

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

SUBCHAPTER 11. EXOTIC LIVESTOCK AND EXOTIC LIVESTOCK PRODUCTS

PART 1. GENERAL PROVISIONS

35:37-11-1. Purpose

The rules of this Subchapter have been adopted for the purpose of complying with the provisions of the Exotic Livestock and Exotic Livestock Products Inspection Act, 2 O.S. Supp., Sections 6-290.1 through 6-290.15. These rules known as the Exotic Livestock and Exotic Livestock Products Inspection Rules shall assist in assuring that the health and welfare of consumers in the state of Oklahoma is protected by requiring that slaughtered exotic livestock and exotic livestock products distributed to them are wholesome, free of adulteration, properly marked, properly labeled, properly packaged, and properly transported and distributed in intrastate commerce.

35:37-11-2. Statutory citations

Citations to statutes in this Subchapter refer to the most recent codification of the statute.

35:37-11-3. Statutory definitions

The following terms are defined in 2 O.S. Section 6-290.3.

- (1) adulterated
- (2) animal food manufacturer
- (3) board
- (4) capable of use as human food
- (5) department
- (6) exotic livestock
- (7) exotic livestock broker
- (8) federal meat inspection act
- (9) federal food, drug, and cosmetic act
- (10) inspection or inspection service
- (11) inspector
- (12) intrastate commerce
- (13) label
- (14) labeling
- (15) misbranded
- (16) official certificate
- (17) official device
- (18) official inspection legend
- (19) official mark
- (20) official plant or official establishment
- (21) person

- (22) pesticide chemical, food additive, color additive and raw agricultural commodity
- (23) processed
- (24) product
- (25) renderer

35:37-11-4. Additional definitions

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

"Artificial coloring" means a coloring containing any dye or pigment, which dye or pigment was manufactured by a process of synthesis other similar artifice, or a coloring that was manufactured by extracting a natural dye or natural pigment from a plant or other material in which such dye or pigment was naturally produced.

"Artificial flavoring" means a flavoring containing any sapid or aromatic constituent, which constituent was manufactured by a process of synthesis or other similar artifice.

"Biological residue" means any substance, including metabolites, remaining in exotic livestock at the time of slaughter or in any of its tissues after slaughter as a result of treatment or exposure of the exotic livestock to a pesticide, organic or inorganic compound, hormone, hormone like substance, growth promoter, antibiotic, anthelmintic, tranquilizer, or other therapeutic or prophylactic agent.

"CFR" means Code of Federal Regulations.

"Carcass" means all parts, including viscera, of any slaughtered exotic livestock.

"Chemical preservative" means any chemical that, when added to an exotic meat or exotic meat food product, tends to prevent or retard deterioration thereof, but does not include common salt, sugars, vinegars, spices, or oils extracted from spices, or substances added to exotic meat and exotic meat food products by exposure to wood smoke.

"Circuit supervisor" means an authorized employee of the Board, who has supervisory responsibilities for enforcing the rules of this Subchapter, with jurisdiction over a defined geographical area of Oklahoma which contains one or more districts, district supervisors and inspectors assigned thereto.

"Commerce" means intrastate commerce within this State.

"Director" means the Director of Meat Inspection, employed by the Board to act for it in matters as prescribed by the rules of this Subchapter.

"District supervisor" means an authorized employee of the Board who has supervisory responsibilities for enforcing the rules of this Subchapter, and has jurisdiction over a defined geographical district of Oklahoma and the inspectors assigned thereto.

"Edible" means intended for use as human food.

"Immediate container" means the receptacle or other covering in which any product is directly contained or wholly or partially enclosed.

"Inedible" means adulterated, uninspected, or not intended for use as human food.

"Official establishment" means any slaughtering, cutting, boning, curing, smoking, salting, packing, rendering, or similar establishment at which inspection is maintained under the rules of this Subchapter.

"Oklahoma condemned" means that the exotic livestock so identified has been inspected and found to be in a dying condition, or to be affected with any other condition or disease that would require condemnation of its carcass.

