by the Secretary to inspect poultry and poultry products under authority of this Act, under an agreement entered into between the Secretary and the appropriate State or other agency.

(l) The term "official mark" means the official inspection legend or any other symbol prescribed by regulation of the Secretary to identify the status of any article or poultry under this Act.

(m) The term "official inspection legend" means any symbol prescribed by regulations of the Secretary showing that an article was inspected for wholesomeness in accordance with this Act.

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

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

(p) The term "official establishment" means any establishment as determined by the Secretary at which inspection of the slaughter of poultry, or the processing of poultry products, is maintained under the authority of this Act.

(q) The term "inspection service" means the official Government service within the Department of Agriculture designated by the Secretary as having the responsibility for carrying out the provisions of this Act.

(r) The term "container" or "package" includes any box, can, tin, cloth, plastic, or other receptacle, wrapper, or cover.

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

(t) The term "shipping container" means any container used or intended for use in packaging the product packed in an immediate container.

(u) The term "immediate container" includes any consumer package; or any other container in which poultry products, not consumer packaged, are packed.

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

(w) The term "processed" means slaughtered, canned, salted, stuffed, rendered, boned, cut up, or otherwise manufactured or processed.

(x) 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.

(y) The terms "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.

(z) The term "poultry products broker" means any person engaged in the business of buying or selling poultry products on commission, or otherwise negotiating purchases or sales of such articles other than for his own account or as an employee of another person.

(aa) The term "rendered" means any person engaged in the business of rendering carcasses, or parts or products of the carcasses, of poultry, except rendering conducted under inspection or exemption under this Act.

(bb) The term "animal food manufacturer" means any person engaged in the business of manufacturing or processing animal food derived wholly or in part from carcasses, or parts or products of the carcasses, of poultry.

FEDERAL AND STATE COOPERATION

SEC. 5. (a) It is the policy of the Congress to protect the consuming public from poultry products which are adulterated or misbranded and to assist in efforts by State and other government agencies to accomplish this objective. In furtherance of this policy—

(1) The Secretary is authorized, whenever he determines that it would effectuate the purposes of this Act, to cooperate with the appropriate State agency in developing and administering a State poultry product inspection program in any State which has enacted a mandatory State poultry product inspection law that imposes ante mortem and post mortem inspection, reinspection and sanitation requirements that are at least equal to those under this Act, with respect to all or certain classes of persons engaged in the State in slaughtering poultry or processing poultry products for use as human food solely for distribution within such State.

(2) The Secretary is further authorized, whenever he determines that it would effectuate the purpose of this Act, to cooperate with appropriate State agencies in developing and administering State programs under State laws containing authorities at least equal to those provided in section 11 of this Act; and to cooperate with other agencies of the United States in carrying out any provisions of this Act. In carrying out the provisions of this Act, the Secretary may conduct such examinations, investigations, and inspections as he determines practicable through any officer or employee of any State or Territory or the District of Columbia commissioned by the Secretary for such purpose.

(3) Cooperation with State agencies under this section may include furnishing to the appropriate State agency (i) advisory assistance in planning and otherwise developing an adequate State program under the State law; and (ii) technical and laboratory assistance and training (including necessary curricular and instructional materials and equipment), and financial and other aid for administration of such a program. The amount to be contributed to any State by the Secretary under this section from Federal funds for any year shall not exceed 50 per centum of the esti-

mated total cost of the cooperative program; and the Federal funds shall be allocated among the States desiring to cooperate on an equitable basis. Such cooperation and payment shall be contingent at all times upon the administration of the State program in a manner which the Secretary, in consultation with the appropriate advisory committee appointed under subparagraph (4), deems adequate to effectuate the purposes of this section.

(4) The Secretary may appoint advisory committees consisting of such representatives of appropriate State agencies as the Secretary and the State agencies may designate to consult with him concerning State and Federal programs with respect to poultry product inspection and other matters within the scope of this Act, including evaluating State programs for purposes of this Act and obtaining better coordination and more uniformity among the State programs and between the Federal and State programs and adequate protection of consumers.

(b) The appropriate State agency with which the Secretary may cooperate under this Act shall be a single agency in the State which is primarily responsible for the coordination of the State programs having objectives similar to those under this Act. When the State program includes performance of certain functions by a municipality or other subordinate governmental unit, such unit shall be deemed to be part of the State agency for purposes of this section.

(c) (1) If the Secretary has reason to believe, by thirty days prior to the expiration of two years after enactment of the Wholesome Poultry Products Act, that a State has failed to develop or is not enforcing, with respect to all establishments within its jurisdiction (except those that would be exempted from Federal inspection under subparagraph (2) of this paragraph (c)) at which poultry are slaughtered, or poultry products are processed for use as human food, solely for distribution within such State, and the products of such establishments, requirements at least equal to those imposed under sections 1-4, 6-10, 12-22 of this Act, he shall promptly notify the Governor of the State of this fact. If the Secretary determines, after consultation with the Governor of the State, or representative selected by him, that such requirements have not been developed and activated, he shall promptly after the expiration of such two-year period designate such State as one in which the provisions of said sections of this Act shall apply to operations and transactions wholly within such State: *Provided*, That if the Secretary has reason to believe that the State will activate such requirements within one additional year, he may delay such designation for said period, and not designate the State, if he determines at the end of the year that the State then has such requirements in effective operation. The Secretary shall publish any such designation in the Federal Register and, upon the expiration of thirty days after such publication, the provisions of said sections of this Act shall apply to operations and transactions and to persons engaged therein in the State to the same extent and in the same manner as if such operations and transactions were conducted in or for commerce. However, notwithstanding any other provision of this section, if the Secretary determines that any establishment within a State is producing adulterated poultry products for distribution within such State which would clearly endanger the public health he shall notify the Governor of the

State and the appropriate advisory committee provided for by subparagraph (a) (4) of this section of such fact for effective action under State or local law. If the State does not take action to prevent such endangering of the public health within a reasonable time after such notice, as determined by the Secretary, in light of the risk to public health, the Secretary may forthwith designate any such establishment as subject to the provisions of said sections of this Act, and thereupon the establishment and operator thereof shall be subject to such provisions as though engaged in commerce until such time as the Secretary determines that such State has developed and will enforce requirements at least equal to those imposed under said sections.

(2) The provisions of this Act requiring inspection of the slaughter of poultry and the processing of poultry products shall not apply to operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar retail-type establishment for sale in normal retail quantities or service of such articles to consumers at such establishments if such establishments are subject to such inspection provisions only under this paragraph (c).

(3) Whenever the Secretary determines that any State designated under this paragraph (c) has developed and will enforce State poultry products inspection requirements at least equal to those imposed under the aforesaid sections of this Act, with respect to the operations and transactions within such State which are regulated under subparagraph (1) of this paragraph (c), he shall terminate the designation of such State under this paragraph (c), but this shall not preclude the subsequent redesignation of the State at any time upon thirty days' notice to the Governor and publication in the Federal Register in accordance with this paragraph, and any State may be designated upon such notice and publication, at any time after the period specified in this paragraph whether or not the State has theretofore been designated, upon the Secretary determining that it is not effectively enforcing requirements at least equal to those imposed under said sections.

(4) The Secretary shall promptly upon enactment of the Wholesome Poultry Products Act, and periodically thereafter, but at least annually, review the requirements, including the enforcement thereof, of the several States not designated under this paragraph (c), with respect to the slaughter, and the processing, storage, handling, and distribution of poultry products, and inspection of such operations, and annually report thereon to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate in the report required in section 27 of this Act.

(d) As used in this section, the term "State" means any State (including the Commonwealth of Puerto Rico) or organized territory.

ANTE MORTEM AND POST MORTEM INSPECTION, REINSPECTION, AND
QUARANTINE

SEC. 6. (a) For the purpose of preventing the entry into or flow or movement in commerce of, or the burdening of commerce by, any poultry product which is capable of use as human food and is adulterated, the Secretary shall, where and to the extent considered by him neces-

sary, cause to be made by inspectors ante mortem inspection of poultry in each official establishment processing poultry or poultry products for commerce or otherwise subject to inspection under this Act.

(b) The Secretary, whenever processing operations are being conducted, shall cause to be made by inspectors post mortem inspection of the carcass of each bird processed, and at any time such quarantine, segregation and reinspection as he deems necessary of poultry and poultry products capable of use as human food in each official establishment processing such poultry or poultry products for commerce or otherwise subject to inspection under this Act.

(c) All poultry carcasses and parts thereof and other poultry products found to be adulterated shall be condemned and shall, if no appeal be taken from such determination of condemnations, be destroyed for human food purposes under the supervision of an inspector: *Provided* That carcasses, parts, and products, which may be reprocessed be made not adulterated, need not be so condemned and destroyed if so reprocessed under the supervision of an inspector and thereafter found to be not adulterated. If an appeal be taken from such determination, the carcasses, parts, or products shall be appropriately marketed and segregated pending completion of an appeal inspection, which appeal shall be at the cost of the appellant if the Secretary determines that the appeal is frivolous. If the determination of condemnation is sustained the carcasses, parts, products shall be destroyed for human food purposes under the supervision of an inspector.

SANITATION, FACILITIES, AND PRACTICES

SEC. 7. (a) Each official establishment slaughtering poultry or processing poultry products for commerce or otherwise subject to inspection under this Act shall have such premises, facilities, and equipment, and be operated in accordance with such sanitary practices, as are required by regulations promulgated by the Secretary for the purpose of preventing the entry into or flow or movement in commerce or burdensome effect upon commerce, of poultry products which are adulterated.

(b) The Secretary 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.

LABELING AND CONTAINERS; STANDARDS

SEC. 8. (a) All poultry products inspected at any official 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, on their shipping containers and immediate containers as the Secretary may require, the information required under paragraph (h) of section 4 of this Act. In addition, the Secretary whenever he determines such action is practicable and necessary for the protection of the public, may require nonconsumer packaged carcasses at the time they leave the establishment to bear distinctly thereon in distinctly legible form any information required under such paragraph (h).

(b) The Secretary, whenever he 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 in marking and labeling any articles or poultry subject to this Act; (2) definitions and standards of identity or composition or articles subject to this Act and standards of fill of container for such articles not inconsistent with any such standards established under the Federal Food, Drug, and Cosmetic Act, and there shall be consultation between the Secretary and the Secretary of Health, Education, and Welfare prior to the issuance of such standards under either Act relating to articles subject to this Act to avoid inconsistency in such standards and possible impairment of the coordinated effective administration of these Acts. There shall also be consultation between the Secretary and an appropriate advisory committee provided for in section 5 of this Act, prior to the issuance of such standards under this Act, to avoid, insofar as feasible, inconsistency between Federal and State standards.

(c) No article subject to this Act shall be sold or offered for sale by any person in 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 Secretary are permitted.

(d) If the Secretary 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 Act 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 using or proposing to use the marking, labeling, or container does not accept the determination of the Secretary, such person may request a hearing, but the use of the marking, labeling, or container shall, if the Secretary so directs, be withheld pending hearing and final determination by the Secretary. Any such determination by the Secretary shall be conclusive unless, within thirty days after receipt of notice of such final determination, the person adversely affected thereby appeals to the United States Court of Appeals for the circuit in which such person has its principal place of business or to the United States Court of Appeals for the District of Columbia Circuit. The provisions of section 204 of the Packers and Stockyards Act, 1921 (42 Stat. 162, as amended; 7 U.S.C. 194) shall be applicable to appeals taken under this section.

