

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
CHAPTER 37. FOOD SAFETY

SUBCHAPTER 9. OKLAHOMA RABBIT AND RABBIT PRODUCTS INSPECTION
REGULATIONS

PART 1. GENERAL

35:37-9-1. Definitions

The following words and terms when used in this Subchapter shall have the following meaning, unless the context clearly indicates otherwise.

"Acceptable" means suitable for the purpose intended and acceptable to the Service.

"Act" means the applicable provisions of the "Oklahoma Rabbit and Rabbit Products Inspection Act".

"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 rabbits.

"Applicant" means any interested party who requests any inspection service.

"Board" means the State Board of Agriculture.

"Carcass" means any rabbit carcass.

"CFR" means the Code of Federal Regulations.

"Circuit supervisor" means any employee of the Department in charge of rabbit inspection service in a designated geographical area.

"Class" means any subdivision of a product based on essential physical characteristics that differentiate between major groups of the same kind.

"Commissioner" means the Commissioner of Agriculture or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his or her stead.

"Condition" means any condition, including, but not being limited to, the state of preservation, cleanliness, or soundness, of any product or the processing, handling, or packaging which may affect such product.

"Department" means the Oklahoma State Department of Agriculture, Food, and Forestry.

"Director" means the Director of the Meat Inspection Service, employed by the Board to act for it in matters as prescribed by these rules and regulations for Meat Inspection.

"District Supervisor" or technical supervisor" means the officer in charge of the rabbit inspection service in a circuit consisting of a group of stations within an area.

"Edible product" means any product derived from ready-to-cook domestic rabbits.

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

"Federal Meat Inspection Act" means the act so entitled approved March 4, 1907 (34 Stat. 1260) as amended by the Wholesome Meat Act (8 Stat.584).

"Giblets" means the liver from which the bile sac has been removed and the heart from which the pericardium has been removed and the kidneys.

"Holiday" or **"legal holiday"** shall mean the legal public holidays proclaimed by the Governor of the state of Oklahoma.

"Identify" means to apply official identification to product or to containers thereof.

"Inspection certificate" means a statement, either written or printed, issued by an inspector, pursuant to the regulations relative to the condition and wholesomeness of products.

"Inspection legend" means the inspection mark, and any other mark, or any variations in such marks, approved by the Board and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product, stating that the product was inspected, or indicating the condition of the product, or for the purpose of maintaining the identity of products inspected under these regulations, including, but not limited to that set forth in 35:37-9-21.

"Inspector" means any person who is duly qualified and certified as an agent of the Oklahoma Department of Agriculture, Food, and Forestry.

"Interested party" means any person financially interested in a transaction involving any inspection.

"Intrastate commerce" means commerce within this state.

"Label" means a display of written, printed, or graphic matter upon any article or the immediate container, not including package liners, or any article.

"Laboratory" means:

(1) a room or building equipped for scientific experimentation or research.

(2) a place where drugs and chemicals are manufactured.

(3) a place for practice, observation or testing.

"Official certificate" means any certificate prescribed by regulation of the Board for issuance by an inspector or other person performing official functions pursuant to the Oklahoma Rabbit and Rabbit Products Inspection Act.

"Official device" means any device prescribed or authorized by the Board for use in applying any official mark.

"Official inspection legend" means any symbol prescribed by regulation of the Board showing that an article was inspected for

wholesomeness in accordance with the Oklahoma Rabbit and Rabbit Products Inspection Act.

"Official mark" means the official inspection legend or any other symbol prescribed by regulation of the Board to identify the status of any article or rabbit pursuant to the Oklahoma Rabbit and Rabbit Products Inspection Act.

"Official plant" or **"official establishment"** means one or more buildings or parts thereof, comprising a single plant in which the facilities and methods of operation therein have been approved by the Commissioner as suitable and adequate for operation under inspection service.

"Person" means any individual, partnership, corporation, association, or other business unit.

"Pesticide chemical", "food additive", "color additive", and "raw agricultural commodity" means these terms shall have the same meanings for purposes of the Oklahoma Rabbit and Rabbit Products Inspection Act as such term is defined by the Federal Food, Drug, and Cosmetic Act.

"Potable water" means water that has been approved by the State Health Department or the State Department of Agriculture, Food, and Forestry as safe for drinking and suitable for food processing.

"Processed" means slaughtered, canned, salted, stuffed, rendered, boned, cut-up, or otherwise manufactured, processed, or repackaged.

"Rabbit" means any domesticated rabbit, whether live or dead.

"Rabbit inspection service" means the personnel who are engaged in the administration, application, and direction of rabbit inspection programs and services pursuant to the regulations.

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

"Rabbit products broker" means any person engaged in the business of buying or selling rabbit 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.

"Ready-to-cook domestic rabbit" means any rabbit that has been slaughtered for human food, from which the head, blood, skin, feet, and inedible viscera have been removed, that is ready to cook without need of further processing. Ready-to-cook rabbit

also means any cut-up or disjointed portion of rabbit or any edible part thereof, as described in this paragraph.

"Regulations" means regulations promulgated by the Oklahoma State Board of Agriculture governing the inspection of rabbits and rabbit products.

"Renderer" means any person engaged in the business of rendering carcasses, or parts or products of the carcasses, of rabbits.

"Service" means the rabbit inspection program of the Oklahoma Department of Agriculture, Food, and Forestry.

35:37-9-2. General terms and applications

(a) "Adulterated" shall apply to any carcass, part thereof, rabbit or rabbit products under one or more of the following circumstances:

(1) if it bears or contains any toxic 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 paragraph if the quantity of such substance in or on such article does not ordinarily render it injurious to health,

(2) if it bears or contains, by reason of administration of any substance to live rabbits or otherwise, any added poisonous or added deleterious substance, other than one which is:

(A) a pesticide chemical in or on a raw agricultural commodity,

(B) a food additive, or

(C) a color additive; which, may, in the judgment of the Board make such article unfit for human food;

(3) 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 Number 408 of the Federal Food, Drug, and Cosmetic Act,

(4) if it bears or contains any food additive which is unsafe within the meaning of Section Number 409 of the Federal Food, Drug, and Cosmetic Act,

(5) if it bears or contains any color additive which is unsafe within the meaning of Section Number 706 of the Federal Food, Drug, and Cosmetic Act. Provided, that an article which is not otherwise deemed adulterated under paragraph (2), (3), or (4), shall nevertheless be deemed adulterated if the use of the pesticide chemical, food additive, or color additive in or on such article is prohibited by regulations of the Board in establishments at which inspection is maintained pursuant to the Oklahoma Rabbit and Rabbit Products Inspection Act.

(6) 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 or esthetically unacceptable for human food;

(7) if it has been prepared, packed, or held under unsanitary

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

(8) if it is, in whole or in part, the product of any rabbit which has died otherwise than by slaughter,

(9) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health,

(10) 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 Number 409 of the Federal Food, Drug, and Cosmetic Act, or

(11) if any valuable constituent has been in whole or in part omitted or abstracted; or if any substance has been substituted, wholly or in part therefore; or if damage or inferiority has been concealed in any manner; or if 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.

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

(c) "Condition and Wholesomeness" refers to the condition of any product, its healthfulness or fitness for human food.

(d) "Inspection" or "inspection service" refers to any inspection by an inspector to determine:

(1) the condition and wholesomeness of rabbits,

(2) the condition and wholesomeness of any edible product at any state of the preparation or packaging thereof in the official plant where inspected and passed, or

(3) the condition and wholesomeness of any previously inspected and passed product if such product has not lost its identity as an inspected and passed product.

(e) "Labeling" refers to all labels and other written, printed, or graphic matter:

(1) upon any article or any of its containers or wrappers, or

(2) accompanying the article.

(f) "Misbranded" shall apply to any carcass, part thereof, rabbit meat or rabbit 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, unless it bears a label showing:

- (A) The true name of the product;
- (B) An ingredients statement if the product is formulated from more than one item;
- (C) The name, address and zip code of the manufacturer, packer or distributor;
- (D) An accurate statement of the net quantity of contents;
- (E) A special handling statement for all perishable products, such as; keep frozen;
- (F) The official inspection legend that includes the plant number.

(5) if any word, statement, or other information required by or under authority of the Oklahoma Rabbit and Rabbit Products Inspection 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,

(6) 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 Board unless:

- (A) it conforms to the 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 the regulations, the common names of optional ingredients, other than spices, flavoring, and color, present in the food,

(7) 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 Board, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as the regulations specify, a statement that it falls below such standard,

(8) if it is not subject to the provisions of paragraph (6) 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 Board, be designated as spices, flavorings, and colorings without naming each. Provided, that to the extent that compliance with the requirements of this division is impracticable, or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the Board,

(9) if it purports to be or is represented for special dietary uses, unless its label bears the information concerning its vitamin, mineral, and other dietary properties as the Board, after consultation with the Secretary of

Agriculture of the United States, determines to be and by regulations prescribes as, necessary in order to fully inform purchasers as to its value for such uses,

(10) if it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact; provided, that, to the extent that compliance with the requirements of this paragraph is impracticable, exemptions shall be established by regulations promulgated by the Board, or

(11) if it fails to bear on its containers, as the Board may by regulations prescribe, the official inspection legend, such other information as the Board may require in the 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.