"Oklahoma inspected and condemned" means that the carcass, viscera, or other part of carcass, or other product so identified has been inspected, found to be adulterated, and condemned under the rules in this Subchapter.

"Oklahoma inspected and passed" means that the meat, the byproducts, or the products derived from exotic livestock marked have been inspected and passed under the rules in this Subchapter, and at the time they were inspected, passed, and marked, they were found to be sound, healthful, wholesome, and fit for human food.

"Oklahoma passed for cooking" means that the meat or byproduct derived from exotic livestock so identified has been inspected and passed on condition that it be heat treated or rendered as prescribed by the rules in this Subchapter.

"Oklahoma passed for refrigeration" means that the meat or by-product derived from exotic livestock so identified has been inspected and passed on condition that it be refrigerated or handled as prescribed by the rules in this Subchapter.

"Oklahoma retained" means that the carcass, viscera, other part of the carcass, or other product, or article so identified, is held by an inspect or for further examination to determine its disposal.

"Oklahoma suspect" means that the exotic livestock so identified is suspected of being affected with a disease or condition which may require its condemnation, in whole or in part, when slaughtered, and is subject to further examination by a veterinarian to determine its disposal.

"Prepared" means slaughtered, salted, rendered, boned, cut up, or manufactured or processed.

"Shipping container" means the outside container (box, bag, barrel, crate, or other receptacle or covering) containing or wholly or partly enclosing any product packed in one or more immediate containers.

PART 3. APPLICATION OF INSPECTION LAWS AND OTHER REQUIREMENTS

35:37-11-5. Establishments requiring inspection

The requirements of the Exotic livestock and Exotic Livestock Products law shall be effective immediately for the following:

- (1) Every official establishment, except as provided in 35:37-11-7, in which any exotic livestock are slaughtered for sale or transportation or sales as articles in intrastate commerce, or in which any products of, or derived from carcasses of exotic livestock are, wholly or in part, prepared for transportation or sale as articles in intrastate commerce that are intended for use as human food;
- (2) Every official establishment, except as provided in 35:37-11-7, at which any exotic livestock are slaughtered or any products of any exotic livestock are prepared for use as human food solely for distribution within such jurisdiction;
- (3) Every official establishment as generally defined in 35:37-3-6 at which a mobile slaughtering operation is conducted; and
- (4) Every official establishment designated by the Director as one producing adulterated products that would clearly endanger the public health.

35:37-11-6. Exotic livestock and products entering official establishments

All exotic livestock and all products entering any official establishment and all products prepared in whole or in part therein, shall be inspected, handled, stored, prepared, packaged, marked, and labeled as required by the rules in this Subchapter.

35:37-11-7. Exemptions

Exemptions are as specified in 2 O.S., Section 6-290.5 (A)(1).

PART 5. APPLICATION FOR INSPECTION: GRANT OR REFUSAL

35:37-11-8. Application for inspection; tenants, subsidiaries and construction standards for establishments

(a) Before any inspection is granted, each person conducting operations at an official establishment subject to this Subchapter, whether operator, landlord, or owner, shall make application to the Director as provided for in this part.

(b) Every application shall be made on an official form furnished by the Oklahoma Department of Agriculture, Food, and Forestry, Food Safety Division, and shall be completed to include all information requested. Any trade names of the applicant(s) for labeling purposes shall be given as well. Each applicant(s) for inspection will be held responsible for compliance with the provisions of 2 O.S. Sections 6-290.5 through 6-290.13 and the

rules of this Subchapter if inspection is granted. Slaughtering and preparation of any exotic game animal and products derived therefrom and other operations at the establishment for which inspection is granted may be conducted only by the applicant(s) and the applicant's immediate employees.

(c) In cases when ownership, landlord, operator, or location changes are made, a new application shall be made as required by this rule.

(d) The rules governing the construction of packing plants and the facilities and equipment used therein are contained in Subchapter 7, "Construction Standards for Meat Packing Plants". Subsequent amendments to Subchapter 7 are to be considered as amended rules and regulations, when adopted in accordance with the laws governing rule making.