PROHIBITED ACTS

SEC. 9. (a) No person shall—

(1) slaughter any poultry or process any poultry products which are capable of use as human food at any establishment processing any such articles for commerce, except in compliance with the requirements of this Act;

(2) sell, transport, offer for sale or transportation, or receive for transportation, in commerce, (A) any poultry products which are capable of use as human food and are adulterated or misbranded at the time of such sale, transportation, offer for sale or transportation, or receipt for transportation; or (B) any poultry

products required to be inspected under this Act unless they have been so inspected and passed;

(3) do, with respect to any poultry products which are capable of use as human food, any act while they are being transported in commerce or held for sale after such transportation, which is intended to cause or has the effect of causing such products to be adulterated or misbranded;

(4) sell, transport, offer for sale or transportation, or receive for transportation, in commerce or from an official establishment, any slaughtered poultry from which the blood, feathers, feet, head, or viscera have not been removed in accordance with regulations promulgated by the Secretary, except as may be authorized by regulations of the Secretary;

(5) use to his own advantage, or reveal other than to the authorized representatives of the United States Government or any State or other government in their official capacity, or as ordered by a court in any judicial proceedings, any information acquired under the authority of this Act concerning any matter which is entitled to protection as a trade secret.

(b) No brand manufacturer, printer, or other person 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 Secretary.

(c) No person shall—

(1) forge any official device, mark, or certificate;

(2) without authorization from the Secretary 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 Secretary, fail to use, or to detach, deface, or destroy any official device, mark, or certificate;

(4) knowingly possess, without promptly notifying the Secretary or his representatives, any official device or counterfeit, simulated, forged, or improperly altered official certificate or any device or label or any carcass of any poultry, 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 Secretary; or

(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.

COMPLETE COVERAGE OF OFFICIAL ESTABLISHMENTS

SEC. 10. No establishment processing poultry or poultry products for commerce or otherwise subject to this Act shall process any poultry or poultry product except in compliance with the requirement of this Act.

ARTICLES NOT INTENDED FOR HUMAN FOOD RECORD AND RELATED REQUIREMENTS FOR PROCESSORS OF POULTRY PRODUCTS AND RELATED INDUSTRIES ENGAGED IN COMMERCE; REGISTRATION REQUIREMENTS FOR RELATED INDUSTRIES ENGAGED IN COMMERCE; REGULATION OF TRANSACTIONS IN COMMERCE IN DEAD, DYING, DISABLED, OR DISEASED POULTRY AND CARCASSES THEREOF; AUTHORITY TO REGULATE COMPARABLE INTERSTATE ACTIVITIES

SEC. 11. (a) Inspection shall not be provided under this Act at any establishment for the slaughter of poultry or the processing of any carcasses or parts or products of poultry, which are not intended for use as human food, but such articles shall, prior to their offer for sale or transportation in commerce, unless naturally inedible by humans, be denatured or otherwise identified as prescribed by regulations of the Secretary to deter their use for human food. No person shall buy, sell, transport, or offer for sale or transportation, or receive for transportation in commerce or import, any poultry carcasses or parts or products thereof which are not intended for use as human food unless they are denatured or otherwise identified as required by the regulations of the Secretary or are naturally inedible by humans.

(b) The following classes of persons shall, for such period of time as the Secretary may by regulations prescribe, not to exceed two years unless otherwise directed by the Secretary for good cause shown, keep such records as are properly necessary for the effective enforcement of this Act in order to insure against adulterated or misbranded poultry products for the American consumer; and all persons subject to such requirements shall, at all reasonable times, upon notice by a duly authorized representative of the Secretary, afford such representative access to their places of business and opportunity to examine the facilities, inventory, and records thereof, to copy all such records, and to take reasonable samples of their inventory upon payment of the fair market value therefor—

(1) Any person that engaged in the business of slaughtering any poultry or processing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, of any poultry, for commerce, for use as human food or animal food;

(2) Any person that engages in the business of buying or selling (as poultry products brokers, wholesalers or otherwise), or transporting, in commerce or storing in or for commerce, or importing, any carcasses, or parts or products of carcasses, of any poultry;

(3) Any person that engages in business, in or for commerce, as a renderer, or engages in the business of buying, selling, or transporting, in commerce, or importing, any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter.

(c) No person shall engage in business, in or for commerce, as a poultry products broker, renderer, or animal food manufacturer, or engage in business in commerce as a wholesaler of any carcasses, or parts or products of the carcasses, of any poultry, whether intended for human food or other purposes, or engage in business as a public

warehouseman storing any such articles in or for commerce, or engage in the business of buying, selling, or transporting in commerce, or importing, any dead, dying, disabled, or diseased poultry, or parts of the carcasses of any poultry that died otherwise than by slaughter, unless when required by regulations of the Secretary, he has registered with the Secretary his name, and the address of each place of business at which, and all trade names under which, he conducts such business.

(d) No person engaged in the business of buying, selling, or transporting in commerce, or importing, dead, dying, disabled, or diseased poultry, or any parts of the carcasses of any poultry that died otherwise than by slaughter, shall buy, sell, transport, offer for sale or transportation, or receive for transportation, in commerce, or import, any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter, unless such transaction, transportation or importation is made in accordance with such regulations as the Secretary may prescribe to assure that such poultry, or the unwholesome parts or products thereof, will be prevented from being used for human food.

(e) The authority conferred on the Secretary by paragraph (b), (c), or (d) of this section with respect to persons engaged in the specified kinds of business in or for commerce may be exercised with respect to persons engaged, in any State or organized territory, in such kinds of business but not in or for commerce, whenever the Secretary determines, after consultation with an appropriate advisory committee provided for in section 5 of this Act, that the State or territory does not have at least equal authority under its laws or such authority is not exercised in a manner to effectuate the purposes of this Act, including the State or territory providing for the Secretary or his representative being afforded access to such places of business and the facilities, inventories, and records thereof, and the taking of reasonable samples, where he determines necessary in carrying out his responsibilities under this Act; and in such case the provisions of paragraph (b), (c), or (d) of this section, respectively, shall apply to such persons to the same extent and in the same manner as if they were engaged in such business in or for commerce and the transactions involved were in commerce.

PENALTIES

SEC. 12. (a) Any person who violates the provisions of section 9, 10, 11, 14, or 17 of this Act shall be fined not more than \$1,000 or imprisoned not more than one year, or both; but if such violation involves intent to defraud, or any distribution or attempted distribution of an article that is adulterated (except as defined in section 4(g)(8) of this Act), such person shall be fined not more than \$10,000 or imprisoned not more than three years, or both. When construing or enforcing the provisions of said sections the act, omission, or failure of any person acting for or employed by any individual, partnership, cooperation, or association within the scope of his employment or office shall in every case be deemed the act, omission, or failure of such individual, or partnership, corporation, or association, as well as of such person.

(b) No carrier shall be subject to the penalties of this Act, other than the penalties for violation of section 11, by reason of this receipt, carriage, holding, or delivery, in the usual course of business, as a carrier, of poultry or poultry products, owned by another person unless the carrier has knowledge, or is in possession of facts which would cause a reasonable person to believe that such poultry or poultry products were not inspected or marked in accordance with the provisions of this Act or unless the carrier refuses to furnish on request of a representative of the Secretary the name and address of the person from whom he received such poultry or poultry products, and copies of all documents, if any there be, pertaining to the delivery of the poultry or poultry products to such carrier.

(c) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this Act shall be fined not more than \$5,000 or imprisoned not more than three years, or both. Whoever, in the commission of any such acts, uses a deadly or dangerous weapon, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both. Whoever kills any person while engaged in or on account of the performance of his official duties under this Act shall be punished as provided under sections 1111 and 1114 of title 18, United States Code.

REPORTING OF VIOLATIONS

SEC. 13. Before any violation of this Act is reported by the Secretary to any United States attorney for institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given reasonable notice of the alleged violation and opportunity to present his views orally or in writing with regard to such contemplated proceeding. Nothing in this Act shall be construed as requiring the Secretary to report for criminal prosecution violations of this Act whenever he believes that the public interest will be adequately served and compliance with the Act obtained by a suitable written notice of warning.

REGULATIONS

SEC. 14. (a) The Secretary may by regulations prescribe conditions under which poultry products capable of use as human food, shall be stored or otherwise handled by any person engaged in the business of buying, selling, freezing, storing, or transporting, in or for commerce, or importing, such articles, whenever the Secretary deems such action necessary to assure that such articles will not be adulterated or misbranded when delivered to the consumer. Violation of any such regulation is prohibited.

(b) The Secretary shall promulgate such other rules and regulations as are necessary to carry out the provisions of this Act.

(c) In applying the provisions of section 533(c) of title 5, United States Code to proposed rule making under this Act, an opportunity for the oral presentation of views shall be accorded all interested persons.

EXEMPTIONS

SEC. 15. (a) The Secretary shall, by regulation and under such conditions as to sanitary standards, practices, and procedures as he may prescribe, exempt from specific provisions of this Act—

(1) retail dealers with respect to poultry products sold directly to consumers in individual retail stores, if the only processing operation performed by such retail dealers is the cutting up of poultry products on the premises where such sales to consumers are made;

(2) for such period of time as the Secretary determines that it would be impracticable to provide inspection and the exemption will aid in the effective administration of this Act, any person engaged in the processing of poultry or poultry products for commerce and the poultry or poultry products processed by such person: *Provided, however,* That no such exemption shall continue in effect on and after January 1, 1970; and

(3) persons slaughtering, processing, or otherwise handling poultry or poultry products which have been or are to be processed as required by recognized religious dietary laws, to the extent that the Secretary determines necessary to avoid conflict with such requirements while still effectuating the purposes of this Act.

(b) The Secretary may, under such sanitary conditions as he may by regulations prescribe, exempt from the inspection requirements of this Act the slaughter of poultry, and the processing of poultry products, by any person in any Territory not organized with a legislative body, solely for distribution within such Territory, when the Secretary determines that it is impracticable to provide such inspection within the limits of funds appropriated for administration of this Act and that such exemption will aid in the effective administration of this Act.

(c) (1) The Secretary shall, by regulation and under such conditions, including sanitary standards, practices, and procedures, as he may prescribe, exempt from specific provisions of this Act—

(A) the slaughtering by any person of poultry of his own raising, and the processing by him and transportation in commerce of the poultry products exclusively for use by him and members of his household and his nonpaying guests and employees;

(B) the custom slaughter by any person of poultry delivered by the owner thereof for such slaughter, and the processing by such slaughterer and transportation in commerce of the poultry products exclusively for use, in the household of such owner, by him and members of his household and his nonpaying guests and employees: *Provided,* That such custom slaughterer does not engage in the business of buying or selling any poultry products capable of use as human food;

(C) the slaughtering and processing of poultry products in any State or Territory or the District of Columbia by any poultry producer on his own premises with respect to sound and healthy poultry raised on his premises and the distribution by any person solely within such jurisdiction of the poultry products derived from such operations, if, in lieu of other labeling requirements,

such poultry products are identified with the name and address of such poultry producer, and if they are not otherwise misbranded, and are sound, clean, and fit for human food when so distributed; and

(D) the slaughtering of sound and healthy poultry or the processing of poultry products of such poultry in any State or Territory or the District of Columbia by any poultry producer or other person for distribution by him solely within such jurisdiction directly to household consumers, restaurants, hotels, and boarding houses, for use in their own dining rooms, or in the preparation of meals for sales direct to consumers, if, in lieu of other labeling requirements, such poultry products are identified with the name and address of the processor, and if they are not otherwise misbranded and are sound, clean, and fit for human food when distributed by such processor.

The exemptions provided for in clauses (C) and (D) above shall not apply if the poultry producer or other person engages in the current calendar year in the business of buying or selling any poultry or poultry products other than as specified in such clauses.

(2) In addition to the specific exemptions provided herein, the Secretary shall, when he determines that the protection of consumers from adulterated or misbranded poultry products will not be impaired by such action, provide by regulation, consistent with subparagraph (3), for the exemption of the operation and products of small enterprises (including poultry producers), not exempted under paragraph (1), which are engaged in any State or Territory or the District of Columbia in slaughtering and/or cutting up poultry for distribution as carcasses or parts thereof solely for distribution within such jurisdiction, from such provisions of this Act as he deems appropriate, while still protecting the public from adulterated or misbranded products, under such conditions, including sanitary requirements, as he shall prescribe to effectuate the purposes of this Act.