(g) "Inspected and passed" or "passed" refers to any product, that it has undergone an inspection and was found, at the time of inspection, to be sound, wholesome, and fit for human food.

(h) "Inspection of products for condition and wholesomeness" refers to inspection by an inspector to determine, in accordance with the regulations;

(1) the condition and wholesomeness of rabbits, or

(2) the condition and wholesomeness of any edible product at any state of the preparation or packaging thereof in the official plant where inspected and passed, or

(3) the condition and wholesomeness of any previously inspected and passed product if such product has not lost its identity as an inspected and passed product.

(i) "Program supervisor" refers to:

(1) the officer in charge of the rabbit inspection service of the Department, and

(2) other officers or employees of the Department designated by the officer in charge.

(j) "Inspector in charge" refers to any authorized individual who is designated to supervise rabbit inspection service in a large official plant or in a group of several small plants.

(k) "Official identification" refers to any symbol, stamp, label, or seal indicating that the product has been officially inspected and/or indicating the class or condition of the product approved by the Department and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product.

35:37-9-3. Basis of service

Any inspection service in accordance with these regulations shall be for condition and wholesomeness.

35:37-9-4. Eligibility

(a) Only rabbits that are processed in official plants in accordance with these regulations may be inspected.

(b) All rabbits that are eviscerated in an official plant where inspection service is maintained shall be inspected for condition and wholesomeness and no uninspected products shall be brought into such official plant.

35:37-9-5. Supervision

All inspection service shall be subject to supervision at all times. Such service shall be rendered where the facilities and conditions are satisfactory for the conduct of the service and the requisite inspectors are available.

35:37-9-6. Authority to waive provisions of Eligibility

The Department is authorized to waive the provisions of eligibility which pertains to the entry of uninspected edible products into official plants in specific instances where rabbits are to be brought into compliance with a law under the provisions of a court order. Such rabbits shall be handled in an official plant in accordance with such procedures as the Department may prescribe to insure proper segregation and identity of the rabbits or rabbit products until they are shipped from the official plant.

35:37-9-7. Financial interest of inspectors

No inspector shall render service on any product in which he or she is financially interested.

35:37-9-8. Application of inspection provisions

(a) The Oklahoma Rabbit and Rabbit Products Inspection Act shall apply to any person that engages in the business of slaughtering any rabbits or processing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, of any rabbit, for intrastate commerce, for use as human food or animal food.

(b) The provisions of this Act shall not apply to:

(1) Any person who slaughters rabbits or processes or otherwise handles rabbit products which have been or are to be processed as required by recognized religious dietary laws.

(A) Any person desiring such exemption shall make application to the Oklahoma Department of Agriculture, Food, and Forestry. The application shall be in a form and contain the information as is required by the Board.

(B) The Board may impose conditions as to sanitary standards, practices, and procedures in granting an exemption as it deems necessary to effectuate the purposes of the Oklahoma Rabbit and Rabbit Products Inspection Act. Any person who processes rabbit or rabbit products under exemption from certain requirements as provided in this Section shall be subject to all of the other applicable provisions of the Oklahoma Rabbit and Rabbit Products

Inspection Act and the regulations promulgated pursuant thereto.

(C) Processing plants shall meet the sanitary requirements set forth in the Oklahoma Rabbit and Rabbit Products Inspection Act and shall be required to qualify for inspection and operate as official establishments;

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

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

(4) Any person who is engaged in business specified in this subsection shall be registered with the Board, in or for intrastate commerce:

(A) as a meat 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 rabbits whether intended for human food or other purposes; or

(B) as a public warehouseman storing any articles in or for commerce, or engage in the business of buying, selling, or transporting in such commerce any dead, dying, disabled, or diseased animals of the specified kinds, or parts of the carcasses of any animals that died otherwise than by slaughter.

(c) The application for registration shall contain the name of such person, address of each place of business and all trade names under which such person conducts such business and such other information deemed necessary by the Board.

(1) Any person, firm, or corporation who is engaged in the business of buying, selling, or transporting in intrastate commerce dead, dying, disabled, or diseased animals, or any parts of the carcasses of any animals that died otherwise than by slaughter, shall buy, sell, transport, offer for sale or transportation, or receive for transportation, in such commerce, any dead, dying, disabled, or diseased rabbits or parts of the carcasses of any such animals that died otherwise than by slaughter, shall comply with such regulations as the Board prescribes to assure that such animals, or the unwholesome parts or products thereof, will be prevented from being used for human food purposes.

(2) On and after September 1, 1989, no rabbit products intended for human food shall be allowed to be sold in this state without:

(A) first being inspected and approved by:

- (i) the United States Department of Agriculture, or
 - (ii) the Oklahoma State Department of Agriculture, Food, and Forestry; or
- (B) having been legally imported into this state pursuant to existing laws of the Federal Food Drug and Cosmetic Act.
- (3) On and after September 1, 1989:
 - (A) Prior to slaughtering any rabbit or processing any rabbit products at any plant, a person owning or operating such plant shall have the plant approved by the Department.
 - (B) To receive plant approval, a person shall make application to the State Board of Agriculture. As part of the application, the person shall agree to comply with the terms and conditions of the Oklahoma Rabbit and Rabbit Products Inspection Act and any applicable regulations promulgated thereto.
 - (C) Prior to any approval, the plant and plant equipment shall be inspected by the Department of Agriculture, Food, and Forestry.
 - (D) Upon the approval of the plant and plant equipment by the Department, the plant shall be considered an official plant.
 - (E) No rabbits affected with any disease transmissible to man shall be slaughtered in any official establishment.
 - (F) No establishment or plant processing rabbits or rabbit products solely for intrastate commerce shall process any rabbits or rabbit product capable of use as human food except in compliance with the requirements of the Oklahoma Rabbit and Rabbit Products Inspection Acts.
- (d) All inspection service shall be performed at all times by an inspector. The service shall be rendered where the facilities and conditions are satisfactory for the conduct of the service and the requisite inspectors are available.
 - (1) Rabbits that are processed in official plants in accordance with the Oklahoma Rabbit and Rabbit Products Inspection Act shall be inspected.
 - (2) All rabbits that are slaughtered and processed in an official plant where inspection service is maintained shall be inspected for condition and wholesomeness. No uninspected rabbit products shall be brought into an official plant.
 - (3) Inspection shall not be provided at any establishment for the slaughter of rabbits which are not intended for human food.
- (e) Any rabbit slaughtered or processed that is not intended for use as human food shall be decharacterized or otherwise identified as prescribed by regulations of the Board to deter its use for human food prior to its offer for sale, or transportation in intrastate commerce, unless naturally inedible by humans. Furthermore, no person, firm, or corporation shall buy, sell, transport, or offer for sale or transportation, or receive for

transportation, in intrastate commerce, any carcasses, parts thereof, meat or meat food products of any rabbits which are not intended for use as human food unless they are denatured or otherwise identified as required by the regulations of the Board or are naturally inedible by humans.

(f) All persons subject to the provisions of the Oklahoma Rabbit and Rabbit Products Inspection Act shall keep such records as will fully and correctly disclose all transactions involved in their businesses. All persons, subject to such requirements shall, at all reasonable times, upon notice by a duly authorized representative of the Board, afford a representative and any duly authorized representative of the Secretary of Agriculture of the United States accompanied by a representative of the Board access to their places of business and opportunity to examine the facilities, inventory, and records thereof, to copy all records, and to take reasonable samples of their inventory. Any record required to be maintained shall be maintained for two years or as the Board may by regulations prescribe.

(g) On and after September 1, 1989, no person shall:

(1) Slaughter any rabbit or process any rabbit products that are capable of use as human food at any establishment processing any articles solely for intrastate commerce, except in compliance with the requirements of the Oklahoma Rabbit and Rabbit Products Inspection Act; and

(2) Sell, transport, offer for sale or transportation or receive for transportation, in intrastate commerce or from an official establishment, any slaughtered rabbit from which the blood, feet, head, or viscera have not been removed in accordance with regulations promulgated by the Board, except as may be authorized by regulations of the Board.

(h) No person shall:

(1) Sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce:

(A) any rabbit products that are capable of use as human food and are adulterated or misbranded at the time of sale, transportation, offer for sale or transportation, or receipt for transportation, or

(B) any rabbit products required to be inspected pursuant to the Oklahoma Rabbit and Rabbit Products Inspection Act unless they have been so inspected and passed;

(2) Perform any act which is intended to cause or has the effect of causing such rabbit or rabbit products to be adulterated or misbranded;

(3) Use to their own advantage, or reveal other than to the authorized representatives of the state government or any other government in their official capacity, or as ordered by a court in any judicial proceedings, any information acquired under the authority of the Oklahoma Rabbit and Rabbit Products Inspection Act concerning any matter which is entitled to protection as a trade secret.

(i) 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 simulation, or any form of official certificate or simulation thereof, except as authorized by the Board.