(e) The rules and regulations governing the construction of mobile exotic livestock slaughtering establishments and the facilities and equipment used therein are contained in Part 3 of Subchapter 3, with additional requirements specified in Part 11, 35:37-11-21. Subsequent amendments to Part 3 of Subchapter 3 are to be considered as amended rules and regulations, when adopted in accordance with the laws governing rule making.

(f) Additional requirements may be issued by the Director as the Director deems necessary, after due consideration of the species involved, to effectuate proper handling of exotic livestock and the products derived therefrom.

35:37-11-9. Drawings and information to be furnished; grant or refusal of inspection

(a) Each applicant for inspection shall submit all necessary drawings, specifications, and other required information to: Oklahoma Department of Agriculture, Food, and Forestry, Food Safety Division, Meat Inspection Services.

(b) Notice in writing shall be given to each applicant granted inspection, specifying the official establishment to which the grant applies.

(c) The Director is authorized to grant inspection upon the Director's determination that the applicant and the establishment are eligible and to refuse to grant inspection at any establishment if the Director determines that it does not meet the requirements of this Part or in Parts 7, 11, and 15 of this Subchapter, or that the applicant has not received approval of labeling and containers to be used at the establishment as required in Parts 31 and 33 of this Subchapter. When inspection is refused for any reason, the applicant shall be informed of the action and the reasons and afforded an opportunity to present the applicant's views.

(d) Inspection may also be refused in accordance with 2 O.S. Section 6-290.4(9) and the applicable rules of practice.

35:37-11-9.1. Conditions for receiving inspection

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

(2) 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.

(3) 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 7. OFFICIAL NUMBERS; INAUGURATION OF INSPECTION; WITHDRAWAL OF INSPECTION; REPORTS OF VIOLATIONS

35:37-11-10. Official numbers, and fees

(a) An official number shall be assigned to each establishment granted inspection. The number shall be used to identify all inspected and passed products prepared in the establishment. More than one number shall not be assigned to an establishment.

(b) Two or more official establishments under the same ownership or control may be granted the same official number, provided a serial letter is added in each case to identify each establishment and the products thereof.

(c) When inspection has been granted to any applicant at an establishment, it shall not be granted to any other person at the same establishment. However, persons operating as separate entities in the same building or structure may operate establishments therein only under their own grant of inspection. All persons operating separate establishments in the same building or structure shall be responsible for compliance with 2 O.S. Sections 6-290.5 through 6-290.13 and this Subchapter in their own establishments, which shall include common areas, e.g., hallways, stairways, and elevators.

35:37-11-11. Separation of official establishments

(a) Each official establishment shall be separate and distinct from any unofficial establishment.

(b) The slaughter or other preparation of products of horses, mules, or other equines is prohibited in any establishment approved for slaughtering or processing exotic livestock and exotic livestock products.

(c) Inspection shall not be inaugurated in any building, any

part of which is used as living quarters, unless the part for which inspection is requested is separated from quarters by floors, walls, and ceilings of solid concrete, brick, or similar material, and the floors, walls, and ceilings are without openings that directly or indirectly communicate with any part of the building used as living quarters.

35:37-11-12. Sanitation and adequate facilities

Inspection shall not be inaugurated if an establishment is in an insanitary condition or fails to provide adequate facilities for conducting the inspection.

35:37-11-13. Inauguration of inspection

When inspection is granted, the Director shall, at or prior to the inauguration of inspection, inform the operator of the establishment of the requirements of the rules. If the establishment, at the time inspection is inaugurated, contains any product that has not been inspected, passed, and marked in compliance with this Subchapter, the identity of the same shall be maintained, and it shall not be distributed in commerce, or processed for such purposes. The operator shall adopt and enforce all necessary measures for complying with all directions as the Board may prescribe for carrying out the requirements of 2 O.S. Sections 6-290.3 through 6-290.13 and the rules of this Subchapter.