(3) No exemption under subparagraph (1) (C) or (D) or subparagraph (2) shall apply to any poultry producer or other person who slaughters or processes the products of more than 5,000 turkeys or an equivalent number of poultry of all species in the current calendar year (four birds of other species being deemed the equivalent of one turkey).

(4) The provisions of this Act shall not apply to poultry producers with respect to poultry of their own raising on their own farms if (i) such producers slaughter not more than 250 turkeys, or not more than an equivalent number of birds of all species during the calendar year for which this exemption is being determined (four birds of other species being deemed the equivalent of one turkey); (ii) such poultry producers do not engage in buying or selling poultry products other than those produced from poultry raised on their own farms; and (iii) than the requirement of the inspection legend, shall apply to articles of this Act).

(d) The adulteration and misbranding provisions of this Act, other than the requirement of the inspection legend, shall apply to articles which are exempted from inspection under this section, except as otherwise specified under paragraphs (a) and (c).

(e) The Secretary may by order suspend or terminate any exemption under this section with respect to any person whenever he finds that such action will aid in effectuating the purposes of this Act.

ENTRY OF MATERIALS INTO OFFICIAL ESTABLISHMENTS

SEC. 16. The Secretary may limit the entry of poultry products and other materials into any official establishment, under such conditions as he may prescribe to assure that allowing the entry of such articles into such inspected establishments will be consistent with the purpose of this Act.

IMPORTS

SEC. 17. (a) No slaughtered poultry, or parts or products thereof, of any kind shall be imported into the United States unless they are healthful, wholesome, fit for human food, not adulterated, and contain no dye, chemical, preservative, or ingredient which renders them unhealthful, unwholesome, adulterated, or unfit for human food and unless they also comply with the rules and regulations made by the Secretary of Agriculture to assure that imported poultry or poultry products comply with the standards provided for in this Act. All imported, slaughtered poultry, or parts or products thereof, shall after entry into the United States in compliance with such rules and regulations be deemed and treated as domestic slaughtered poultry, or parts or products thereof, within the meaning and subject to the provisions of this Act and the Federal Food, Drug, and Cosmetic Act, and Acts amendatory of, supplemental to, or in substitution for such Acts.

(b) The Secretary of Agriculture is authorized to make rules and regulations to carry out the purposes of this section and in such rules and regulations the Secretary of Agriculture may prescribe the terms and conditions for the destruction of all slaughtered poultry, or parts or products thereof, offered for entry and refused admission into the United States unless such slaughtered poultry, or parts or products thereof, be exported by the consignee within the time fixed therefor in such rules and regulations.

(c) All charges for storage, cartage, and labor with respect to any product which is refused admission pursuant to this section shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any other products imported thereafter by or for such owner or consignee.

GENERAL PROVISIONS

SEC. 18. (a) The Secretary may (for such period, or indefinitely, as he deems necessary to effectuate the purposes of this Act) refuse to provide, or withdraw, inspection service under this Act with respect to any establishment if he determines, after opportunity for a hearing is accorded to the applicant for, or recipient of, such service, that such applicant or recipient is unfit to engage in any business requiring inspection upon this Act because the applicant or recipient or anyone responsibly connected with the applicant or recipient, has been convicted, in any Federal or State court, within the previous ten years of (1) any felony or more than one misdemeanor under any law based

upon the acquiring, handling, or distributing of adulterated, mislabeled, or deceptively packaged food or fraud in connection with transactions in food; or (2) any felony, involving fraud, bribery, extortion, or any other act or circumstances indicating a lack of the integrity needed for the conduct of operations affecting the public health. For the purpose of this paragraph a person shall be deemed to be responsibly connected with the business if he was a partner, officer, director, holder, or owner of 10 per centum or more of its voting stock or employee in a managerial or executive capacity.

(b) Upon the withdrawal of inspection service from any official establishment for failure to destroy condemned poultry products as required under section 6 of this Act, or other failure of an official establishment to comply with the requirements as to premises, facilities, or equipment, or the operation thereof, as provided in section 7 of this Act, or the refusal of inspection service to any applicant therefor because of failure to comply with any requirements under section 7, the applicant for, or recipient of, the service shall, upon request, be afforded opportunity for a hearing with respect to the merits, or validity of such action; but such withdrawal or refusal shall continue in effect unless otherwise ordered by the Secretary.

(c) The determination and order of the Secretary when made after opportunity for hearing, with respect to withdrawal or refusal of inspection service under this Act shall be final and conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within thirty days after the effective date of such order in the United States Court of Appeals as provided in section 8 of this Act. Judicial review of any such order shall be upon the record upon which the determination and order are based. The provisions of section 204 of the Packers and Stockyards Act of 1921, as amended, shall be applicable to appeals taken under this section.

SEC. 19. Whenever any poultry product, or any product exempted from the definition of a poultry product, or any dead, dying, disabled, or diseased poultry is found by any authorized representative of the Secretary upon any premises where it is held for purposes of, or during or after distribution in commerce or otherwise subject to this Act, and there is reason to believe that any such article is adulterated or misbranded and is capable of use as human food, or that it has not been inspected, in violation of the provisions of this Act or of any other Federal law or the laws of any State or Territory, or the District of Columbia, or that it has been or is intended to be, distributed in violation of any such provisions, it may be detained by such representative for a period not to exceed twenty days, pending action under section 20 of this Act or notification of any Federal, State, or other governmental authorities having jurisdiction over such article or poultry, and shall not be moved by any person, from the place at which it is located when so detained, until released by such representative. All official marks may be required by such representative to be removed from such article or poultry before it is released unless it appears to the satisfaction of the Secretary that the article or poultry is eligible to retain such marks.

SEC. 20. (a) Any poultry product, or any dead, dying, disabled, or diseased poultry, that is being transported in commerce or otherwise

subject to this Act, or is held for sale in the United States after such transportation, and that (1) is or has been processed, sold, transported, or otherwise distributed or offered or received for distribution in violation of this Act, or (2) is capable of use as human food and is adulterated or misbranded, or (3) in any other way is in violation of this Act, shall be liable to be proceeded against and seized and condemned, at any time, on a libel of information in any United States district court or other proper court as provided in section 21 of this Act within the jurisdiction of which the article or poultry is found. If the article or poultry is condemned it shall, after entry of the decree, be disposed of by destruction or sale as the court may direct and the proceeds, if sold, less the court costs and fees, and storage and other proper expenses, shall be paid into the Treasury of the United States, but the article of poultry shall not be sold contrary to the provisions of this Act, or the laws of the jurisdiction in which it is sold: *Provided*, That upon the execution and delivery of a good and sufficient bond conditioned that the article or poultry shall not be sold or otherwise disposed of contrary to the provisions of this Act, or the laws of the jurisdiction in which disposal is made, the court may direct that such article for poultry be delivered to the owner thereof subject to such supervision by authorized representatives of the Secretary as is necessary to insure compliance with the applicable laws. When a decree of condemnation is entered against the article or poultry and it is released under bond, or destroyed, court costs and fees, and storage and other proper expenses shall be awarded against the person, if any, intervening as claimant of the article or poultry. The proceedings in such libel cases shall conform, as nearly as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any case, and all such proceedings shall be at the suit of and in the name of the United States.

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

SEC. 21. The United States district courts, the District Courts of Guam, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of the other territories, are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of, this Act, and shall have jurisdiction in all other kinds of cases arising under this Act, except as provided in section 8(d) or 18 of this Act. All proceedings for the enforcement or to restrain violations of this Act shall be by and in the name of the United States. Subpenas for witnesses who are required to attend a court of the United States, in any district, may run into any other district in any such proceeding.

SEC. 22. For the efficient administration and enforcement of this Act, the provisions (including penalties) of sections 6, 8, 9, and 10 of the Federal Trade Commission Act, as amended (38 Stat. 721-723, as amended; 15 U.S.C. 46, 48, 49, and 50) (except paragraphs (c) through (h) of section 6 and the last paragraph of section 9), and the provisions of subsection 409(1) of the Communications Act of 1934 (48 Stat. 1096, as amended; 47 U.S.C. 409(1)), are made applicable to the jurisdiction, powers, and duties of the Secretary in administering and enforcing the provisions of this Act and to any person with respect

to whom such authority is exercised. The Secretary, in person or by such agents as he may designate, may prosecute any inquiry necessary to his duties under this Act in any part of the United States, and the powers conferred by said sections 9 and 10 of the Federal Trade Commission Act as amended on the district courts of the United States may be exercised for the purposes of this Act by any court designated in section 21 of this Act.

SEC. 23. Requirements within the scope of this Act with respect to premises, facilities and operations of any official establishment, which are in addition to, or different than those made under this Act may not be imposed by any State or Territory or the District of Columbia, except that any such jurisdiction may impose recordkeeping and other requirements within the scope of paragraph (b) of section 11 of this Act, if consistent therewith, with respect to any such establishment. Marking, labeling, packaging, or ingredient requirements (or storage or handling requirements found by the Secretary to unduly interfere with the free flow of poultry products in commerce) in addition to, or different than, those made under this Act may not be imposed by any State or Territory or the District of Columbia with respect to articles prepared at any official establishment in accordance with the requirements under this Act, but any State or Territory or the District of Columbia may, consistent with the requirements under this Act, exercise concurrent jurisdiction with the Secretary over articles required to be inspected under this Act, for the purpose of preventing the distribution for human food purposes of any such articles which are adulterated or misbranded and are outside of such an establishment, or, in the case of imported articles which are not at such an establishment, after their entry into the United States. This Act shall not preclude any State or Territory or the District of Columbia from making requirement or taking other action consistent with this Act, with respect to any other matters regulated under this Act.

SEC. 24. (a) Poultry and poultry products shall be exempt from the provisions of the Federal Food, Drug, and Cosmetic Act to the extent of the application of extension thereto of the provisions of this Act, except that the provisions of this Act shall not derogate from any authority conferred by the Federal Food, Drug, and Cosmetic Act, prior to enactment of the Wholesome Poultry Products Act.

(b) The detainer authority conferred by section 19 of this Act shall apply to any authorized representative of the Secretary of Health, Education, and Welfare for purposes of the enforcement of the Federal Food, Drug, and Cosmetic Act with respect to any poultry carcass, or part or product thereof, that is outside any official establishment, and for such purposes the first reference to the Secretary in section 19 shall be deemed to refer to the Secretary of Health, Education, and Welfare.

COST OF INSPECTION

SEC. 25. The cost of inspection rendered under the requirements of this Act, shall be borne by the United States, except that the cost of overtime and holiday¹ work performed in establishments subject to

¹The term "holiday" is defined for the purposes of this act by section 24(b) of the Egg Products Inspection Act to mean the legal public holidays specified in 5 U.S.C. 6103(a).

the provisions of this Act at such rates as the Secretary may determine shall be borne by such establishments. Sums received by the Secretary in reimbursement for sums paid out by him for such premium pay work shall be available without fiscal year limitation to carry out the purposes of this section.

APPROPRIATIONS

SEC. 26. There is hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

SEC. 27. The Secretary shall annually report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate with respect to the slaughter of poultry subject to this Act, and the preparation, storage, handling, and distribution of poultry parts, poultry products, and inspection of establishments operated in connection therewith, including the operations under the effectiveness of this Act.

SEPARABILITY OF PROVISIONS

SEC. 28. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 29. This Act shall take effect upon enactment, except that no person shall be subject to the provisions of this Act prior to January 1, 1959, unless such person after January 1, 1958, applies for and receives inspection for poultry or poultry products in accordance with the provisions of this Act and pursuant to regulations promulgated by the Secretary hereunder, in any establishment processing poultry or poultry products in commerce or in a designated major consuming area. Any person who voluntarily applies for and receives such inspection after January 1, 1958, shall be subject, on and after the date he commences to receive such inspection, to all of the provisions and penalties provided for in this Act with respect to all poultry or poultry products handled in the establishment for which such said application for inspection is made.