(j) No person shall:

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

(2) without authorization from the Board use any official device, mark, or certificate, or simulation thereof, or alter, detach, deface, or destroy any official device, mark, or certificate including "Oklahoma Rejected" or "Oklahoma Retained" tags;

(3) Contrary to the regulations prescribed by the Board, fail to use, or to detach, deface, or destroy any official device, mark, or certificate;

(4) Knowingly possess, without promptly notifying the Board or its representative, any official device or any counterfeit, simulated, forged, or improperly altered official certificate or any device or label or any carcass of any rabbit, or part or product thereof, bearing any counterfeit, simulated, forged, or improperly altered official mark;

(k) Any plant approval given pursuant to the Oklahoma Rabbit and Rabbit Products Inspection Act may be suspended by the Department for:

(1) Failure to maintain a plant and equipment in a satisfactory state of repair;

(2) Failure to maintain plant or equipment in a sanitary manner on a continuing basis;

(3) The use of operating procedures that are not in accordance with the Oklahoma Rabbit and Rabbit Products Inspection Act or regulations promulgated thereto;

(4) Alterations of buildings, facilities, or equipment which cannot be approved in accordance with the Oklahoma Rabbit and Rabbit Products Inspection Act or regulations promulgated thereto;

(5) Assault on an agent of the Board; or

(6) Failure to properly denature condemned and inedible materials.

(1) During such period of suspension, inspection service shall not be rendered. Upon suspension of inspection service in an official plant, the plant approval shall also become suspended, and all labels, seals, tags or packaging material bearing official identification shall be destroyed, or the official identification completely obliterated, or sealed in a manner acceptable to the Department.

35:37-9-9. Filing of application

An application for inspection service shall be regarded as filed only when made pursuant to the rules in 35:37-9-10.

35:37-9-10. Application for inspection service in official plants; approval

Any person desiring to process and pack products in a plant under inspection service must receive approval of such plant and facilities as an official plant prior to the rendition of such service. An application for inspection service to be rendered in an official plant shall be approved according to the following procedure:

(1) **Initial survey.** When application has been filed for inspection service, the Director, or a designee, shall examine the plant premises, and facilities and shall specify any additional facilities required for the service. Appeals with respect to any specification may be made to the Department.

(2) **Drawings and specifications to be furnished in advance of construction or alterations.**

(A) Three copies of drawings or blueprints showing the features specified in this Subchapter shall be submitted to the Department. The drawings or blueprints shall be legible, made with sharp, clear lines, and properly drawn to scale, and shall consist of floor plan, plumbing plan and a plot plan.

(B) The plot plan shall show features like the limits of the plant's premises, locations in outline of buildings on the premises, one point of the compass, and roadways serving the plant, and the name and address of proposed owner.

(C) The floor plan shall show all space to be included in the official plant. If rooms or compartments shown on the drawings or blueprints are not to be included as part of the official plant, this shall be clearly indicated.

(D) The plumbing plan shall show the floor drainage system and the toilet soil lines for the entire plant as well as their size. Furthermore, the toilet soil lines must show that the two systems are separate to a point outside the building and must be complete for the official premises. Toilet soil lines must not discharge into grease catch basins.

(E) The sheets of paper on which drawings or blueprints are made shall not exceed a size 34 × 44. The drawings other than of the plot plan shall be made to a scale of at least 1/8 per foot, except that additional plans for some areas showing complex detail must be drawn to a scale of at least 1/4 per foot. The plot plan may be drawn to scale of not less than 1/32 per foot. The drawings shall indicate the scale used and shall also indicate the floor shown (e.g., basement, first, or second).

(3) **Features required to be shown on floor plan.** The following features shall be shown on the floor plan:

(A) The principal pieces of equipment drawn to scale in the proper locations.

(B) The name of the firm and the address of the plant by street and street number, or by other means properly identifying the location of the plant.

(C) One point of the compass (North).

(D) The doors and openings for passageways, designating those which are self-closing or permanently closed.

(E) All floor drain openings and gutter drains.

(F) Lavatories in toilet and processing rooms (lavatories which are other than hand-operated shall be so designated on the drawings or blueprints).

(G) All steam and hot and cold water outlets for cleanup purposes.

(H) Ice-making and storage facilities.

(I) The routes of the edible and inedible products.

(J) The location of fresh air inlets, exhaust fans, and hoods.

(4) **Specifications.** Specifications covering the following items shall accompany the drawings:

(A) Height of ceilings.

(B) Type of ceilings—open or closed.

(C) Finish of ceilings; for example—portland cement plaster, tile, rust resistant metal, cement, fiberglass, etc.

(D) Finish of walls; for example—portland cement plaster, glazed tile, glaze brick, glass blocks, etc.

(E) Screens—indicate whether all outside openings are screened or provided with other suitable devices against entrance of flies or other insects.

(F) Finish of floors—acid resistant concrete, brick, mastic material, etc.

(G) Drainage—indicate the amount of slope of floors to the drains in processing rooms, coolers, toilets, and refuse rooms, and give description of trapping and venting of drainage lines and of floor drain openings. Indicate size of drainage lines and whether house drainage lines and toilet soil lines are separate to a point outside of buildings.

(H) Heating—indicate type.

(I) Water supply—indicate whether public or private water supply, or both, and specify in terms of gallons of water available per minute for the processing needs of the plant. Non-potable water supplies are not permitted for use in any official establishment.

(J) Hot water facilities—specify facilities such as boilers, storage tanks, mixing valves, thermometers, etc., and indicate the size and number of boilers and storage tanks.

(K) Sewage disposal—indicate whether city sewer, cesspool, sedimentation tank, etc.

(5) **Rooms and compartments which must be included in the official plant.** The official plant shall include employees'

toilet and dressing rooms, office space for the inspectors, storerooms for supplies, refuse rooms, and rooms, compartments, or passageways where rabbits or any ingredients to be used in the preparation of products under inspection will be handled or kept. It also may include other rooms or compartments located in the buildings comprising the official plant.

(6) **Changes in drawings or blueprints.** When changes are proposed in areas for which drawings or blueprints have been previously approved, one of the following types of revised drawings or blueprints shall be submitted for review and consideration.

(A) A completely revised sheet or sheets showing proposed alterations or additions, or

(B) Approved pasters of the proposed changes which may be affixed to the affected areas on the previously approved drawings or blueprints in a manner not obscuring essential data. Paster drawings and blueprints shall be prepared to the same scale and presented on a background similar to that of the originally approved drawing or blueprint.

(7) **Final survey and plant approval.** Prior to the inauguration of the inspection service, a final survey of the plant and premises shall be made by the Director or a designee to determine if the plant is constructed and facilities are in accordance with 35:37-9-41 through 35:37-9-57 and match the approved drawings and regulations described in this Part. The plant may be approved by the Department only when these requirements have been met, except that conditional approval for a specified limited time may be granted only under emergency conditions of restricted availability of facilities and construction materials, provided practices suitable to the Department are employed to effect adequate sanitary conditions in the plant.

35:37-9-11. Rejection of application for inspection

Any application for inspection may be rejected by the Department:

(1) Whenever the applicant fails to meet the requirements of the regulations prescribing the conditions under which the service is made available;

(2) Whenever the product is owned by or located on the premises of a person currently denied the benefits of the Act;

(3) Where any individual holding office or a responsible position with or having a substantial financial interest or share in the applicant is currently denied the benefits of the Act or was responsible in whole or in part for the current denial of the benefits of the Act to any person;

(4) Where the Department determines that the application is an attempt on the part of a person currently denied the benefits of the Act to obtain inspection service;

(5) Whenever the applicant, after an initial survey has been

made in accordance with 35:37-9-10, fails to bring the plant, facilities, and operating procedures into compliance with the regulations within a reasonable period of time; or

(6) Notwithstanding any prior approval whenever, before inauguration of service, the applicant fails to fulfill commitments concerning the inauguration of service.

35:37-9-12. Inspection service may be denied for the following reasons

(a) **Misrepresentation; deceptive or fraudulent acts or practices.** Any willful misrepresentation or any deceptive or fraudulent act or practice made or committed by any person in connection with:

(1) The making or filling of any application for any inspection service;

(2) The making of the product accessible for inspection;

(3) The making, issuing, or using, or attempting to issue or use any inspection certificate, symbol, stamp, label, seal or identification, authorized pursuant to the regulations in this Part;

(4) The use of the terms "U.S. Inspected" or "Government Inspected", or any term of similar import in the labeling or advertising of any product.

(b) **Use of facsimile forms.** Using or attempting to use a form which simulates, in whole or in part, any certificate, symbol, stamp, label, seal or identification authorized to be issued or used under the regulations in this Part.

(c) **Willful violation of the regulations.** Any willful violation of the regulations in this Part or the Act.

(d) **Interfering with an inspector or employee of service.** Any interference with or obstruction or any attempted interference or obstruction of or assault upon any inspector or employee of the Service in the performance of or on account of his or her duties. The giving or offering directly or indirectly of any money, loan, gift, or anything of value to an employee of the Service or the making or offering of any contribution to or in any way supplementing the salary, compensation, or expenses of an employee of the Service, or the offering or entering into a private contract or agreement with an employee of the Service for any services to be rendered while employed by the Service.