35:37-11-14. Withdrawal of inspection; statement of policy

(a) The Board may withdraw inspection from an official establishment where the sanitary conditions are such that its products are adulterated, or for failure of the operator to destroy condemned products as required by 2 O.S. Section 6-290.10. and the rules of this Subchapter. Inspection will be suspended in accordance with 2 O.S. Section 6-290.10 and the applicable rules of practice.

(b) Inspection service may be withheld by the Director when the operator of any official establishment or any officer, employee, or agent of the operator acting within the scope of office, employment, or agency forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any inspection employee while engaged in or on account of the performance of their official duties. This withholding of inspection will continue in effect until assurances acceptable to the Board are received that there cannot be any recurrences.

35:37-11-15. Reports of violations

Inspection employees shall report, in a manner prescribed by the Board, all violations of 2 O.S. Sections 6-290.5 through 6-290.13 or the rules of this Subchapter of which they have

information.

PART 9. ASSIGNMENT AND AUTHORITY OF DIVISION EMPLOYEES

35:37-11-16. Designation of inspection personnel

The Director shall designate a circuit supervisor in charge of the inspection in each circuit and a district supervisor(s) and as many inspectors as needed to adequately carry out the requirements of this Subchapter.

35:37-11-17. Division employees to have access to establishments

For the purpose of any examination or inspection necessary to prevent the use in intrastate commerce of any adulterated product, inspection employees shall have access at all times, by day or night, whether the official establishment is operated or not, to every part of any official establishment to which they are assigned.

35:37-11-18. Identification of inspectors

Each inspector will be furnished with an official identification card issued by the Board and a numbered official badge, which the inspector shall possess at all times, and the inspector shall wear this identification in a manner and at times as the Board may prescribe. They shall be sufficient identification to entitle the inspector to admittance at all regular entrances and to all parts of the establishments and premises to which the inspector is assigned.

35:37-11-19. Assignment of division employees where members of family employed; soliciting employment; procuring product from official establishments

(a) Except as specifically authorized by the Board, no inspection employee shall be detailed for duty at an establishment where any member of the inspector's family is employed by the operator of the establishment, nor shall any supervisor be continued on duty at a plant where any member of the supervisor's family is employed at any establishment under the supervisor's jurisdiction. Inspection employees are forbidden to solicit for any person, employment at any official establishment.

(b) Inspection employees shall not procure product from any official establishment unless the establishment from which the purchase is made is open to the general public and the price paid by the employee is the same as the price paid by the general public. Inspection employees must pay, and obtain receipts for money paid to these establishments for all products and keep the receipts subject to examination by supervisory employees or other authorized personnel as the Board may designate.

35:37-11-20. Appeals

Any appeal of a decision made by any inspection employee shall be made to the immediate supervisor having jurisdiction over the subject matter of the appeal, except as provided in the applicable rules of practice.

PART 11. SPECIAL FACILITIES REQUIREMENTS

35:37-11-21. Additional requirements for mobile slaughtering establishments

In addition to the facility requirements for mobile slaughter establishments contained in Part 3 of Subchapter 3, the additional facilities are required.

(1) Adequate lighting, with protective covering, of at least 50 foot candles in all areas where postmortem inspection is conducted, and at least 30 foot candles elsewhere.

(2) Acceptable rust-resistant trays, pans, and other receptacles of adequate size and constructed of materials that are easily sanitized, for the purpose of efficient postmortem inspection.

(3) Adequate refrigeration and air circulation to prevent carcass spoilage during transportation.

(4) Suitable lockers or other storage facilities in which brands bearing the official inspection legend and other devices (excluding labels) and official certificates shall be kept when not in use. All the lockers and facilities shall be equipped for sealing or locking with locks or seals to be supplied by inspection services, and kept in the possession of inspection personnel.

PART 13. TIME OF INSPECTION OF OFFICIAL ESTABLISHMENTS

35:37-11-22. Hours of operation of official establishments

Hours of operation of official establishments are as specified in 35:37-3-18.