Calendar No. 1188

94TH CONGRESS }
2d Session }

SENATE }

REPORT
No. 94-1253

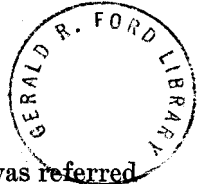
DOMESTICATED RABBIT MEAT INSPECTION

SEPTEMBER 16, 1976.—Ordered to be printed

Mr. ALLEN, from the Committee on Agriculture and Forestry,
submitted the following

REPORT

[To accompany H.R. 10073]



The Committee on Agriculture and Forestry, to which was referred the bill (H.R. 10073) to provide for the mandatory inspection of domesticated rabbits slaughtered for human food, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

SHORT EXPLANATION

H.R. 10073 would make rabbit meat inspection mandatory, at Federal cost, by extending the provisions of the Poultry Products Inspection Act to rabbits and rabbit products.

BACKGROUND AND NEED FOR LEGISLATION

I

The raising and processing of domestic rabbits as an added source of meat in the diet is a growing industry. Consumers of this product do not, however, always have the assurance that it is wholesome, unadulterated, and correctly labeled. This assurance is presently given with respect to meat and poultry products.

II

The U.S. Department of Agriculture, under the Agricultural Marketing Act of 1946, currently makes Federal inspection available to the rabbit industry through a voluntary program paid for by the

processors who have elected to request inspection. However, there is no Federal law requiring the inspection of rabbit meat by the U.S. Government. Where the voluntary inspection program is in effect, Federal inspectors conduct antemortem inspection of the live rabbits and postmortem inspection of the dressed meat.

Based on information supplied by the Department of Agriculture, production of domesticated rabbit meat in 1974 under the voluntary inspection program was an estimated 3.2 million pounds. The Department estimates that annual production in plants, which would be required to have inspection under the bill, other than those under the voluntary program, amounts to about 9.2 million pounds.

In addition, the Department estimates that annual imports of domesticated rabbit meat from Poland and the People's Republic of China are approximately 1.5 million pounds.

Little or nothing is known about the quality of rabbit inspection in the People's Republic of China and Poland, the principal exporters of rabbits to the United States. Under the proposed legislation, such rabbits would be required to be prepared under standards at least equal to those in the United States.

Imported domesticated rabbit meat is subject to inspection by the Food and Drug Administration to determine compliance with the requirements of the United States pure food laws. However, it does not appear that all shipments are inspected, and it is not clear whether laboratory bacterial testing is conducted on all inspections performed by officials of that agency.

III

Rabbits are susceptible to most of the diseases and conditions found in other animals and some diseases which are transmissible to man. However, rabbits can now be sold in many States without any form of inspection. Under the present system of Federal voluntary inspection, it is possible that only the better rabbits are presented for inspection with the others being sorted out and disposed of in a facility where there is no inspection.

Thus, it would appear that of the approximately 13.9 million pounds of domesticated rabbit meat produced or imported for human consumption, only 3.2 million is inspected under Federal standards, as are the other meats which humans consume in this country. Although there are some State rabbit meat inspection programs in effect, it appears that the standards required are uneven and the enforcement of standards vary from State to State.

IV

The Committee believes that the American consumer should have the protection of adequate inspection insofar as rabbit meat is concerned, just the same as in the case of meat and poultry. H. R. 10073 provides such protection by making the inspection of rabbit processing mandatory and assuring the uniform certification of the wholesomeness of all rabbit products offered the consumer.

SECTION-BY-SECTION ANALYSIS

Section 1. Applicability of Poultry Products Inspection Act

Section 1 provides that, except as provided in section 2, all the penalties, terms and other provisions of the Poultry Products Inspection Act are made applicable—

(a) to domesticated rabbits, the carcasses of such rabbits, and parts and products thereof, and to the establishments in which such rabbits are slaughtered or in which the carcasses, or parts or products thereof, are processed;

(b) to all persons who slaughter domesticated rabbits or prepare or handle the carcasses of such rabbits or parts or products thereof; and,

(c) to all other persons who perform any act relating to domesticated rabbits or the carcasses of such rabbits or parts or products thereof, and who would be subject to such provisions (and to the same manner and extent) if such acts related to poultry or poultry products as defined in the Poultry Products Inspection Act.

Section 2. Exceptions to applicability and definitions

Section 2(a) provides that the following provisions of the Poultry Products Inspection Act shall not apply to rabbit inspection:

(a) section 15(a)(2), which permitted the Secretary of Agriculture to grant an exemption from the Poultry Products Inspection Act for a period up to 1970;

(b) section 24(a), which provided that poultry products would be exempt from the provisions of the Federal Food, Drug, and Cosmetic Act in some circumstances; and

(c) section 29, which established an effective date for the Poultry Products Inspection Act.

Section 2(a) provides that the provisions of section 5(c)(1) of the Poultry Products Inspection Act relating to the two-year period—within which a State agency must adopt a State rabbit meat inspection program within a State or have the Federal program applying to operations and transactions *wholly within* such State—would commence upon enactment of the bill. Also, the provisions of section 5(c)(4) of the Poultry Products Inspection Act calling for the Secretary of Agriculture to make periodic reports to Congress on the progress of enforcement by the States are made effective upon enactment of the bill.

Section 2(a) also applies the volume restrictions for turkeys in sections 15(c)(3) and (4) of the Poultry Products Inspection Act to rabbits.

Section 2(b)(1) and (2) state that wherever the terms "poultry" and "poultry products" are used in the Poultry Products Inspection Act, such terms for purposes of the bill shall be deemed to refer to domesticated rabbits.

Section 2(b)(3) states that where the term "domesticated bird" is used in the Poultry Products Inspection Act (section 4(e)), such term for purposes of the bill shall be deemed to refer to domesticated rabbit.

Finally, section 2(b)(4) provides that the term "feathers" in the Poultry Products Inspection Act shall be deemed to be pelt for purposes of the bill.

Section 3. Effective date

Section 3 provides that H.R. 10073 would become effective upon enactment, except that no person shall be subject to the provisions of the bill prior to January 1, 1977, unless such person applies for and receives inspection for the processing for commerce (as defined in the Poultry Products Inspection Act) in accordance with the bill and regulations promulgated by the Secretary.

Section 4. Effect on Poultry Products Inspection Act

Section 4 provides that no provisions of the bill shall affect the application of the Poultry Products Inspection Act in relation to poultry, poultry carcasses, and parts and products thereof.

ADMINISTRATION VIEWS

S. 16, a bill almost identical to H.R. 10073, was introduced in the Senate early in this session of Congress.

S. 43, a bill similar to H.R. 10073 and S. 16, was passed by the Senate in the 93rd Congress on February 21, 1973. The Department of Agriculture did not oppose the enactment of S. 43.

However, in a letter to the Chairman dated August 20, 1975, the Department stated that it does not recommend the enactment of S. 16. The letter from the Department reads as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., August 20, 1975.

HON. HERMAN E. TALMADGE,
Chairman, Committee on Agriculture and Forestry, U.S. Senate.

DEAR MR. CHAIRMAN: This is in reply to your request for a report on S. 16, a bill to provide for the mandatory inspection of rabbits slaughtered for human food.

This Department does not recommend enactment of this bill.

Under the bill, the inspection of the slaughter of domestic rabbits and the carcasses, meat, and products thereof, intended for use by humans would be made mandatory by extending the provisions of the Poultry Products Inspection Act (21 U.S.C. 451-470) to include such animals and articles. With few exceptions, the other provisions of the Act, including the exemptions and the prohibitions on distribution of adulterated or misbranded products, would also apply to persons engaged in the business of slaughtering domestic rabbits or preparing, handling, or distributing the carcasses, meat, or products thereof.

The Department is currently providing rabbits inspection in five plants. This inspection is voluntary and paid for by the firms under provisions of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 *et seq.*). Production in 1974 under the voluntary inspection program was an estimated 3.2 million pounds.

Information on the remainder of the rabbit meat industry is quite limited. The Department conducted a telephone survey of State in-

spection officials and was able to locate 59 slaughtering plants in 17 States, some of which would require inspection under the provisions of S. 16. Production data were available from 19 of these plants. Using an average annual production figure developed for the 19 plants, the Department estimates that the annual production in all 59 plants would be a maximum of 9.2 million pounds.

Based on telephone contacts with State officials and some rabbit producers, the remainder of the rabbit meat industry can be characterized as consisting of many very small operations that would be exempt from the inspection requirements of S. 16. This portion of the industry produces meat and products of rabbits for sale locally and for the personal consumption of the producers.

Annual imports of domestic rabbit meat, mostly from Poland and the People's Republic of China, are estimated at 1.5 million pounds. An additional million pounds of meat from wild rabbits is imported from Australia. Since S. 16 covers only domestic rabbits, these Australian imports would not be covered by the provisions of the bill.

Based on the above information, approximately 13.9 million pounds of domestic rabbit meat that would require inspection under S. 16 is consumed annually in the United States. On a per capita basis, that is approximately one ounce per person. Therefore, because domestic rabbit meat is not a significant source of protein in the American diet, this Department feels that, at this time, the rabbit meat industry should not be placed under mandatory inspection, paid for with appropriated funds. The Department will continue to provide a voluntary inspection program.

Enactment of the bill would require additional appropriations of approximately \$400,000 on an annual basis.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

J. PHIL CAMPBELL,
Under Secretary.

COST ESTIMATE

I

In accordance with section 252 of the Legislative Reorganization Act of 1970, the following is the Committee's estimate of the Federal costs which would be incurred in carrying out the provisions of H.R. 10073:

	Fiscal year—				
	1977	1978	1979	1980	1981
Startup costs.....	63,831				
Federal inspection.....	176,904	188,049	199,708	212,689	227,152
Federal share (50 percent) of State inspection.....	13,608	14,366	383,662	404,802	428,321
Total.....	254,343	202,415	583,370	617,491	655,473

The Committee's estimate is based on the cost estimate prepared by the Congressional Budget Office pursuant to the Congressional Budget Act of 1974. According to the Department of Agriculture, the enactment of the bill would require annual additional Federal appropriations of approximately \$400,000.

II

The cost estimate prepared by the Congressional Budget Office reads as follows:

CONGRESS OF THE UNITED STATES,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., August 17, 1976.

HON. HERMAN E. TALMADGE,
Chairman, Committee on Agriculture and Forestry,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for H.R. 10073, Domesticated Rabbit Meat Inspection Act.

Should the Committee so desire, we would be pleased to provide further details on the attached cost estimate.

Sincerely,

ROBERT A. LEVINE,
Acting Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

AUGUST 17, 1976.

1. Bill No. H.R. 10073.
2. Bill title: Domesticated Rabbit Meat Inspection Act.
3. Purpose of bill: H.R. 10073 would provide for the mandatory inspection of the slaughter of domesticated rabbits and their carcasses, meat, and products intended for use for human food by making the provisions of the Poultry Products Inspection Act applicable to such rabbits and articles. With few exceptions, the other provisions of the Poultry Products Inspection Act, including the exemptions and the prohibitions on distribution of adulterated or misbranded products, would also apply to persons engaged in the business of slaughtering domestic rabbits or preparing, handling, or distributing the carcasses, meat, or products thereof.
4. Cost estimate: Costs are incurred primarily as a result of start-up costs, direct Federal inspection of rabbit slaughtering plants and Federal sharing of State inspection programs costs. The Federal costs are shown in the table below.