(e) **Miscellaneous.** The existence of any of the conditions set forth in 35:37-9-11 constituting a basis for the rejection of an application for inspection service.

35:37-9-13. Conditions for receiving inspection

(a) Before being granted an Oklahoma inspection, an establishment shall have developed written sanitation Standard Operating Procedures as required by 9 CFR Part 416.

(b) Before being granted an Oklahoma inspection, an establishment shall have conducted a hazard analysis and developed and validated a HACCP plan as required by 9 CFR 417.2 and 9 CFR 417.4. A conditional grant of inspection shall be issued for a period not to exceed 90 days, during which period, the establishment must validate its HACCP plan.

(c) Before producing a new product for distribution in commerce, an establishment shall have conducted a hazard analysis and developed a HACCP plan applicable to that product in accordance with 9 CFR 417.2. During a period not to exceed 90 days after the date the new product is produced for distribution in commerce, the establishment shall validate its HACCP plan, in accordance with 9 CFR 417.4.

PART 3. IDENTIFYING AND MARKING PRODUCTS

35:37-9-14. Approval of official identification

Any label or packaging material that bears any official identification shall be used only in a manner as the Department may prescribe. No label or packaging material bearing official identification may be used unless finished copies or samples of the labels and packaging material have been approved by the Department. No label bearing official identification shall be printed for use until the printer's final proof has been approved by the Department. Final approval may be given to the printer's final proof or photostatic copies of labels for shipping containers or containers for institutional packs, and no labels shall be used until the proofs or copies have been approved by the Department. A label that bears official identification shall not bear any statement that is false or misleading. The diameter of the inspection mark used on labels for inspected products shall be equal to at least one-tenth of the length of the label, plus at least one-tenth of the width of the label. If the labeling is printed or otherwise applied directly to the container, the principal display panel of the container shall, for this purpose, be considered as the label.

35:37-9-15. Inspection mark with respect to product

The Department is authorized to prescribe and approve the form of the inspection mark that may be used.

35:37-9-16. Marking inspected products

(a) **Wording and form of inspection mark.** Except as otherwise authorized, the inspection mark permitted to be used with respect to inspected and passed edible products shall include wording as follows: "Oklahoma Inspected and Passed." This wording shall be contained within an oval in the form and arrangement shown in 35:37-9-18. The appropriate plant number of the official plant shall be included in the oval. The Department may approve the use

of abbreviations of inspection mark, and the approved abbreviations shall have the same force and effect as the inspection mark. The inspection mark or approved abbreviation, as the case may be, may be applied to the inspected and passed edible product or to the packaging material of the product. When the inspection mark, or the approved abbreviation, is used on packaging material, it shall be printed on material or on a label to be affixed to the packaging material and the name of the packer or distributor of the product shall be printed on the packaging material or label.

(b) **Wording on labels.** Each trade label to be approved for use pursuant to 35:37-9-14 to 35:37-9-18 with respect to any inspected and passed edible product shall bear the true name of the edible product (including an ingredients statement if necessary), the name and address of the packer or distributor thereof, an accurate statement of the net quantity of contents, a special handling statement for all perishable products such as "keep frozen", and in prominent letters and figures of uniform size, the inspection legend which includes the plant number. The class of the rabbits such as, "fryers" or "roasters" shall be shown on all labels for dressed or cut-up rabbits. The appropriate designation such as, "young" or "mature" may be used as a prefix to the word rabbit in lieu of the class name.

(c) **Labels in foreign languages.** Any trade label to be affixed to a container of any edible products may be printed in a foreign language. However, the inspection mark shall appear on the label in English, but, in addition, may be literally translated into such foreign language. Each trade label which is to be printed in a foreign language must be approved pursuant to 35:37-9-14 to 35:37-9-18.

(d) **Unauthorized use or disposition of approved labels.**

(1) Labels approved for use pursuant to 35:37-9-14 to 35:37-9-18 shall be used only for the purpose for which approved and shall not otherwise be disposed of from the plant for which approved except with written approval of the Director. Any unauthorized use or disposition of approved labels or labels bearing official identification may result in cancellation of the approval and denial of the use of labels bearing official identification or denial of the benefits of the Act pursuant to the provisions of 35:37-9-14.

(2) The use of simulations or imitations of any official identification by any person is prohibited.

(e) **Rescinding of approved labels.** Once a year, or more often if requested, each applicant shall submit to the Department a list in triplicate of approved labels that have become obsolete, accompanied with a statement that such approvals are no longer desired. The approvals shall be identified by the date of approval and the name of product or other designation showing the class of material.

35:37-9-17. Form of official identification

The form prescribed in 35:37-9-18 is subject to the requirements of 35:37-9-14 to 35:37-9-17, Identifying and Marking Products.

35:37-9-18. Form of inspection mark

(a) The inspection mark approved for use on inspected and passed edible products shall be contained within an oval and include the following wording: "Est. No. R-38 Oklahoma Insp'd & P'S'D". NOTE: The number "R-38" is given as an example only, the establishment number of the official establishment where product is prepared shall be used in lieu of. The required size of the inspection mark will be appropriate to the size of product package or container.

(b) The form and arrangement of such wording shall be as illustrated in Appendix D of Chapter 37.

35:37-9-19. Evidence of label approval

No inspector shall authorize the use of official identification for any inspected product unless the inspector has on file evidence that the official identification or packaging material bearing the official identification has been approved by the Department at our Oklahoma City office.

35:37-9-20. Affixing of official identification

(a) No official identification or any abbreviation, copy, or representation thereof may be affixed to or placed on or caused to be affixed to or placed on any product or container thereof except by an inspector or under the authorization of an inspector. All such products shall have been inspected and passed. The inspector shall have supervision over the use and handling of all material bearing any official identification.

(b) Each container of inspected and passed products to be shipped from one official plant to another official plant for further processing shall be marked for identification and shall show the following information:

- (1) The name of the inspected and passed products in the container;
- (2) The name and address of the packer or distributor of the products;
- (3) The net weight of the container;
- (4) The inspection mark permitted to be used pursuant to the regulations in this Part unless the containers are sealed or identified in a manner as may be approved by the Department; and
- (5) The plant number of the official plant where the products were packed.
- (6) A handling statement such as keep refrigerated, or keep frozen for all perishable product.

35:37-9-21. Packaging

No container that bears or may bear any official identification or any abbreviation or copy or representation may be filled in whole or in part except with edible products that were inspected and passed and are, at the time of the filling, sound, wholesome, and fit for human food. All the filling of containers shall be under the authority of an inspector.

35:37-9-22. Retain and reject tags

An inspector may use such labels, devices, and methods as may be approved by the Department for the identification of:

- (1) Products which are held for further examination, and
- (2) All facilities, equipment and utensils which are to be held for proper cleaning, and/or repairs.

35:37-9-23. Prerequisites to inspection

Inspection of products shall be rendered pursuant to the rules in this Part and under conditions and in accordance with methods as may be prescribed or approved by the Department.

35:37-9-24. Accessibility of products

Each product for which inspection service is requested shall be arranged to permit adequate determination of its class, quantity, and condition as the circumstances may warrant.

35:37-9-25. Time of inspection in an official plant

The inspector who is to perform the inspection in an official plant shall be informed 24 hours in advance, by the applicant of the hours when the inspection is desired. Inspectors shall have access at all times to every part of any official plant to which the inspectors are assigned.

PART 5. CHARGES

35:37-9-26. Payment of overtime charges

The management of an official establishment desiring to work under the conditions that will require the services of a rabbit inspector on any Saturday, Sunday, Holiday, or for more than 8 hours on any other day, shall, sufficiently in advance of the period of overtime, request the inspector in charge to furnish inspection service during the overtime period, and shall pay the Board a per hour per division inspector fee as established by the Board.

PART 7. INSPECTION PROCEDURES: ANTE-MORTEM INSPECTIONS

35:37-9-27. Manner of handling products in an official plant

Unless specified in the rules contained in this Part or by the

Department, products that are to be further processed under inspection in an official plant shall be prepared and handled in the official plant under the supervision of an inspector.

35:37-9-28. Ante-mortem inspection

(a) An ante-mortem inspection of rabbits shall, where and to the extent considered necessary by the Department and under instructions as the inspector may issue from time to time, be made of rabbits on the day of slaughter in any official plant processing rabbits under inspection pursuant to the regulations in this Part.

(b) All rabbits held on official premises shall be held in a manner as to be adequately protected from extremes of heat, cold or drafty or insanitary conditions.

(c) No rabbits shall be held overnight on any official premises without being provided adequate clean potable water.

(d) All rabbits on official premises will be handled and stunned in a humane manner. When an inspector observes an incident of inhumane slaughter or handling in connection with slaughter, he/she shall inform the establishment operator of the incident and request that the operator take the necessary steps to prevent recurrence. If the establishment operator fails to take action or fails to promptly provide the inspector with satisfactory assurances that action will be taken, the inspector shall follow the procedures specified in Paragraph (1), (2), or (3) of this Subsection as appropriate.