35:37-11-23. Designation of days and hours of operation by director

Designation of days and hours of operation by director are as specified in 35:37-3-19.

35:37-11-24. Overtime work of inspectors

Overtime work of inspectors is as specified in 35:37-3-20.

PART 15. SANITATION

35:37-11-25. Examination and specifications for equipment and sanitation prior to granting inspection

Prior to the inauguration of inspection, an examination of the

establishment and premises shall be made by an inspection employee designated by the Director and the requirements for sanitation and the necessary facilities for inspection shall be specified by the inspection employee in accordance with rules 35:37-11-8(d), 35:37-11-8(e), and 35:37-11-21.

35:37-11-26. Establishments; requirements for sanitary conditions

(a) Official establishments shall be maintained in sanitary condition, and to this end the requirements of this Section shall be complied with.

(b) There shall be abundant light of good quality and well distributed, and sufficient ventilation for all rooms and compartments to insure sanitary condition.

(c) There shall be an efficient drainage and plumbing system for the establishment and premises, and all drains and gutters shall be properly installed with traps and vents approved by inspection services.

(d) There shall be an ample supply of clean potable water with adequate facilities for its distribution in the plant and its protection against contamination and pollution. This shall include sealing of wells as prescribed by methods and rules as adopted by the Oklahoma Health Department. To assure the potability of the water, a sample from its source and at various places inside the plant must be taken for analyses by the Oklahoma Department of Agriculture laboratory or by the appropriate local health department laboratories. Water samples shall be obtained at least one time a year for approved municipal or approved rural water systems, and at least two times a year (each six months) for private water systems. A certificate of water potability acceptance must be issued by the appropriate testing laboratory and it must be posted in a conspicuous place in the plant or available for review as approved by the appropriate district supervisor.

(e) Reuse of water will be approved only to the extent permitted by the Oklahoma State Health Department.

(f) An ample supply of clean potable water of not less than 180°F. shall be furnished and used for the cleaning of inspection equipment, floors, walls, and other equipment that are subject to contamination by the dressing or handling of diseased carcasses, their viscera, and other parts. In lieu of 180°F. water for cleaning and sanitizing mobile slaughter establishments, acceptable chemical sanitizing agents may be used as specified in Part 3 of OAC 35:37-3. The requirements for 180°F. water, however, shall not be waived for plants processing exotic livestock and exotic livestock products. To determine compliance with these requirements, conveniently located thermometers shall be installed by the operator of the official establishment to show the temperature of the water at the point of use.

(g) Ample hot water for general cleaning of rooms and equipment shall be delivered under adequate pressure to conveniently

located outlets and shall be of a temperature as to accomplish a thorough cleanup when used with approved detergents and other cleaning agents.

(h) The floors, walls, ceilings, partitions, posts, doors, and other parts of all structures shall be of materials, construction, and finish as will make them susceptible to proper and adequate cleaning. The floors shall be watertight. The rooms and compartments used for edible product shall be separate and distinct from those used for inedible product.

(i) Rails shall be located, and passageway space provided, so that exposed product does not come in contact with posts, walls, and other fixed parts of the building, or with barrels, boxes, and other containers trafficked through holding and operating areas. Exposed product shall not be placed or stored beneath carcasses in coolers or holding areas.

(j) The rooms and compartments in which any product is prepared or handled shall be free from dust and from odors from dressing and toilet rooms, catch basins, hide cellars, casing rooms, inedible tank and fertilizer rooms, and livestock pens.

(k) Every practicable precaution shall be taken to exclude flies, rats, mice, and other vermin from official establishments. The use of poisons for any purpose in rooms or compartments where any unpacked product is stored or handled is forbidden, except under restrictions and precautions as are prescribed by the Board in specific cases. The use of insecticides, rodenticides, and similar pest control substances in hide cellars, inedible product departments, outbuildings, or similar places, or in store rooms containing canned or tierced products is not forbidden but only those approved by the Board may be used. So-called rat viruses shall not be used in any part of an establishment or the premises thereof.