	Fiscal year—				
	1977	1978	1979	1980	1981
Startup costs.....	63,831				
Federal inspection.....	176,904	188,049	199,708	212,689	227,152
Federal share (50 percent) of State inspection.....	13,608	14,366	383,662	404,802	428,321
Total.....	254,343	202,415	583,370	617,491	655,473

5. Basis for estimate: Based on information from the USDA Animal and Plant Health Inspection Services there are approximately 59 rabbit processing plants now in operation. Twenty-one plants are located in designated states for poultry inspection where the Federal government does the inspecting. It is assumed that these states would remain designated and not change to State inspection programs. These plants would be inspected each year beginning with the effective date of January 1, 1977 (FY 1977). Thirty-eight plants are located in non-designated states for poultry inspection where the Federal government pays 5% of the State inspection program costs. Three of the 38 plants are located in states that currently have rabbit meat inspection. It is further assumed that these 3 state programs would meet Federal requirements on the effective date and Federal costs would be incurred beginning FY 1977. The remaining 35 plants in non-designated states would need the two-year period specified in the Poultry Products Inspection Act to develop a rabbit meat inspection program. Federal costs for inspection of these 35 plants would not be incurred until FY 1979. It is assumed that the non-designated states will continue their cooperative poultry inspection programs and not become designated states.

Start-up costs consist of training of State inspectors, surveying the 59 plants and blueprint and label review as estimated by APHIS. These costs would only be incurred in FY 1977.

The cost of inspecting one plant in a designated state in FY 1977 is estimated to be \$7,020. The Federal share (50%) of inspecting one plant in a non-designated state in FY 1977 is estimated to be \$3,538.

The start-up costs and the costs for inspecting the plants in designated states were inflated through FY 1981 using CBO projections of Federal pay raises. The Federal share of the cost of inspecting the plants in non-designated states was inflated through FY 1981 using CBO projections of the changes in the Consumer Price Index.

This cost estimate does not include an estimate of the cost of periodically surveying exempt plants.

Overhead is estimated to be 20% of the direct costs for direct Federal inspection and state cooperative inspection programs plus an additional 6.84% USDA overhead for the state cooperative inspection programs.

6. Estimate comparison: The USDA estimated that the cost of the first year would be approximately \$400,000. The estimate did not reflect the change in status of California from a non-designated state to a designated state. California has 10 rabbit meat processing plants. The USDA estimate also assumes all plants, including those in the non-designated states, would be inspected the first year; nor did it account for inflation.

7. Previous CBO estimate: None.

8. Estimate prepared by Kathleen E. Montgomery.

9. Estimate approved by _____ for James L. Blum, Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW

The bill would make no change in existing law (see subsection (4) of rule XXIX of the Standing Rules of the Senate), but it would

make the following law applicable to domesticated rabbits, the carcasses of such rabbits, and parts and products thereof:

THE POULTRY PRODUCTS ACT, AS AMENDED

To provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Poultry Products Inspection Act".

LEGISLATIVE FINDING

SEC. 2. Poultry and poultry products are an important source of the Nation's total supply of food. They are consumed throughout the Nation and the major portion thereof moves in interstate or foreign commerce. It is essential in the public interest that the health and welfare of consumers be protected by assuring that poultry products distributed to them are wholesome, not adulterated, and properly marked, labeled, and packaged. Unwholesome, adulterated, or misbranded poultry products impair the effective regulation of poultry products in interstate or foreign commerce, are injurious to the public welfare, destroy markets for wholesome, not adulterated, and properly labeled and packaged poultry products, and result in sundry losses to poultry producers and processors of poultry and poultry products, as well as injury to consumers. It is hereby found that all articles and poultry which are regulated under this Act are either in interstate or foreign commerce or substantially affect such commerce, and that regulation by the Secretary of Agriculture and cooperation by the States and other jurisdictions as contemplated by this Act are appropriate to prevent and eliminate burdens upon such commerce, to effectively regulate such commerce, and to protect the health and welfare of consumers.

DECLARATION OF POLICY

SEC. 3. It is hereby declared to be the policy of the Congress to provide for the inspection of poultry and poultry products and otherwise regulate the processing and distribution of such articles as hereinafter prescribed to prevent the movement or sale in interstate or foreign commerce of, or the burdening of such commerce by, poultry products which are adulterated or misbranded. It is the intent of Congress that when poultry and poultry products are condemned because of disease, the reason for condemnation in such instances shall be supported by scientific fact, information, or criteria, and such condemnation under this Act shall be achieved through uniform inspection standards and uniform applications thereof.

DEFINITIONS

SEC. 4. For purposes of this Act—

(a) The term "commerce" means commerce between any State, any territory, or the District of Columbia, and any place outside thereof; or within any territory not organized with a legislative body, or the District of Columbia.

(b) Except as otherwise provided in this Act, the term "State" means any State of the United States and the Commonwealth of Puerto Rico.

(c) The term "territory" means Guam, the Virgin Islands of the United States, American Samoa, and any other territory or possession of the United States, excluding the Canal Zone.

(d) The term "United States" means the States, the District of Columbia, and the territories of the United States.

(e) The term "poultry" means any domesticated bird, whether live or dead.

(f) The term "poultry product" means any poultry carcass, or part thereof; or any product which is made wholly or in part from any poultry carcass or part thereof, excepting products which contain poultry ingredients only in a relatively small proportion or historically have not been considered by consumers as products of the poultry food industry, and which are exempted by the Secretary from definition as a poultry product under such conditions as the Secretary may prescribe to assure that the poultry ingredients in such products are not adulterated and that such products are not represented as poultry products.

(g) The term "adulterated" shall apply to any poultry 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 poultry 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 Secretary, 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 otherwise deemed 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 regulations of the Secretary in official establishments;

(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 any poultry 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; or

(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 increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

(h) The term "misbranded" shall apply to any poultry product under one or more of the following circumstances:

(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 type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated;

(4) if its container is so made, formed, or filled as to be misleading;

(5) unless it bears a label showing (A) the name and the place of business of the manufacturer, packer, or distributor; and (B) an accurate statement of the quantity of the product in terms of weight, measure, or numerical count: *Provided*, That under clause (B) of this subparagraph (5), reasonable variations may be permitted, and exemptions as to small packages or articles not in packages or other containers may be established by regulations prescribed by the Secretary;

(6) if any word, statement, or other information required by or under authority of this Act to appear on the label or other labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(7) if it purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by regulations of the Secretary under section 8 of this Act unless (A) it conforms to such definition and standard, and (B) its label bears the name of the food specified in the definition and standard and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food;

(8) if it purports to be or is represented as a food for which a standard or standards of fill of container have been prescribed

by regulations of the Secretary under section 8 of this Act, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard;

(9) if it is not subject to the provisions of subparagraph (7), unless its label bears (A) the common or usual name of the food, if any there be, and (B) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings may, when authorized by the Secretary, be designated as spices, flavorings, and colorings without naming each: *Provided*, That to the extent that compliance with the requirements of clause (B) of this subparagraph (9) is impracticable or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the Secretary;

(10) 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 the Secretary, after consultation with the Secretary of Health, Education, and Welfare, determines to be, and by regulations prescribes as, 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 Secretary; or

(12) if it fails to bear on its containers, and in the case of nonconsumer packaged carcasses (if the Secretary so requires) directly thereon, as the Secretary may by regulations prescribe, the official inspection legend and official establishment number of the establishment where the article was processed, and, unrestricted by any of the foregoing, such other information as the Secretary 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.

(i) The term "Secretary" means the Secretary of Agriculture or his delegate.

(j) The term "person" means any individual, partnership, corporation, association, or other business unit.

(k) The term "inspector" means: (1) an employee or official of the United States Government authorized by the Secretary to inspect poultry and poultry products under the authority of this Act, or (2) any employee or official of the government of any State or Territory or the District of Columbia authorized by the Secretary to inspect poultry and poultry products under authority of this Act, under an agreement entered into between the Secretary and the appropriate State or other agency.

(l) The term "official mark" means the official inspection legend or any other symbol prescribed by regulation of the Secretary to identify the status of any article or poultry under this Act.

(m) The term "official inspection legend" means any symbol prescribed by regulations of the Secretary showing that an article was inspected for wholesomeness in accordance with this Act.

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

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

(p) The term "official establishment" means any establishment as determined by the Secretary at which inspection of the slaughter of poultry, or the processing of poultry products, is maintained under the authority of this Act.

(q) The term "inspection service" means the official Government service within the Department of Agriculture designated by the Secretary as having the responsibility for carrying out the provisions of this Act.

(r) The term "container" or "package" includes any box, can, tin, cloth, plastic, or other receptacle, wrapper, or cover.

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

(t) The term "shipping container" means any container used or intended for use in packaging the product packed in an immediate container.

(u) The term "immediate container" includes any consumer package; or any other container in which poultry products, not consumer packaged, are packed.

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

(w) The term "processed" means slaughtered, canned, salted, stuffed, rendered, boned, cut up, or otherwise manufactured or processed.

(x) 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.

(y) The terms "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.

(z) The term "poultry products broker" means any person engaged in the business of buying or selling poultry products on commission, or otherwise negotiating purchases or sales of such articles other than for his own account or as an employee of another person.

(aa) The term "renderer" means any person engaged in the business of rendering carcasses, or parts or products of the carcasses, of poultry, except rendering conducted under inspection or exemption under this Act.

(bb) The term "animal food manufacturer" means any person engaged in the business of manufacturing or processing animal food derived wholly or in part from carcasses, or parts or products of the carcasses, of poultry.

FEDERAL AND STATE COOPERATION

SEC. 5.(a) It is the policy of the Congress to protect the consuming public from poultry products that are adulterated or misbranded and to assist in efforts by State and other government agencies to accomplish this objective. In furtherance of this policy—

(1) The Secretary is authorized, whenever he determines that it would effectuate the purposes of this Act, to cooperate with the appropriate State agency in developing and administering a State poultry product inspection program in any State which has enacted a mandatory State poultry product inspection law that imposes ante mortem and post mortem inspection, reinspection and sanitation requirements that are at least equal to those under this Act, with respect to all or certain classes of persons engaged in the State in slaughtering poultry or processing poultry products for use as human food solely for distribution within such State.

(2) The Secretary is further authorized, whenever he determines that it would effectuate the purposes of this Act, to cooperate with appropriate State agencies in developing and administering State programs under State laws containing authorities at least equal to those provided in section 11 of this Act; and to cooperate with other agencies of the United States in carrying out any provisions of this Act. In carrying out the provisions of this Act, the Secretary may conduct such examinations, investigations, and inspections as he determines practicable through any officer or employee of any State or Territory or the District of Columbia commissioned by the Secretary for such purpose.

(3) Cooperation with State agencies under this section may include furnishing to the appropriate State agency (i) advisory assistance in planning and otherwise developing an adequate State program under the State law; and (ii) technical and laboratory assistance and training (including necessary curricular and instructional materials and equipment), and financial and other aid for administration of such a program. The amount to be contributed to any State by the Secretary under this section from Federal funds for any year shall not exceed 50 per centum of the estimated total cost of the cooperative program; and the Federal funds shall be allocated among the States desiring to cooperate on an equitable basis. Such cooperation and payment shall be contingent at all times upon the administration of the State program in a manner which the Secretary, in consultation with the appropriate advisory committee appointed under subparagraph (4), deems adequate to effectuate the purposes of this section.

(4) The Secretary may appoint advisory committees consisting of such representatives of appropriate State agencies as the Secretary and the State agencies may designate to consult with him concerning State and Federal programs with respect to poultry product inspection and other matters within the scope of this

Act, including evaluating State programs for purposes of this Act and obtaining better coordination and more uniformity among the State programs and between the Federal and State programs and adequate protection of consumers.

(b) The appropriate State agency with which the Secretary may cooperate under this Act shall be a single agency in the State which is primarily responsible for the coordination of the State programs having objectives similar to those under this Act. When the State program includes performance of certain functions by a municipality or other subordinate governmental unit, such unit shall be deemed to be a part of the State agency for purposes of this section.