(1) If the cause of inhumane treatment is the result of facility deficiencies, disrepair, or equipment breakdown, the inspector shall attach an Oklahoma Rejected tag. No equipment, alleyway, pen or compartment tagged shall be used until made acceptable to the inspector. The tag shall not be removed by anyone other than an inspector. All rabbits slaughtered prior to tagging may be dressed, processed, or prepared under inspection.

(2) If the cause of inhumane treatment is the result of establishment employee actions in the handling or moving of rabbits, the inspector shall attach an Oklahoma Rejected tag to the alleyways leading to the stunning area. After the tagging of the alleyway, no more rabbits shall be moved to the stunning area until the inspector receives satisfactory assurances from the establishment operator that there will not be a recurrence. The tag shall not be removed by anyone other than an inspector. All rabbits slaughtered prior to the tagging may be dressed, processed, or prepared under inspection.

(3) If the cause of inhumane treatment is the result of improper stunning, the inspector shall attach an Oklahoma Rejected tag to the stunning area. Stunning procedures shall not be resumed until the inspector receives satisfactory assurances from the establishment operator that there will not

be a recurrence. The tag shall not be removed by anyone other than an inspector. All rabbits slaughtered prior to tagging may be dressed, processed, or prepared under inspection.

35:37-9-29. Condemnation on ante-mortem inspection

Rabbits found in a dying condition on premises of an official plant shall be immediately destroyed and, together with any rabbits found dead on the premises, shall be disposed of in accordance with 35:37-9-38. Rabbits plainly showing, on ante-mortem inspection, any disease or condition, that under 35:37-9-35 to 35:37-9-37, inclusive, would cause condemnation of their carcasses on post-mortem inspection, shall be condemned. Rabbits which, on ante-mortem inspection, are condemned shall not be dressed, nor shall they be conveyed into any department of the plant where rabbit products are prepared or held. Rabbits that have been condemned on ante-mortem inspection and have been killed shall, under the supervision of an inspector of the Inspection Service, receive treatment as provided in 35:37-9-38.

35:37-9-30. Segregation of suspects on ante-mortem inspection

All rabbits which, on ante-mortem inspection, do not plainly show, but are suspected of being affected with any disease or condition that under 35:37-9-35 to 35:37-9-37, inclusive, may cause condemnation in whole or in part on post-mortem inspection, shall be segregated from the other rabbits and held for separate slaughter, evisceration, and post-mortem inspection. The inspector shall be notified when the segregated lots are presented for post-mortem inspection and inspection of the rabbits shall be conducted separately, at the end of routine slaughter operations. The procedure for the correlation of ante-mortem and post-mortem findings by the inspector, as may be prescribed or approved by the Director, shall be carried out.

35:37-9-31. Quarantine of diseased rabbits

(a) If live rabbits, that are affected by any contagious disease that is transmissible to man, are brought into an official establishment, the rabbits shall be segregated.

(b) Permission to remove diseased rabbits from an official establishment must be received from the Board prior to removal of diseased rabbits from the official establishment.

35:37-9-32. Evisceration

No viscera or any part thereof shall be removed from any rabbits that are to be processed under inspection in any official plant, except at the time of evisceration and inspection. Each carcass to be eviscerated shall be opened to expose the organs and the body cavity for proper examination by the inspector and shall be prepared immediately after inspection as ready-to-cook rabbit. Postmortem inspection procedures will be performed as prescribed by the State Board of Agriculture.

35:37-9-33. Carcasses held for further examination

Each carcass, including all parts thereof, in which there is any lesion of disease or other condition, that might render a carcass or any part thereof unfit for human food, and with respect to which a final decision cannot be made on first examination by the inspector, shall be held for further examination. The identity of each carcass, including all parts thereof, shall be maintained until a final examination has been completed.

35:37-9-34. Condemnation and treatment of carcasses

Each carcass, or any part thereof, that is found to be unsound, unwholesome, or unfit for human food shall be condemned by the inspector and shall receive treatment, under the supervision of the inspector, as will prevent its use for human food and preclude dissemination of disease through consumption by animals.

PART 9. DISPOSITION OF DISEASED REBBIT CARCASSES AND PARTS

35:37-9-35. General

The carcasses or parts of carcasses of all rabbits inspected at an official establishment and found at the time of post-mortem inspection, or at any subsequent inspection, to be affected with any of the diseases or conditions named in other Sections in this Part, shall be disposed of in accordance with the Section pertaining to the disease or condition. Owing to the fact that it is impracticable to formulate rules for each specific disease or condition and to designate what state a disease process results in an unwholesome product, the decision as to the disposal of all carcasses, parts, or organs not specifically covered by the regulations, or by instructions of the Director issued pursuant thereto, shall be left to the inspector in charge, and if the Veterinary inspector in charge is in doubt concerning the disposition to be made, specimens from the carcasses shall be forwarded for laboratory diagnosis.

35:37-9-36. Diseases or conditions evident which require condemnation

(a) Carcasses of rabbits affected with or showing lesions of any of the following named diseases or conditions shall be condemned: Tularemia, Anthrax, hemorrhagic septicemia, pyemia, septicemia, leukemia, acute enteritis, peritonitis, sarcomatosis, emaciation, necrobacillosis (Smorl's Disease), tuberculosis, metritis, streptobacillary pseudotuberculosis, and advanced stages of pasteurellosis. Rabbits raised in laboratories shall not be

slaughtered for human food purposes without advance permission from the Director.

(b) Any organ or part of a rabbit carcass affected with a tumor shall be condemned and when there is evidence that the general condition of the rabbit has been affected by the size, position, or nature of the tumor, the whole carcass shall be condemned. In cases of malignant neoplasms involving any internal organ to a marked extent, or affecting the muscles, skeleton, or body lymph glands, even primarily, the whole carcass shall be condemned.

(c) Carcasses of rabbits showing any disease such as generalized melanosis, pseudoleukemia, and the like, that systemically affect the rabbit, shall be condemned.

(d) Any organ or part of a carcass that is bruised or that is affected by an abscess, or a suppurating sore, shall be condemned. Parts or carcasses that are contaminated by pus shall be condemned.

(e) Carcasses of rabbits contaminated by volatile oils, paints, poisons, gases, or other substances that affect the wholesomeness of the carcass shall be condemned.

(f) All carcasses of rabbits so infected that consumption of the meat or meat food products may give rise to food intoxication shall be condemned. This includes all carcasses showing signs of any of the following diseases: Acute inflammation of the lungs, pleura, pericardium, peritoneum or meninges; septicemia or pyemia, whether traumatic or without evident cause; gangrenous or severe hemorrhagic enteritis or gastritis; polyarthrititis and acute nephritis. Immediately after the slaughter of any rabbit infected, the infected premises and implements used shall be thoroughly sanitized. The part or parts of any carcass coming into contact with the carcass or any part of the carcass of any rabbit covered by this Section other than those affected with acute inflammation of the lungs, pleura, pericardium, peritoneum or meninges, shall be condemned.

(g) Carcasses showing any degree of icterus with a parenchymatous degeneration of organs, the result of infection or intoxication, and those which, as a result of a pathological condition, show an intense yellow or greenish-yellow discoloration without evidence of infection or intoxication shall be condemned.

(h) Carcasses of rabbits affected with mange or scab in advanced stages, or showing emaciation or extension of the inflammation to the flesh, shall be condemned. When the diseased condition is slight, the carcass may be passed for food after removal and condemnation of the affected parts.

(i) In the disposal of carcasses and parts of carcasses showing evidence of infestation with parasites not transmissible to man, the following general rules shall govern: If the lesions are localized in a manner and are of a character that the parasites and the lesions caused by them may be radically removed, the nonaffected portion of the carcass, or part of the carcass, may

be certified for food after the removal and condemnation of the affected portions. Where a part of a carcass shows numerous lesions caused by parasites, or the character of the infestation is such that complete extirpation of the parasites and lesions is difficult and uncertainly accomplished, or if the parasitic infestation or invasion renders the organ or part in any way unfit for food, the affected organ or part shall be condemned. Where parasites are found to be distributed in a carcass in a manner or to be of a character that their removal of the lesions caused by them are impracticable, no part of the carcass shall be certified for food and the entire carcass shall be condemned. Carcasses infested with a hydatid cyst or cysts (Echinococcus granulosus), transmissible to dogs and from dogs to man, shall in all cases be condemned regardless of the degree of infestation.

(j) Carcasses of rabbits showing a degree of emaciation that would render the meat unwholesome, and carcasses that show a degeneration of the fat or a serous infiltration of the muscles shall be condemned.

35:37-9-37. Decomposition

Carcasses of rabbits deleteriously affected by post-mortem changes shall be disposed of as follows:

(1) Carcasses that have reached a state of putrefaction or stinking fermentation shall be condemned.

(2) Carcasses affected by types of post-mortem changes that are superficial in nature may be certified for food after removal and condemnation of affected parts.

35:37-9-38. Disposal of condemned carcasses and parts

All condemned carcasses, or parts of carcasses, shall be disposed of by one of the following methods, under the direct supervision of an inspector of the Department: (Facilities and materials for carrying out the requirements in this Section shall be furnished by the official establishment.)