(l) Dogs, cats, and other pets shall be excluded from the interior of official establishments; however, dogs may be permitted on the outer premises for guard purposes.

35:37-11-27. Sanitary facilities and accommodations; specific requirements

Adequate sanitary facilities and accommodations shall be furnished by every official establishment. Of these, the following are specifically required:

(1) Dressing rooms, toilet rooms, and urinals shall be sufficient in number, ample in size, and conveniently located. The rooms shall be provided with facilities to provide abundant light of good quality and well distributed. They shall be properly ventilated, and meet all requirements of the rules in this part as to sanitary construction and equipment. They shall be separate from the rooms and compartments in which products are prepared, stored, or handled. Where both sexes are employed, separate facilities shall be provided.

(2) Acceptable lavatories, including running hot and cold

water, soap, towels, and used towel receptacles, shall be placed in or near toilet and urinal rooms and also at other places in the establishment as may be essential to assure cleanliness of all persons handling any product.

(3) Toilet soil lines shall be separate from plant drainage lines to a point outside the building and drainage from toilet bowls and urinals shall not be discharged into a grease catch basin.

(4) Properly located facilities shall be provided for cleansing and disinfecting utensils and hands of all persons handling any product.

35:37-11-28. Equipment must be easily cleaned and that used for inedible products must be so marked

Equipment and utensils used for preparing and handling any product shall be of materials and construction as will make them susceptible to being readily and thoroughly cleaned and will insure strict cleanliness in the preparation and handling of all products. As practicable, equipment shall be made of rust resistant metal or other acceptable impervious material. Trucks and receptacles used for inedible material shall bear the word "inedible" in lettering that contrasts clearly and conspicuously with its background, so its intended purpose is clearly and concisely identified.

35:37-11-29. Sanitation of knife scabbards

Scabbards and similar devices used for the temporary retention of knives, steels, hooks, triers, etc., by butchers, and other workers at official establishments shall be kept clean, and shall be constructed of rust-resisting metal or other acceptable impervious material, that can be readily cleaned and sanitized.

35:37-11-30. Sanitation of rooms, compartments, etc.

Rooms, compartments, areas, equipment, and utensils used for preparing, storing, or handling any product, and all other parts of the establishment, shall be kept clean and in a sanitary condition. There shall be no handling or storing of materials that create an objectionable condition in rooms, compartments, or places where any product is prepared, stored or handled.

35:37-11-31. Sanitation requirements of slaughtering and processing operations, condensation and chilling requirements

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

(b) All areas in which inspections are made and those in which exotic livestock are slaughtered or any product is prepared shall be kept sufficiently free of steam and vapors to enable inspection personnel to make inspections and to insure clean

operations. The walls, ceilings, and overhead structure of rooms and compartments in which product is prepared, handled, or stored shall be kept reasonably free from moisture to prevent dripping and contamination of products.

(c) Butchers and others who dress or handle diseased carcasses or parts shall, before handling or dressing other carcasses or parts, cleanse their hands with liquid soap and hot water, and rinse them in clean water. Implements used in dressing diseased carcasses shall be thoroughly cleansed with hot water having a minimum temperature of 180°F. or in a disinfectant approved by the Board, followed by rinsing in clean water. The employees of the establishment who handle any product shall keep their hands clean, and in all cases after visiting the toilet rooms or urinals shall wash their hands before handling any product or implements used in the preparation of product.

(d) Aprons, frocks, and other clothing worn by persons who handle any product shall be of material that is readily cleansed. Clean garments shall be worn at the start of each working day and the garments shall be changed during the day when required by the inspector in charge.

(e) Practices as spitting on whetstones; spitting on the floor; placing skewers, tags, or knives in the mouth; inflating lungs or casings with air from the mouth; or testing with air from the mouth such receptacles as tierces, kegs or casks, containing or intended as containers of any product, are prohibited. Only mechanical means may be used for testing. Care shall be taken to prevent the contamination of product with perspiration, hair, cosmetics, medications, and similar substances.