(c) (1) If the Secretary has reason to believe, by thirty days prior to the expiration of two years after enactment of the Wholesome Poultry Products Act, that a State has failed to develop or is not enforcing, with respect to all establishments within its jurisdiction (except those that would be exempted from Federal inspection under subparagraph (2) of this paragraph (c)) at which poultry are slaughtered, or poultry products are processed for use as human food, solely for distribution within such State, and the products of such establishments, requirements at least equal to those imposed under sections 1-4, 6-10, 12-22 of this Act, he shall promptly notify the Governor of the State of this fact. If the Secretary determines, after consultation with the Governor of the State, or representative selected by him, that such requirements have not been developed and activated, he shall promptly after the expiration of such two-year period designate such State as one in which the provisions of said sections of this Act shall apply to operations and transactions wholly within such State: *Provided*, That if the Secretary has reason to believe that the State will activate such requirements within one additional year, he may delay such designation for said period, and not designate the State, if he determines at the end of the year that the State then has such requirements in effective operation. The Secretary shall publish any such designation in the Federal Register and, upon the expiration of thirty days after such publication, the provisions of said sections of this Act shall apply to operations and transactions and to persons engaged therein in the State to the same extent and in the same manner as if such operations and transactions were conducted in or for commerce. However, notwithstanding any other provision of this section, if the Secretary determines that any establishment within a State is producing adulterated poultry products for distribution within such State which would clearly endanger the public health he shall notify the Governor of the State and the appropriate advisory committee provided for by subparagraphs (a) (4) of this section of such fact for effective action under State or local law. If the State does not take action to prevent such endangering of the public health within a reasonable time after such notice, as determined by the Secretary, in light of the risk to public health, the Secretary may forthwith designate any such establishment as subject to the provisions of said sections of this Act, and thereupon the establishment and operator thereof shall be subject to such provisions as though engaged in commerce until such time as the Secretary determines that such State has developed and will enforce requirements at least equal to those imposed under said sections.

(2) The provisions of this Act requiring inspection of the slaughter of poultry and the processing of poultry products shall not apply to operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar retail-type establishment for sale in normal retail quantities or service of such articles to consumers at such establishments if such establishments are subject to such inspection provisions only under this paragraph (c).

(3) Whenever the Secretary determines that any State designated under this paragraph (c) has developed and will enforce State poultry products inspection requirements at least equal to those imposed under the aforesaid sections of this Act, with respect to the operations and transactions within such State which are regulated under subparagraph (1) of this paragraph (c), he shall terminate the designation of such State under this paragraph (c), but this shall not preclude the subsequent redesignation of the State at any time upon thirty days' notice to the Governor and publication in the Federal Register in accordance with this paragraph, and any State may be designated upon such notice and publication, at any time after the period specified in this paragraph whether or not the State has theretofore been designated, upon the Secretary determining that it is not effectively enforcing requirements at least equal to those imposed under said sections.

(4) The Secretary shall promptly upon enactment of the Wholesome Poultry Products Act, and periodically thereafter, but at least annually, review the requirements, including the enforcement thereof, of the several States not designated under this paragraph (c), with respect to the slaughter, and the processing, storage, handling, and distribution of poultry products, and inspection of such operations, and annually report thereon to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate in the report required in section 27 of this Act.

(d) As used in this section, the term "State" means any State (including the Commonwealth of Puerto Rico) or organized territory.

ANTE MORTEM AND POST MORTEM INSPECTION, REINSPECTION, AND
QUARANTINE

SEC. 6. (a) For the purpose of preventing the entry into or flow or movement in commerce, of, or the burdening of commerce by, any poultry product which is capable of use as human food and is adulterated, the Secretary shall, where and to the extent considered by him necessary, cause to be made by inspectors ante mortem inspection of poultry in each official establishment processing poultry or poultry products for commerce or otherwise subject to inspection under this Act.

(b) The Secretary, whenever processing operations are being conducted, shall cause to be made by inspectors post mortem inspection of the carcass of each bird processed, and at any time such quarantine, segregation and reinspection as he deems necessary of poultry and poultry products capable of use as human food in each official establishment processing such poultry or poultry products for commerce or otherwise subject to inspection under this Act.

(c) All poultry carcasses and parts thereof and other poultry products found to be adulterated 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 carcasses, parts, and products, which may by reprocessing be made not adulterated, need not be so condemned and destroyed if so reprocessed under the supervision of an inspector and thereafter found to be not adulterated. If an appeal be taken from such determination, the carcasses, parts, or products shall be appropriately marked and segregated pending completion of an appeal inspection, which appeal shall be at the cost of the appellant if the Secretary determines that the appeal is frivolous. If the determination of condemnation is sustained the carcasses, parts, and products shall be destroyed for human food purposes under the supervision of an inspector.

SANITATION, FACILITIES, AND PRACTICES

SEC. 7. (a) Each official establishment slaughtering poultry or processing poultry products for commerce or otherwise subject to inspection under this Act shall have such premises, facilities, and equipment, and be operated in accordance with such sanitary practices, as are required by regulations promulgated by the Secretary for the purpose of preventing the entry into or flow or movement in commerce or burdensome effect upon commerce, of poultry products which are adulterated.

(b) The Secretary 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.

LABELING AND CONTAINERS; STANDARDS

SEC. 8. (a) All poultry products inspected at any official 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, on their shipping containers and immediate containers as the Secretary may require, the information required under paragraph (h) of section 4 of this Act. In addition, the Secretary whenever he determines such action is practicable and necessary for the protection of the public, may require nonconsumer packaged carcasses at the time they leave the establishment to bear directly thereon in distinctly legible form any information required under such paragraph (h).

(b) The Secretary, whenever he 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 in marking and labeling any articles or poultry subject to this Act; (2) definitions and standards of identity or composition or articles subject to this Act and standards of fill of container for such articles not inconsistent with any such standards established under the Federal Food, Drug, and Cosmetic Act, and there shall be consultation between the Secretary and the Secretary of Health, Education, and Welfare prior to the issuance of such standards under either Act relating to articles subject to this Act to avoid inconsistency in such standards and possi-

ble impairment of the coordinated effective administration of these Acts. There shall also be consultation between the Secretary and an appropriate advisory committee provided for in section 5 of this Act, prior to the issuance of such standards under this Act, to avoid, insofar as feasible, inconsistency between Federal and State standards.

(c) No article subject to this Act shall be sold or offered for sale by any person in 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 Secretary are permitted.

(d) If the Secretary 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 Act 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 using or proposing to use the marking, labeling, or container does not accept the determination of the Secretary, such person may request a hearing, but the use of the marking, labeling, or container shall, if the Secretary so directs, be withheld pending hearing and final determination by the Secretary. Any such determination by the Secretary shall be conclusive unless, within thirty days after receipt of notice of such final determination, the person adversely affected thereby appeals to the United States Court of Appeals for the circuit in which such person has its principal place of business or to the United States Court of Appeals for the District of Columbia Circuit. The provisions of section 204 of the Packers and Stockyards Act, 1921 (42 Stat. 162, as amended; 7 U.S.C. 194) shall be applicable to appeals taken under this section.

PROHIBITED ACTS

SEC. 9. (a) No person shall—

(1) slaughter any poultry or process any poultry products which are capable of use as human food at any establishment processing any such articles for commerce, except in compliance with the requirements of this Act;

(2) sell, transport, offer for sale or transportation, or receive for transportation, in commerce, (A) any poultry products which are capable of use as human food and are adulterated or misbranded at the time of such sale, transportation, offer for sale or transportation, or receipt for transportation; or (B) any poultry products required to be inspected under this Act unless they have been so inspected and passed;

(3) do, with respect to any poultry products which are capable of use as human food, any act while they are being transported in commerce or held for sale after such transportation, which is intended to cause or has the effect of causing such products to be adulterated or misbranded;

(4) sell, transport, offer for sale or transportation, or receive for transportation, in commerce or from an official establishment, any slaughtered poultry from which the blood, feathers, feet, head,

or viscera have not been removed in accordance with regulations promulgated by the Secretary, except as may be authorized by regulations of the Secretary;

(5) use to his own advantage, or reveal other than to the authorized representatives of the United States Government or any State or other government in their official capacity, or as ordered by a court in any judicial proceedings, any information acquired under the authority of this Act concerning any matter which is entitled to protection as a trade secret.

(b) No brand manufacturer, printer, or other person 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 Secretary.

(c) No person shall—

(1) forge any official device, mark, or certificate;

(2) without authorization from the Secretary 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 Secretary, fail to use, or to detach, deface, or destroy any official device, mark, or certificate;

(4) knowingly possess, without promptly notifying the Secretary or his representative, any official device or counterfeit, simulated, forged, or improperly altered official certificate or any device or label or any carcass of any poultry, 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 Secretary; or

(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.

COMPLETE COVERAGE OF OFFICIAL ESTABLISHMENTS

SEC. 10. No establishment processing poultry or poultry products for commerce or otherwise subject to this Act shall process any poultry or poultry product except in compliance with the requirements of this Act.

ARTICLES NOT INTENDED FOR HUMAN FOOD RECORD AND RELATED REQUIREMENTS FOR PROCESSORS OF POULTRY PRODUCTS AND RELATED INDUSTRIES ENGAGED IN COMMERCE; REGISTRATION REQUIREMENTS FOR RELATED INDUSTRIES ENGAGED IN COMMERCE; REGULATION OF TRANSACTIONS IN COMMERCE IN DEAD, DYING, DISABLED, OR DISEASED POULTRY AND CARCASSES THEREOF; AUTHORITY TO REGULATE COMPARABLE INTRASTATE ACTIVITIES

SEC. 11. (a) Inspection shall not be provided under this Act at any establishment for the slaughter of poultry or the processing of any carcasses or parts or products of poultry, which are not intended for use as human food, but such articles shall, prior to their offer for sale

or transportation in commerce, unless naturally inedible by humans, be denatured or otherwise identified as prescribed by regulations of the Secretary to deter their use for human food. No person shall buy, sell, transport, or offer for sale or transportation, or receive for transportation in commerce or import, any poultry carcasses or parts or products thereof which are not intended for use as human food unless they are denatured or otherwise identified as required by the regulations of the Secretary or are naturally inedible by humans.

(b) The following classes of persons shall, for such period of time as the Secretary may by regulations prescribe, not to exceed two years unless otherwise directed by the Secretary for good cause shown, keep such records as are properly necessary for the effective enforcement of this Act in order to insure against adulterated or misbranded poultry products for the American consumer; and all persons subject to such requirements shall, at all reasonable times, upon notice by a duly authorized representative of the Secretary, afford such representative access to their places of business and opportunity to examine the facilities, inventory, and records thereof, to copy all such records, and to take reasonable samples of their inventory upon payment of their fair market value therefor—

(1) Any person that engaged in the business of slaughtering any poultry or processing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, of any poultry, for commerce, for use as human food or animal food;

(2) Any person that engages in the business of buying or selling (as poultry products brokers, wholesalers or otherwise), or transporting, in commerce, or storing in or for commerce, or importing, any carcasses, or parts or products of carcasses, of any poultry;

(3) Any person that engages in business, in or for commerce, as a renderer, or engages in the business of buying, selling, or transporting, in commerce, or importing, any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter.

(c) No person shall engage in business, in or for commerce, as a poultry products broker, renderer, or animal food manufacturer, or engage in business in commerce as a wholesaler of any carcasses, or parts or products of the carcasses, of any poultry, whether intended for human food or other purposes, or engage in business as a public warehouseman storing any such articles in or for commerce, or engage in the business of buying, selling, or transporting in commerce, or importing, any dead, dying, disabled, or diseased poultry, or parts of the carcasses of any poultry that died otherwise than by slaughter, unless, when required by regulations of the Secretary, he has registered with the Secretary his name, and the address of each place of business at which, and all trade names under which, he conducts such business.