(1) Steam treatment (which shall be accomplished by processing the condemned product in a pressure tank under at least 40 pounds of steam pressure) or thorough cooking in a kettle or vat for a sufficient time to effectively destroy the product for human food purposes and preclude dissemination of disease through consumption by animals. Tanks and equipment used for this purpose or for rendering or preparing inedible products shall be in rooms or compartments separate from those used for the preparation of edible products. There shall be no direct connection, by means of pipes or otherwise, between tanks containing inedible products and those containing edible products.

(2) Incineration or complete destruction by an approved method of burning.

(3) Chemical denaturing, which shall be accomplished by the liberal application to all carcasses and parts thereof, of:

- (A) Crude carbolic acid,
- (B) Kerosene, fuel oil, or used crank case oil,
- (C) Any phenolic disinfectant conforming to commercial standards CS 70-41 or CS 71-41 that shall be used in at least 2 percent emulsion or solution, or
- (D) Any other substance that the Department approves that will decharacterize the carcasses or parts to the extent necessary to accomplish the purposes of this Section.

PART 11. REINSPECTION AND INGREDIENTS; APPEALS

35:37-9-39. Reinspection of edible products; ingredients

- (a) Any inspected and passed edible product may be brought into an official plant only if the container of the product is marked for identification in the manner prescribed in 35:37-9-20 and the product is subject to reinspection by an inspector at the time it is brought into the plant. Upon reinspection, if any product or portion thereof is found to be unsound, unwholesome, or unfit for human food, the product, or portion thereof, shall be condemned.
- (b) Any product that is prepared under inspection in an official plant shall be inspected in the plant as often as the inspector deems it necessary in order to ascertain whether the product is sound, wholesome, and fit for human food at the time the product leaves the plant. Upon any inspection, if any the product or portion thereof is found to be unsound, unwholesome, or unfit for human food, the product or portion shall be condemned and shall receive treatment as provided in 35:37-9-38.
- (c) All substances and ingredients used in the manufacture and preparation of any edible product shall be clean, sound, wholesome, and fit for human food. Liquid and frozen egg products used in the preparation of any edible product shall have originated from an approved U.S.D.A. source.
- (d) No inspection services will be rendered in any official establishment unless sufficient amount of decharacterizing agent approved by the Department is readily available on the premises of the official establishment.

35:37-9-40. Appeal inspections; how made

Any person receiving inspection service may, if dissatisfied with any decision of an inspector relating to any inspection, file an appeal from a decision: Provided, That the appeal is filed within 48 hours from the time the decision was made. Any appeal from a decision of an inspector shall be made to the inspector's immediate superior having jurisdiction over the subject matter of the appeal. Review of the appeal findings, when requested, shall be made by the immediate superior of the employee of the Department making the appeal inspection. The cost of any appeal shall be borne by the applicant if the Department determines that the appeal is frivolous.

PART 13. SANITARY REQUIREMENTS

35:37-9-41. Minimum standards for sanitation, facilities, and operating procedures in official plants

(a) The provisions of 35:37-9-1 to 35:37-9-40 shall apply with respect to inspection service in all official plants.

(b) When upon inspection of a plant an inspector finds indication of any of the following conditions, the director shall be notified by telephone call of the fact:

(1) Nonpotable water being used in departments producing edible product. Nonpotable means unsafe by laboratory determinations.

(2) Product being prepared is subjected to an environment that allows or will allow bacterial growth and development or result in the entry of foreign matter in the product and therefore is unsanitary. This includes failure to control vermin and insects.

(3) When carcasses or parts show evidence of contamination or unsanitary condition or systemic disease condition or evidence of bearing diseases transmissible to man, or in any manner adulterated.

(4) Meats exhibiting the characteristics of spoilage being used in processing meat food products.

(5) The use of excessive amounts of approved chemicals. The presence of foreign material, prohibited chemicals, preservatives, and failure to properly treat or destroy trichinae.

(c) Further, the inspector shall inform the plant operator of the fact. If the director is not satisfied that the condition will be immediately corrected, the director may order the facility to immediately stop sale and may withdraw inspection. The Stop-Sale Order shall remain effective until lifted by the director, the Board, or appropriate court order. The Order shall include the setting of a show cause hearing before the director at a time and date certain when the plant operator may appear, with counsel if desired, to show cause why inspection should be restored. Appeal of the director's order following the show cause hearing shall be made to the Board for a full formal administrative hearing pursuant to the Administrative Procedures Act.

35:37-9-42. Buildings

The buildings shall be of sound construction and kept in good repair, and shall be of a construction as to prevent the entrance or harboring of vermin.

(1) The doors, windows, skylights, and other outside openings of the plant, except receiving rooms and live rabbit holding rooms, shall be protected by properly fitted screens or other suitable devices against the entrance of flies and other insects.

(2) Outside doors, except in receiving rooms and live rabbit holding rooms, shall be self-closing and so hung that not over 1/4-inch clearance remains when closed. Screen doors shall open toward the outside of the building.

35:37-9-43. Rooms and compartments

Rooms and compartments used for edible products shall be separate and distinct from inedible products departments and from rooms where rabbits are slaughtered and skinned. Separate rooms shall be provided when required for conducting processing operations in a sanitary manner, and all rooms shall be of sufficient size to permit the installation of the necessary equipment for processing operations and the conduct of operations in a sanitary manner.

(1) **Rooms for separate operation.** The official plant should have separate rooms for each of the following operations depending upon the various types of operations conducted, but, in no case, shall the receiving or holding of live rabbits or killing operations be permitted in rooms in which eviscerating operations are performed:

(A) The receiving and feeding of live rabbits.

(B) Killing and skinning operations.

(C) Eviscerating, chilling, and packing operations for ready-to-cook rabbits.

(D) Inedible products departments.

(E) Refuse room.

(2) **Rooms for holding carcasses for further inspection.** Rooms and compartments in which carcasses or parts thereof are held for further inspection shall be in a number and location as the needs of the inspection in the plant may require. They shall be equipped with locks and keys and the keys shall not leave the custody of the inspector in charge of the plant. All rooms and compartments shall be marked conspicuously with the word "retained" in letters not less than 2 inches high.

(3) **Coolers and freezers.** Coolers and freezers of adequate size and capacity shall be provided to reduce internal temperature of ready-to-cook rabbits prepared and handled in the plant to 36 °F. within 24 hours.

(4) **Refuse rooms.** Refuse rooms shall be entirely separate from other rooms in the plant, and shall have tight fitting doors and be properly ventilated.

(5) **Storage and supply rooms.** The storage and supply rooms shall be in good repair, kept dry, and maintained in a sanitary condition. Adequate storage racks shall be provided to keep product at least 12 inches off the floor.

(6) **Boiler room.** The boiler room shall be a separate room, if necessary, to prevent its being a source of dirt and objectionable odors entering any room where ready-to-cook rabbits are prepared, processed, handled, and stored.

(7) **Inspector's office.** Furnished office space, including, but not being limited to, light, heat, air conditioning and janitor service shall be provided rent free in the official plant for the exclusive use for official purposes of the inspector and the Department. The room or rooms set apart for this purpose must meet with the approval of the Department and be conveniently located, properly ventilated, and provided with lockers or cabinets suitable for the protection and storage of supplies and with facilities suitable for inspectors to change clothing.

(8) **Toilet rooms.** Toilet rooms shall not open directly into rooms where rabbit products are exposed and shall have self-closing doors and shall be ventilated to the outside of the building.

35:37-9-44. Floors, walls, ceilings, etc.

(a) **Floors.** All floors in rooms where exposed products are prepared or handled shall be constructed of or finished with materials impervious to moisture, so they can be readily and thoroughly cleaned. The floors in killing, ice cooling, ice packing, eviscerating, cooking, boning, and cannery rooms shall be graded for complete runoff with no standing water.

(b) **Walls, posts, partitions, doors.** All walls, posts, partitions, and doors in rooms where exposed products are prepared or handled shall be smooth and constructed of non-rusting materials impervious to moisture to a height to 6 feet above the floor to enable thorough cleaning. All surfaces above this height must be smooth and finished with moisture-resistant material that is amenable to proper and adequate cleaning.

(c) **Ceilings.** Ceilings must be moisture-resistant in rooms where exposed products are prepared or handled, and finished and sealed to prevent collection of dirt or dust that might sift through flooring above or fall from collecting surfaces on equipment or exposed product. Ceilings shall be free of condensation.

35:37-9-45. Drainage and plumbing

There shall be an efficient drainage and plumbing system for the plant and premises.

(1) **Drains and gutters.** All drains and gutters shall be properly installed with approved traps, covers and vents. The drainage and plumbing system must permit the quick runoff of all water from plant buildings, and surface water around the plant and on the premises, and all the water shall be disposed of in a manner as to prevent a nuisance or health hazard.

(2) **Sewage and plant wastes.** The sewerage system shall have adequate slope and capacity to remove readily all waste from the various processing operations and to minimize, and if possible to prevent, stoppage and surcharging of the system.

(A) Grease traps that are connected with the sewerage system shall be suitably located but not near any edible products department or in any area where products are unloaded from or loaded into vehicles. To facilitate cleaning, the traps shall have inclined bottoms and be provided with suitable covers. Grease traps must be located outside of the official premise building.