(f) Equipment or substances that generate gases or odors shall not be used in official establishments except as permitted in this Subchapter or by the circuit supervisor in specific cases in which the supervisor determines that the use will not result in adulteration of any product.

(g) Carcasses (including edible offal) will be placed in chill coolers immediately after final washing. The carcasses shall be spaced as to encourage rapid chilling and to avoid the condition known as "Touchers". Should this condition occur, the affected portions will be trimmed before further processing in or removal from the official establishment.

35:37-11-32. Protective handling of products

Products shall be protected from contamination from any source such as dust, dirt, or insects during storage, loading, or unloading, and transportation from official establishments. With the exception of mobile slaughtering establishments transporting carcasses to an official processing establishment, carcasses and products shall have a maximum temperature of 50°F. before removal from the official establishment. All forms of transportation, shall be capable of maintaining a temperature of product not to exceed 55°F. at the point of destination.

35:37-11-33. Sanitation requirements for inedible areas, storage rooms, and outside premises

All operation and storage rooms and departments of official establishments used for inedible materials shall be maintained in acceptably clean condition. The outer premises of every official establishment, including docks and areas where cars and vehicles are loaded, and the driveways, approaches, yards, pens, and alleys, shall be of acceptable dust free all weather construction, adequately drained and kept in a clean and orderly condition. All catch basins on the premises shall be of such construction and location, and shall be given attention, as will insure their being kept in acceptable condition as regarding odor and cleanliness. Catch basins shall not be located in departments where any product is prepared, handled, or stored. The accumulation on the premises of official establishments of any material in which flies may breed, such as hair, bones, paunch contents, or manure, is forbidden. Other conditions that may result in adulteration of product or interfere with inspection shall not be allowed in any official establishment or on its premises.

35:37-11-34. Employment of diseased persons

No operator of an official establishment or other person preparing product in an official establishment shall employ, in any department where any product is handled or prepared, any person showing evidence of a communicable disease in a transmissible stage, or known to be a carrier of such a disease, or while affected with boils, sores, infected wounds, or other abnormal sources or microbiological contaminants.

35:37-11-35. Tagging insanitary equipment, utensils, rooms or compartments

When, in the opinion of an authorized inspection employee, any equipment, utensil, room, or compartment at an official establishment is unclean or its use would be in violation of any of the rules in this Subchapter, the inspection employee will attach an "Oklahoma Rejected" tag. No equipment, utensil, room, or compartment tagged shall again be used until made acceptable. Tags attached shall not be removed by anyone other than an authorized inspection employee.

PART 17. ANTEMORTEM INSPECTION

35:37-11-36. Antemortem inspection in pens of official establishment

(a) No exotic livestock will be offered for antemortem

inspection at any official establishment when it would be in conflict with any existing quarantine authority residing within the Department.

(b) All exotic livestock offered for slaughter in an official establishment shall be examined and inspected on the day of and prior to slaughter by an authorized inspection employee.

(c) The antemortem inspection shall be made in pens on the premises of the establishment at which the exotic livestock are offered for slaughter before they shall be allowed to enter into any department of the establishment where they are to be slaughtered or dressed or in which edible products are handled. When the holding pens of an official establishment are located in a public stockyard and are reserved for the exclusive use of the establishment, the pens shall be regarded as part of the premises of that establishment and the operator of the establishment shall be responsible for compliance with all requirements of the rules in this Subchapter with respect to the pens.

35:37-11-37. Antemortem field inspection at mobile slaughtering establishments

(a) No exotic livestock will be offered for antemortem inspection at any official mobile slaughtering establishment when it would be in conflict with any existing quarantine authority residing within the Department.

(b) Antemortem field inspection of exotic livestock offered for slaughter at official mobile slaughtering establishments shall be performed on the day of and immediately prior to slaughter by an authorized inspection employee.