(d) No person engaged in the business of buying, selling, or transporting in commerce, or importing, dead, dying, disabled, or diseased poultry, or any parts of the carcasses of any poultry that died otherwise than by slaughter, shall buy, sell, transport, offer for sale or transportation, or receive for transportation, in commerce, or import, any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwith than by slaughter, unless

such transaction, transportation or importation is made in accordance with such regulations as the Secretary may prescribe to assure that such poultry, or the unwholesome parts of products thereof, will be prevented from being used for human food.

(e) The authority conferred on the Secretary by paragraph (b), (c), or (d) of this section with respect to persons engaged in the specified kinds of business in or for commerce may be exercised with respect to persons engaged, in any State or organized territory, in such kinds of business but not in or for commerce, whenever the Secretary determines, after consultation with an appropriate advisory committee provided for in section 5 of this Act, that the State or territory does not have at least equal authority under its laws or such authority is not exercised in a manner to effectuate the purposes of this Act, including the State or territory providing for the Secretary or his representative being afforded access to such places of business and the facilities, inventories, and records thereof, and the taking of reasonable samples, where he determines necessary in carrying out his responsibilities under this Act; and in such case the provisions of paragraph (b), (c), or (d) of this section, respectively, shall apply to such persons to the same extent and in the same manner as if they were engaged in such business in or for commerce and the transactions involved were in commerce.

PENALTIES

SEC. 12. (a) Any person who violates the provisions of section 9, 10, 11, 14, or 17 of this Act shall be fined not more than \$1,000 or imprisoned not more than one year, or both; but if such violation involves intent to defraud, or any distribution or attempted distribution of an article that is adulterated (except as defined in section 4(g)(8) of this Act), such person shall be fined not more than \$10,000 or imprisoned not more than three years, or both. When construing or enforcing the provisions of said 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) No carrier shall be subject to the penalties of this Act, other than the penalties for violation of section 11, by reason of his receipt, carriage, holding, or delivery, in the usual course of business, as a carrier, of poultry or poultry products, owned by another person unless the carrier has knowledge, or is in possession of facts which would cause a reasonable person to believe that such poultry or poultry products were not inspected or marked in accordance with the provisions of this Act or were otherwise not eligible for transportation under this Act or unless the carrier refuses to furnish on request of a representative of the Secretary the name and address of the person from whom he received such poultry or poultry products, and copies of all documents, if any there be, pertaining to the delivery of the poultry or poultry products to such carrier.

(c) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this Act shall be fined

not more than \$5,000 or imprisoned not more than three years, or both. Whoever, in the commission of any such acts, uses a deadly or dangerous weapon, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both. Whoever kills any person while engaged in or on account of the performance of his official duties under this Act shall be punished as provided under sections 1111 and 1114 of title 18, United States Code.

REPORTING OF VIOLATIONS

SEC. 13. Before any violation of this Act is reported by the Secretary to any United States attorney for institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given reasonable notice of the alleged violation and opportunity to present his views orally or in writing with regard to such contemplated proceeding. Nothing in this Act shall be construed as requiring the Secretary to report for criminal prosecution violations of this Act whenever he believes that the public interest will be adequately served and compliance with the Act obtained by a suitable written notice or warning.

REGULATIONS

SEC. 14. (a) The Secretary may by regulations prescribe conditions under which poultry products capable of use as human food, shall be stored or otherwise handled by any person engaged in the business of buying, selling, freezing, storing, or transporting, in or for commerce, or importing, such articles, whenever the Secretary deems such action necessary to assure that such articles will not be adulterated or misbranded when delivered to the consumer. Violation of any such regulation is prohibited.

(b) The Secretary shall promulgate such other rules and regulations as are necessary to carry out the provisions of this Act.

(c) In applying the provisions of section 553(c) of title 5, United States Code to proposed rule making under this Act, an opportunity for the oral presentation of views shall be accorded all interested persons.

EXEMPTIONS

SEC. 15. (a) The Secretary shall, by regulation and under such conditions as to sanitary standards, practices, and procedures as he may prescribe, exempt from specific provisions of this Act—

(1) retail dealers with respect to poultry products sold directly to consumers in individual retail stores, if the only processing operation performed by such retail dealers is the cutting up of poultry products on the premises where such sales to consumers are made;

(2) for such period of time as the Secretary determines that it would be impracticable to provide inspection and the exemption will aid in the effective administration of this Act, any person engaged in the processing of poultry or poultry products for commerce and the poultry or poultry products processed by such person: *Provided, however,* That no such exemption shall continue in effect on and after January 1, 1970; and

(3) persons slaughtering, processing, or otherwise handling poultry or poultry products which have been or are to be processed

as required by recognized religious dietary laws, to the extent that the Secretary determines necessary to avoid conflict with such requirements while still effectuating the purposes of this Act.

(b) The Secretary may, under such sanitary conditions as he may by regulations prescribe, exempt from the inspection requirements of this Act the slaughter of poultry, and the processing of poultry products, by any person in any Territory not organized with a legislative body, solely for distribution within such Territory, when the Secretary determines that it is impracticable to provide such inspection within the limits of funds appropriated for administration of this Act and that such exemption will aid in the effective administration of this Act.

(c) (1) The Secretary shall, by regulation and under such conditions, including sanitary standards, practices, and procedures, as he may prescribe, exempt from specific provisions of this Act—

(A) the slaughtering by any person of poultry of his own raising, and the processing by him and transportation in commerce of the poultry products exclusively for use by him and members of his household and his nonpaying guests and employees;

(B) the custom slaughter by any person of poultry delivered by the owner thereof for such slaughter, and the processing by such slaughterer and transportation in commerce of the poultry products exclusively for use, in the household of such owner, by him and members of his household and his nonpaying guests and employees: *Provided*, That such custom slaughterer does not engage in the business of buying or selling any poultry products capable of use as human food;

(C) the slaughtering and processing of poultry products in any State or Territory or the District of Columbia by any poultry producer on his own premises with respect to sound and healthy poultry raised on his premises and the distribution by any person solely within such jurisdiction of the poultry products derived from such operations, if, in lieu of other labeling requirements, such poultry products are identified with the name and address of such poultry producer, and if they are not otherwise misbranded, and are sound, clean, and fit for human food when so distributed; and

(D) the slaughtering of sound and healthy poultry or the processing of poultry products of such poultry in any State or territory or the District of Columbia by any poultry producer or other person for distribution by him solely within such jurisdiction directly to household consumers, restaurants, hotels, and boarding houses, for use in their own dining rooms, or in the preparation of meals for sales direct to consumers, if, in lieu of other labeling requirements, such poultry products are identified with the name and address of the processor, and if they are not otherwise misbranded and are sound, clean, and fit for human food when distributed by such processor.

The exemptions provided for in clauses (C) and (D) above shall not apply if the poultry producer or other person engages in the current calendar year in the business of buying or selling any poultry or poultry products other than as specified in such clauses.

(2) In addition to the specific exemptions provided herein, the Secretary shall, when he determines that the protection of consumers from adulterated or misbranded poultry products will not be impaired by such action, provide by regulation, consistent with subparagraph (3), for the exemption of the operation and products of small enterprises (including poultry producers), not exempted under subparagraph (1), which are engaged in any State or Territory⁵ or the District of Columbia in slaughtering and/or cutting up poultry for distribution as carcasses or parts thereof solely for distribution within such jurisdiction, from such provisions of this Act as he deems appropriate, while still protecting the public from adulterated or misbranded products, under such conditions, including sanitary requirements, as he shall prescribe to effectuate the purposes of this Act.

(3) No exemption under subparagraph (1) (C) or (D) or subparagraph (2) shall apply to any poultry producer or other person who slaughters or processes the products of more than 5,000 turkeys or an equivalent number of poultry of all species in the current calendar year (four birds of other species being deemed the equivalent of one turkey).

(4) The provisions of this Act shall not apply to poultry producers with respect to poultry of their own raising on their own farms if (i) such producers slaughter not more than 250 turkeys, or not more than an equivalent number of birds of all species during the calendar year for which this exemption is being determined (four birds of other species being deemed the equivalent of one turkey); (ii) such poultry producers do not engage in buying or selling poultry products other than those produced from poultry raised on their own farms; and (iii) none of such poultry moves in commerce (as defined in section 4(a) of this Act).

(d) The adulteration and misbranding provisions of this Act, other than the requirement of the inspection legend, shall apply to articles which are exempted from inspection under this section, except as otherwise specified under paragraphs (a) and (c).

(e) The Secretary may by order suspend or terminate any exemption under this section with respect to any person whenever he finds that such action will aid in effectuating the purposes of this Act.

ENTRY OF MATERIALS INTO OFFICIAL ESTABLISHMENTS

SEC. 16. The Secretary may limit the entry of poultry products and other materials into any official establishment, under such conditions as he may prescribe to assure that allowing the entry of such articles into such inspected establishments will be consistent with the purposes of this Act.

IMPORTS

SEC. 17. (a) No slaughtered poultry, or parts or products thereof, of any kind shall be imported into the United States unless they are healthful, wholesome, fit for human food, not adulterated, and contain no dye, chemical, preservative, or ingredient which renders them unhealthful, unwholesome, adulterated, or unfit for human food and unless they also comply with the rules and regulations made by the

Secretary of Agriculture to assure that imported poultry or poultry products comply with the standards provided for in this Act. All imported, slaughtered poultry, or parts or products thereof, shall after entry into the United States in compliance with such rules and regulations be deemed and treated as domestic slaughtered poultry, or parts or products thereof, within the meaning and subject to the provisions of this Act and the Federal Food, Drug, and Cosmetic Act, and Acts amendatory of, supplemental to, or in substitution for such Acts.

(b) The Secretary of Agriculture is authorized to make rules and regulations to carry out the purposes of this section and in such rules and regulations the Secretary of Agriculture may prescribe the terms and conditions for the destruction of all slaughtered poultry, or parts or products thereof, offered for entry and refused admission into the United States unless such slaughtered poultry, or parts or products thereof, be exported by the consignee within the time fixed therefor in such rules and regulations.

(c) All charges for storage, cartage, and labor with respect to any product which is refused admission pursuant to this section shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any other products imported thereafter by or for such owner or consignee.

GENERAL PROVISIONS

SEC. 18. (a) The Secretary may (for such period, or indefinitely, as he deems necessary to effectuate the purposes of this Act) refuse to provide, or withdraw, inspection service under this Act with respect to any establishment if he determines, after opportunity for a hearing is accorded to the applicant for, or recipient of, such service, that such applicant or recipient is unfit to engage in any business requiring inspection upon this Act because the applicant or recipient or anyone responsibly connected with the applicant or recipient, has been convicted, in any Federal or State court, within the previous ten years of (1) any felony or more than one misdemeanor under any law based upon the acquiring, handling, or distributing of adulterated, mislabeled, or deceptively packaged food or fraud in connection with transactions in food; or (2) any felony, involving fraud, bribery, extortion, or any other act or circumstances indicating a lack of the integrity needed for the conduct of operations affecting the public health. For the purpose of this paragraph a person shall be deemed to be responsibly connected with the business if he was a partner, officer, director, holder, or owner of 10 per centum or more of its voting stock or employee in a managerial or executive capacity.

(b) Upon the withdrawal of inspection service from any official establishment for failure to destroy condemned poultry products as required under section 6 of this Act, or other failure of an official establishment to comply with the requirements as to premises, facilities, or equipment, or the operation thereof, as provided in section 7 of this Act, or the refusal of inspection service to any applicant therefor because of failure to comply with any requirements under section 7, the applicant for, or recipient of, the service shall, upon request, be afforded opportunity for a hearing with respect to the merits or

validity of such action; but such withdrawal or refusal shall continue in effect unless otherwise ordered by the Secretary.

(c) The determination and order of the Secretary when made after opportunity for hearing, with respect to withdrawal or refusal of inspection service under this Act shall be final and conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within thirty days after the effective date of such order in the United States Court of Appeals as provided in section 8 of this Act. Judicial review of any such order shall be upon the record upon which the determination and order are based. The provisions of section 204 of the Packers and Stockyards Act of 1921, as amended, shall be applicable to appeals taken under this section.