(B) Toilet soil lines shall be separate from house drainage lines to a point outside the buildings unless they are positively trapped to prevent backing up. Drainage from toilet bowls and urinals shall not be discharged into a grease catch basin.

(C) All floor drains shall be equipped with traps, constructed to minimize clogging, and the plumbing shall be installed as to prevent sewerage from backing up and from flooding the floor.

(D) Floor drainage lines should be of acceptable material and at least 4 inches in diameter and open into main drains of at least 6 inches in diameter and shall be properly vented to outside air.

(E) Where refrigerators are equipped with drains, the drains should be properly trapped and should discharge through an air gap into the sewer system. All new installations, and all replacements, or refrigerators equipped with drains shall meet these requirements.

35:37-9-46. Water supply

The water supply shall be ample, clean, and potable with adequate facilities for its distribution in the plant and its protection against contamination and pollution.

(1) Hot water at a temperature not less than 180°F. shall be available for sanitation purposes.

(2) Hose connections with steam and water mixing valves or hot water hose connections shall be provided at convenient locations throughout the plant for cleaning purposes.

(3) The refuse rooms shall be provided with adequate facilities for washing refuse cans and other equipment in the rooms; the rooms, cans, and equipment shall be cleaned after each day's use.

(4) Adequate measures shall be taken to prevent back siphonage.

35:37-9-47. Lavatory accommodations

Modern lavatory accommodations and properly located facilities for cleaning utensils and hands shall be provided.

(1) Adequate lavatory and toilet accommodations, including, but not being limited to, running hot water and cold water, soap, and towels, shall be provided. The accommodations shall be in or near toilet and locker rooms and also at other places in the plant as may be essential to the cleanliness of all

personnel handling products.

(2) Sufficient acceptable containers shall be provided for used towels and other wastes.

(3) An adequate number of hand washing facilities serving areas where dressed rabbits and edible products are prepared shall be operated by other than hand-operated controls, or shall be of a continuous flow type which provides an adequate flow of water for washing hands.

(4) Durable signs shall be posted conspicuously in each toilet room and locker room directing employees to wash their hands before returning to work.

35:37-9-48. Lighting and ventilation

There shall be ample light, either natural or artificial or both, of good quality and well distributed, and sufficient ventilation for all rooms and compartments to insure sanitary conditions.

(1) All rooms in which rabbits are killed, eviscerated, or otherwise processed shall have at least 30 foot candles of light intensity on all working surfaces except that at the inspection stations the light intensity shall be of 50 foot candles. In all other rooms, there shall be provided at least 10 foot candles of light intensity when measured at a distance of 30 inches from the floor.

(2) All rooms shall be adequately ventilated to eliminate objectionable odors and minimize moisture condensation.

35:37-9-49. Equipment and utensils

Equipment and utensils used for the preparation, processing, or other handling of any product in the plant shall be suitable for the purpose intended and shall be of material and construction as will facilitate their thorough cleaning and insure cleanliness in the preparation and handling of products.

(1) Live rabbit holding pens shall be so constructed as to allow satisfactory ante-mortem examination and to permit proper cleaning.

(2) Sufficient acceptable refuse containers shall be provided, and the containers shall be kept covered.

(3) As practical, equipment and utensils shall be made of metal or other impervious material. Trucks and receptacles used for handling inedible products shall be of similar construction and shall be conspicuously and distinctly marked with letters at least 2 inches in height and shall not be used for handling any edible products.

(4) Chilling vats or tanks used for chilling ready-to-cook rabbits shall be made of metal or other hard-surfaced impervious material.

(5) Where grading bins are used for ready-to-cook rabbits, they shall be of sufficient number and capacity to handle the grading adequately without the use of makeshift bins and all

ready-to-cook rabbits shall be kept off the floor. Grading bins may be made of metal and shall be constructed and maintained in a manner as to allow easy and thorough cleaning.

(6) Except as provided in this Subchapter, all equipment and utensils used in the killing, skinning, eviscerating, chilling, and packing rooms shall be of metal or other impervious material and constructed to permit proper and complete cleaning.

(7) Conveyors:

(A) Conveyors used in the preparation of ready-to-cook rabbits shall be of metal or other acceptable material and of a construction as to permit thorough and ready cleaning and easy identification of viscera with its carcass.

(B) Overhead conveyors shall be so constructed and maintained that they do not allow grease, oil, or dirt to accumulate on the drop chain or shackle, that shall be of noncorrosive metal.

(C) Nonmetallic belt-type conveyors used in moving edible products shall be of waterproof composition.

(8) Inspection, eviscerating, and cutting tables shall be made of acceptable material and have coved corners and be constructed and placed to permit thorough cleaning.

(9) In plants where no conveyors are used, each carcass shall be eviscerated in an individual tray made of acceptable material with seamless construction.

(10) Water spray washing equipment shall be used for washing carcasses inside and out.

(11) Watertight receptacles of acceptable material shall be used for entrails and other waste resulting from preparation of ready-to-cook rabbits.

(12) Watertight trucks and receptacles for holding or handling diseased carcasses and diseased parts of carcasses shall be constructed to be readily and thoroughly cleaned; the trucks and receptacles shall be marked in a conspicuous manner with the word "condemned" in letters not less than 2 inches high and, when required by the inspector in charge, shall be equipped with facilities for locking and sealing.

(13) Freezing rooms should be adequately equipped to freeze ready-to-cook rabbits solid in less than 48 hours. ready-to-cook rabbits should be frozen at temperatures of -10°F. to -40°F. and should be stored at 0°F. or below, with the temperature maintained as constant as possible. Freezing rooms should be equipped with floor racks or pallets and fans to insure air circulation

(14) Cooling racks shall be made of acceptable materials and be readily accessible for thorough washing and cleaning.

(15) Trucks and receptacles in which carcasses or parts thereof are held for further inspection shall be in such number and location as the needs of the inspection in the plant may require. They shall be equipped for locking by means

of lock and key and the key shall not leave the custody of the inspector in charge of the plant. The trucks and receptacles shall be marked conspicuously with the word "retained" in letters not less than 2 inches high.

35:37-9-50. Accessibility

All equipment shall be placed as to be readily accessible for all processing and cleaning operations.

35:37-9-51. Restrictions on use

Equipment and utensils used in the official plant shall not be used outside the official plant except under conditions as may be prescribed or approved by the Department, and equipment used in the preparation of any article (including, but not being limited to, animal food) from inedible material shall not be used outside of the inedible products department except under conditions as may be prescribed or approved by the Department.

**PART 15. MAINTENANCE OF SANITARY CONDITIONS AND PRECAUTIONS
AGAINST CONTAMINATION OF PRODUCTS**

35:37-9-52. General

The premises shall be kept free from refuse, waste materials, and all other sources of objectionable odors and conditions.

35:37-9-53. Cleaning of rooms and compartments

Rooms, compartments, or other parts of the official plant shall be kept clean and in sanitary condition.

(1) All blood, offal, rabbits or parts of rabbits too severely damaged to be salvaged and all discarded containers and other materials shall be completely disposed of daily.

(2) All windows, doors, and light fixtures in the official plant shall be kept clean.

(3) All docks and rooms shall be kept clean and free from debris and unused equipment and utensils.

(4) Live rabbit receiving docks and receiving rooms shall be of such construction as readily to permit their thorough cleaning, and the docks and rooms should be kept clean at all times.

(5) Floors in live rabbit holding rooms shall be cleaned with regularity as may be necessary to maintain them in a sanitary condition.

(6) The killing and skinning room shall be kept clean and free from offensive odors at all times.

(7) The walls, floors, and all equipment and utensils used in the killing and skinning room shall be thoroughly washed and cleaned immediately after each day's operation.

(8) The floor in the killing and skinning rooms shall be cleaned frequently during killing and skinning operations and

be kept reasonably free from accumulated blood, offal, water, and dirt.

(9) All equipment in the toilet room and locker room, as well as the room itself, shall be kept clean, sanitary, and in good repair.

(10) Cooler and freezer rooms shall be free from objectionable odors of any kind and shall be maintained in a sanitary condition (including, but not being limited to, the prevention of drippings from refrigerating coils onto products).

(11) When temperature of processing areas is not maintained at or below 50° F., a midshift cleanup of equipment surfaces contacting product (trays, tables, chutes, belt conveyors, handtools, etc.) shall be required within 5 hours from start of operations, and at least every 5 hours thereafter.

(A) Complex equipment (grinder, stuffers, etc.) will also be cleaned as stated in this rule, unless;

(i) it is reused within 3 hours, and

(ii) product is processed (cooked, frozen, or dried) within 4 hours after its temperature rises to 50° F. If any schedule in this rule is delayed by breakdown(s), product must be adequately refrigerated until normal processing is resumed.

(B) Regardless of room temperature, all used equipment shall be cleaned and sanitized at least every 24 hours.

35:37-9-54. Cleaning of equipment and utensils

Equipment and utensils used for preparing or handling any product shall be kept clean and in a sanitary condition and in good repair.