SEC. 19. Whenever any poultry product, or any product exempted from the definition of a poultry product, or any dead, dying, disabled, or diseased poultry is found by any authorized representative of the Secretary upon any premises where it is held for purposes of, or during or after distribution in, commerce or otherwise subject to this Act, and there is reason to believe that any such article is adulterated or misbranded and is capable of use as human food, or that it has not been inspected, in violation of the provisions of this Act or of any other Federal law or the laws of any State or Territory, or the District of Columbia, or that it has been or is intended to be, distributed in violation of any such provisions, it may be detained by such representative for a period not to exceed twenty days, pending action under section 20 of this Act or notification of any Federal, State, or other governmental authorities having jurisdiction over such article or poultry, and shall not be moved by any person, from the place at which it is located when so detained, until released by such representative. All official marks may be required by such representative to be removed from such article or poultry before it is released unless it appears to the satisfaction of the Secretary that the article or poultry is eligible to retain such marks.

SEC. 20. (a) Any poultry product, or any dead, dying, disabled, or diseased poultry, that is being transported in commerce or otherwise subject to this Act, or is held for sale in the United States after such transportation, and that (1) is or has been processed, sold, transported, or otherwise distributed or offered or received for distribution in violation of this Act, or (2) is capable of use as human food and is adulterated or misbranded, or (3) in any other way is in violation of this Act, shall be liable to be proceeded against and seized and condemned, at any time, on a libel of information in any United States district court or other proper court as provided in section 21 of this Act within the jurisdiction of which the article or poultry is found. If the article or poultry is condemned it shall, after entry of the decree, be disposed of by destruction or sale as the court may direct and the proceeds, if sold, less the court costs and fees, and storage and other proper expenses, shall be paid into the Treasury of the United States, but the article of poultry shall not be sold contrary to the provisions of this Act, or the laws of the jurisdiction in which it is sold: *Provided*, That upon the execution and delivery of a good and sufficient bond conditioned that the article or poultry shall not be sold or otherwise disposed of contrary to the provisions of this Act, or the

laws of the jurisdiction in which disposal is made, the court may direct that such article or poultry be delivered to the owner thereof subject to such supervision by authorized representatives of the Secretary as is necessary to insure compliance with the applicable laws. When a decree of condemnation is entered against the article or poultry and it is released under bond, or destroyed, court costs and fees, and storage and other proper expenses shall be awarded against the person, if any, intervening as claimant of the article or poultry. The proceedings in such libel cases shall conform, as nearly as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any case, and all such proceedings shall be at the suit of and in the name of the United States.

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

SEC. 21. The United States district courts, the District Court of Guam, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of the other territories, are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of, this Act, and shall have jurisdiction in all other kinds of cases arising under this Act, except as provided in section 8(d) or 18 of this Act. All proceedings for the enforcement or to restrain violations of this Act shall be by and in the name of the United States. Subpenas for witnesses who are required to attend a court of the United States, in any district, may run into any other district in any such proceeding.

SEC. 22. For the efficient administration and enforcement of this Act, the provisions (including penalties) of sections 6, 8, 9, and 10 of the Federal Trade Commission Act, as amended (38 Stat. 721-723, as amended; 15 U.S.C. 46, 48, 49, and 50) (except paragraphs (c) through (h) of section 6 and the last paragraph of section 9), and the provisions of subsection 409(1) of the Communications Act of 1934 (48 Stat. 1096, as amended; 47 U.S.C. 409(1)), are made applicable to the jurisdiction, powers, and duties of the Secretary in administering and enforcing the provisions of this Act and to any person with respect to whom such authority is exercised. The Secretary, in person or by such agents as he may designate, may prosecute any inquiry necessary to his duties under this Act in any part of the United States, and the powers conferred by said sections 9 and 10 of the Federal Trade Commission Act as amended on the district courts of the United States may be exercised for the purposes of this Act by any court designated in section 21 of this Act.

SEC. 23. Requirements within the scope of this Act with respect to premises, facilities and operations of any official establishment, which are in addition to, or different than those made under this Act may not be imposed by any State or Territory or the District of Columbia, except that any such jurisdiction may impose recordkeeping and other requirements within the scope of paragraph (b) of section 11 of this Act, if consistent therewith, with respect to any such establishment. Marking, labeling, packaging, or ingredient requirements (or storage or handling requirements found by the Secretary to unduly interfere with the free flow of poultry products in commerce) in addition to,

or different than, those made under this Act may not be imposed by any State or Territory or the District of Columbia with respect to articles prepared at any official establishment in accordance with the requirements under this Act, but any State or Territory or the District of Columbia may, consistent with the requirements under this Act, exercise concurrent jurisdiction with the Secretary over articles required to be inspected under this Act, for the purpose of distribution for human food purposes of any such articles which are adulterated or misbranded and are outside of such an establishment, or, in the case of imported articles which are not at such an establishment, after their entry into the United States. This Act shall not preclude any State or Territory or the District of Columbia from making requirement or taking other action, consistent with this Act, with respect to any other matters regulated under this Act.

SEC. 24. (a) Poultry and poultry products shall be exempt from the provisions of the Federal Food, Drug, and Cosmetic Act to the extent of the application or extension thereto of the provisions of this Act, except that the provisions of this Act shall not derogate from any authority conferred by the Federal Food, Drug, and Cosmetic Act prior to enactment of the Wholesome Poultry Products Act.

(b) The detainer authority conferred by section 19 of this Act shall apply to any authorized representative of the Secretary of Health, Education, and Welfare for purposes of the enforcement of the Federal Food, Drug, and Cosmetic Act with respect to any poultry carcass, or part or product thereof, that is outside any official establishment, and for such purposes the first reference to the Secretary in section 19 shall be deemed to refer to the Secretary of Health, Education, and Welfare.

COST OF INSPECTION

SEC. 25. The cost of inspection rendered under the requirements of this Act, shall be borne by the United States, except that the cost of overtime and holiday work performed in establishments subject to the provisions of this Act at such rates as the Secretary may determine shall be borne by such establishments. Sums received by the Secretary in reimbursement for sums paid out by him for such premium pay work shall be available without fiscal year limitation to carry out the purposes of this section.

APPROPRIATIONS

SEC. 26. There is hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

REPORTS TO CONGRESSIONAL COMMITTEES

SEC. 27. The Secretary shall annually report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate with respect to the slaughter of poultry subject to this Act, and the preparation, storage, handling, and distribution of poultry parts, poultry products, and inspection of establishments operated in connection therewith, including the operations under and the effectiveness of this Act.

SEPARABILITY OF PROVISIONS

SEC. 28. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 29. This Act (Act of August 28, 1957) shall take effect upon enactment, except that no person shall be subject to the provisions of this Act prior to January 1, 1959, unless such person after January 1, 1958, applies for and receives inspection for poultry or poultry products in accordance with the provisions of this Act and pursuant to regulations promulgated by the Secretary hereunder, in any establishment processing poultry or poultry products in commerce or in a designated major consuming area. Any person who voluntarily applies for and receives such inspection after January 1, 1958, shall be subject, on and after the date he commences to receive such inspection, to all of the provisions and penalties provided for in this Act with respect to all poultry or poultry products handled in the establishment for which such said application for inspection is made.

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Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

An Act

To provide for the mandatory inspection of domesticated rabbits slaughtered for human food, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, except as provided in section 2 of this Act, all the penalties, terms, and other provisions in the Poultry Products Inspection Act (71 Stat. 441; 21 U.S.C. 451-470) are hereby made applicable (1) to domesticated rabbits, the carcasses of such rabbits, and parts and products thereof, and to the establishments in which domesticated rabbits are slaughtered or in which the carcasses, or parts or products thereof, are processed, (2) to all persons who slaughter domesticated rabbits or prepare or handle the carcasses of such rabbits or parts or products thereof, and (3) to all other persons who perform any act relating to domesticated rabbits or the carcasses of such rabbits or parts or products thereof, and who would be subject to such provisions if such acts related to poultry or the carcasses of poultry, or parts or products thereof; and such provisions shall apply in the same manner and to the same extent as such provisions apply with respect to poultry and the carcasses of poultry, and parts and products thereof, and to persons who perform acts relating to poultry, the carcasses of poultry, or parts or products thereof.

SEC. 2. (a) The provisions in paragraph (a) (2) of section 15, section 24(a), and section 29 of the Poultry Products Inspection Act shall not apply with respect to domesticated rabbits or the carcasses of such rabbits, or parts or products thereof. The two-year period specified in paragraph (c) (1) of section 5 of such Act and the periods contemplated by paragraph (c) (4) of such section shall commence upon the date of enactment hereof, with respect to domesticated rabbits and the carcasses of such rabbits, and parts and products thereof; and in applying the volume provisions in paragraphs (c) (3) and (c) (4) of section 15 of such Act, the volume restrictions applicable to turkeys shall apply to domesticated rabbits.

(b) For purposes of this Act—

(1) wherever the term "poultry" is used in the Poultry Products Inspection Act, such term shall be deemed to refer to domesticated rabbits;

(2) wherever the term "poultry product" is used in the Poultry Products Inspection Act, such term shall be deemed to refer to domesticated rabbit products; and

(3) the reference to "domesticated bird" in section 4(e) of the Poultry Products Inspection Act shall be deemed to refer to domesticated rabbit.

(4) the reference to "feathers" in section 9(a) (4) shall be deemed to be "pelt".

SEC. 3. This Act shall become effective upon enactment, except that no person shall be subject to the provisions of this Act prior to January 1, 1977, unless such person after enactment of this Act applies for and receives inspection for the processing for commerce (as defined in the Poultry Products Inspection Act) of domesticated rabbits or



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the carcasses of such rabbits, or parts or products thereof, in accordance with the provisions of this Act and pursuant to regulations promulgated by the Secretary of Agriculture under this Act. Any person who voluntarily applies for and receives such inspection after enactment hereof shall be subject, on and after the date he commences to receive such inspection, to all of the provisions (including penalties) of the Poultry Products Inspection Act as applied hereby in relation to domesticated rabbits, the carcasses of such rabbits, and parts and products thereof.

SEC. 4. The provisions hereof shall not in any way affect the application of the Poultry Products Inspection Act in relation to poultry, poultry carcasses, and parts and products thereof.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

October 18, 1976

Office of the White House Press Secretary

THE WHITE HOUSE

MEMORANDUM OF DISAPPROVAL

I have withheld my approval from H.R. 10073, "An Act to provide for the mandatory inspection of domesticated rabbits slaughtered for human food, and for other purposes."

This bill would make applicable to domesticated rabbits, with minor exceptions, the provisions of the Poultry Products Inspection Act. It would require the Secretary of Agriculture to implement a mandatory inspection program for all domesticated rabbit meat sold in commerce, with certain exemptions related to type and volume of operations.

It should be noted that the Food and Drug Administration now inspects rabbit meat to ensure that it complies with Federal pure food laws. Thus, there is no health protection reason for requiring mandatory Agriculture Department inspection of rabbit meat.

The effect of this Act would be to substitute a mandatory taxpayer-financed Agriculture Department inspection program for a voluntary one that is now provided under another law and paid for by the processors and consumers of rabbit meat. Since the voluntary program already provides a means for certifying wholesomeness to those consumers who demand such protection for this specialty food and are willing to pay for the protection, I do not believe that a mandatory program is wise public policy.

In addition, it is estimated that the cost to the taxpayer of government inspection provided by this Act could be more than ten cents per pound.

The limited benefit to be derived by a relative few consumers of rabbit meat cannot be justified in terms of the cost to the taxpayer. I am therefore not approving H.R. 10073.

GERALD R. FORD

THE WHITE HOUSE,
October 17, 1976.

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