(1) Pens shall be cleaned regularly and the manure removed from the plant daily.

(2) All equipment and utensils used in the killing and skinning rooms shall be thoroughly washed and cleaned after each day's operation. The eviscerating, chilling, and packing room and equipment and utensils used therein shall be maintained in a clean and sanitary condition.

(3) Graders' and packers' gloves and grading bins shall be washed daily and used only for grading or packing, as the case may be.

(4) All crates or pens used for transporting live rabbits to the plant shall be cleaned regularly.

(5) Chilling vats or tanks, shall be emptied after each use. They shall be thoroughly cleaned once daily and, after each cleaning operation, they shall be sanitized with compounds or by methods as may be approved or prescribed by the Department.

(6) When synchronized overhead conveyors and tray conveyors are used, the trays shall be completely washed and sanitized after being automatically emptied of inedible viscera.

(7) When a conveyor tray operation is used, each carcass shall be eviscerated in an individual tray of acceptable

material with seamless construction, and the trays shall be completely washed and sanitized after each use.

(8) Tables, shelves, bins, trays, pans, knives, and all other tools and equipment used in the preparation of ready-to-cook rabbits shall be kept clean and sanitary at all times. Cleaned equipment and utensils shall be drained on racks and shall not be nested.

(9) Drums, cans, tanks, vats, and other receptacles used to hold or transport ready-to-cook rabbits shall be kept in a clean and sanitary condition.

35:37-9-55. Operations and procedures

Operations and procedures involving the preparation, storing, or handling of any product shall be strictly in accord with clean and sanitary methods.

(1) There shall be no handling or storing of materials that create an objectionable condition in rooms, compartments, or other places in the plant where any product is prepared, stored, or handled.

(2) Blood from the killing operation shall be confined to a relatively small area and kept from being splashed about the room.

(3) In the final washing, the carcass shall be passed through a system of sprays providing an abundant supply of fresh clean water.

(4) The floors in the eviscerating room shall be kept clean and reasonably dry during eviscerating operations and free of all refuse.

(5) Conveyors shall be operated at speeds as will permit a sanitary eviscerating operation and will permit adequate inspection for condition and wholesomeness.

(6) Mechanized packaging equipment shall be maintained in good sanitary condition.

(7) All offal resulting from the eviscerating operation shall be removed as often as necessary to prevent the development of a nuisance.

(8) Paper and other material used for lining containers in which products are packaged shall be of such kinds as do not tear readily during use, but remain intact when moistened by the product.

(9) Protective coverings shall be used for the product in the plant and as it is distributed from the plant, as will afford adequate protection for the product against contamination by any foreign substance (including, but not being limited to, dust, dirt, and insects), considering the means intended to be employed in transporting the product from the plant.

(10) Refuse may be moved directly to loading docks only for prompt removal.

(11) Cleanliness and hygiene of personnel:

(A) All employees coming in contact with exposed edible

products or edible products handling equipment shall wear clean outer garments other than street clothes and should wear caps or hair nets, and shall keep their hands clean at all times while thus engaged.

(B) Hands of employees handling edible products or edible products handling equipment shall be free of infected cuts, boils, and open sores at all times while thus engaged.

(C) Every person, after each use of toilet or change of garments, shall wash their hands thoroughly before returning to duties that require the handling of edible products or containers therefore or edible products handling equipment.

(D) Neither smoking nor chewing of tobacco shall be permitted in any room where exposed edible products are prepared, processed, or handled.

(12) Organs or parts can be collected for pharmaceutical purposes provided that the operation does not create a nuisance or unsanitary condition on the plant premises.

35:37-9-56. Temperatures and cooling and freezing procedures

Temperatures and procedures that are necessary for cooling and freezing of rabbits in accordance with sound commercial practice shall be maintained in the coolers and freezers, and chilling temperatures and procedures shall also be in accordance with sound commercial practice.

(1) **Cooling.** Immediately after evisceration and washing of the carcass, it shall be placed in a cooling tank containing running cold tap water to remove the animal heat from the carcass. Carcasses shall not be allowed to remain in the cooling tank for longer than 1 hour. The internal temperature of the carcass shall be brought down to a temperature of 40 degrees F. within 4 hours.

(2) **Freezing.**

(A) When ready-to-cook rabbits are packaged in bulk or shipping containers, the carcasses should be individually wrapped or packaged in water-vapor resistant paper to assure adequate overlapping of the lining to completely surround the carcasses and to permit unsealed closure or sealing in a manner that water-vapor loss from the product is considerably retarded or prevented. The rabbit carcasses should receive an initial rapid freezing under the packaging, temperature, air circulation, and stacking conditions that will result in freezing the carcasses solid in less than 48 hours.

(B) Frozen ready-to-cook rabbits shall be held under conditions that will maintain the product in a solidly frozen state with temperature maintained as constant as possible.

35:37-9-57. Vermin

Every practicable precaution shall be taken to exclude flies,

rats, mice, and other vermin from the official plant. Dogs, cats, and other pets shall be excluded from official premises.

35:37-9-58. Exclusion of diseased persons

No person affected with any communicable disease (including, but not being limited to, tuberculosis) in a transmissible stage shall be permitted in any room or compartment where exposed or unpacked edible products are prepared, processed, or handled.

35:37-9-59. Detention; seizure and condemnation

(a) **Product or rabbit subject to administrative detention.** Any carcass, part of a carcass, meat or meat food product of rabbit is subject to detention for a period not to exceed 20 days when found by any authorized representative of the Board upon any premises where it is held for purposes of or during or after distribution of intrastate commerce, and there is reason to believe that:

(1) Any article is adulterated or misbranded and is capable of use as human food; or

(2) Any article has not been inspected, in violation of the rabbit and rabbit products inspection Act or the Federal Food, Drug, and Cosmetic Act; or

(3) Any article or rabbit has been or is intended to be distributed in violation of any provisions.

(b) **Method of detention; form, or detention tag.** An authorized representative of the Board shall detain any article or rabbit to be detained under this part, by affixing an official "Oklahoma Retained Tag" to the article or rabbit.

(c) **Notification of detention to the owner of the article or rabbit detained, or the owner's agent, or person having custody.**

(1) An authorized agent of the Board shall give oral notification of detention to the immediate custodian of the article or rabbit being detained.

(2) An authorized agent of the Board shall furnish, as soon as possible, a copy of a completed "Notice of Detention" to the immediate custodian of the detained article or rabbit.

(3) If the owner of the detained article or rabbit, or the owner's agent is not the immediate custodian at the time of detention and if the owner, or owner's agent, can be ascertained and notified, an authorized agent of the Board shall furnish, as soon as possible, a copy of the completed "Notice of Detention" to the owner, or the owner's agent.

(4) The "Notice of Detention" shall be delivered by personal service or certified mail to the owner or owner's agent at the last known residence or principal place of business.

(d) **Notification of governmental authorities having jurisdiction over article or rabbit detained; form or written notification.** Within 48 hours after the detention of any rabbit or article pursuant to this part an authorized representative of the Board

shall give oral or written notification of the detention to any State authorities not connected with the Division, and any State or other governmental authorities, having jurisdiction over rabbit or article. In the event notification is given orally, it shall be confirmed in writing, as promptly as circumstances permit.

(e) **Movement of article or rabbit detained; removal of official marks.** No article or rabbit detained in accordance with the provisions in this part shall be moved by any person from the place at which it is located when detained, until released by an authorized representative of the Board: Provided, that any article or rabbit may be moved from the place at which it is located so detained, for refrigeration, freezing, or storage purposes if the movement has been approved by an authorized representative of the Board: And provided further, that the article or rabbit moved will be detained by an authorized representative of the Board after the movement until the detention is terminated. When the detention of the article or rabbit is terminated, the owner, or the owner's agent or the carrier or other person in possession of the article or rabbit who was notified when the article or rabbit was detained, will receive notification of the termination. The notification "Notice of Termination of Detention" shall be served by either delivering the notice to the person, or by certified mail to the person's last known residence or principal office or place of business. All official marks may be required by the representative to be removed from the article or rabbit before it is released unless it appears to the satisfaction of the representative that the article or rabbit is eligible to retain the marks.

(f) **Articles or rabbit subject to judicial seizure and condemnation.** Any carcass, part of a carcass, meat or meat food product, or any dead, dying, disabled, or diseased rabbit, that is being transported in commerce or is subject to the Act, or is held for sale in the State after transportation, is subject to seizure and condemnation, in a judicial proceeding under the Act if the article or rabbit:

- (1) Is or has been prepared, sold, transported, or distributed or offered or received for distribution in violation of the 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 the Act.

(g) **Procedure for seizure, condemnation, and disposition.** Any article or rabbit subject to seizure and condemnation under this part shall be liable to be proceeded against and seized and condemned, and disposed of, at any time, on an appropriate pleading in any district court, or other proper court specified in the Act, within the jurisdiction of which the article or rabbit is found.

(h) **Authority for condemnation or seizure under other provisions of law.** The provisions of this part relating to seizure, condemnation and disposition of articles or rabbit do not derogate from authority for condemnation or seizure conferred by other provisions of the Act, or other laws.