(c) The antemortem inspection shall be performed in a thorough manner prescribed by the Director but without unnecessary delay, to enable the shooter to quickly and humanely dispatch the animal. Furthermore, the antemortem inspection shall be performed at a distance close enough for the inspector to properly ascertain the overall soundness and acceptability of the animal.

(d) The Director may refuse to render field antemortem inspection service whenever the director believes a high incidence of disease exists in a group of exotic livestock offered for slaughter.

35:37-11-38. Exotic livestock suspected of being diseased or affected with certain conditions; identifying suspects and the disposition of suspects

(a) Any exotic livestock that on antemortem inspection does not clearly show, but is suspected of being affected with any disease or conditions that may cause condemnation of the carcass on postmortem inspection, and any exotic livestock that show on antemortem inspection any disease or condition that would cause condemnation of only part of the carcass on postmortem inspection, shall be handled as to retain its identity as a

suspect until it is given final postmortem inspection, when the carcass shall then be marked and disposed of as provided in this Subchapter, or until it is disposed of as provided in this Part.

(b) All seriously crippled animals commonly termed "downers," shall be identified as "Oklahoma Suspects" and disposed of as provided in 35:37-11-57 unless they are required to be classed as "Oklahoma Condemned" under 35:37-11-39.

(c) With the exception of exotic livestock presented for antemortem inspection at mobile slaughtering establishments, each animal required by this Subchapter to be treated as an "Oklahoma Suspect" shall be identified as suspect by or under the supervision of an inspector with an official device in accordance with 35:37-11-43(a). The device shall not be removed except by an authorized inspection employee.

(d) Each animal identified as an "Oklahoma Suspect" on antemortem inspection shall be set apart and shall be slaughtered separately from other livestock at the establishment unless disposed of as provided in this Subchapter.

(e) When any exotic livestock identified as an "Oklahoma Suspect" is released for any purpose or reason, as provided in this Subchapter, the official identification device shall be removed only by an authorized inspection employee, and the inspection employee shall report the action to the immediate circuit supervisor. When a suspect is to be released for a purpose other than slaughter, the operator of the official establishment or the owner of the animal shall first obtain permission for the removal of the animal from the appropriate State or Federal livestock health officials.

35:37-11-39. Dead, dying, disabled, or diseased exotic livestock

(a) Exotic livestock found to be dead or in a dying condition on the premises of an official establishment shall be identified as "Oklahoma Condemned" and disposed of in accordance with 35:37-11-42.

(b) Exotic livestock plainly showing on antemortem inspection, any disease or condition that would cause condemnation of their carcasses on postmortem inspection shall be identified as "Oklahoma Condemned" and disposed of in accordance with 35:37-11-42.

35:37-11-40. Exotic livestock suspected of having biological residues

(a) Exotic livestock suspected of having been treated with or exposed to any substance that may impart a biological residue that would make the edible tissues unfit for human food or adulterated, shall be handled in compliance with the provisions of this Section. The suspected exotic livestock shall be identified at official establishments as "Oklahoma Suspect". These exotic livestock shall be held under the custody of an inspector or other official designated by the Board until

metabolic processes have reduced the residue sufficiently to make the tissues fit for human food and not adulterated. When the required time has elapsed, the exotic livestock if returned for slaughter, must be re-examined on antemortem inspection. To aid in determining the amount of residue present in the tissues, the Board may permit the slaughter of any livestock to collect tissues for analysis for the residue.

(b) All carcasses and edible organs and other parts thereof, in which are found any biological residues that render articles adulterated, shall be marked "Oklahoma Condemned" and disposed of in accordance with 35:37-11-98.

35:37-11-41. Exotic livestock used for research

(a) No exotic livestock used in any research investigation involving experimental biological product, drug, or chemical shall be eligible for slaughter at an official establishment unless the operator of the establishment, the sponsor of the investigation, or the research investigator has submitted to the Director, data or a summary evaluation of the data, that demonstrates that the use of the biological product, drug, or chemical will not result in the products of the exotic livestock being adulterated, and the Director has approved the slaughter.

(b) The inspector in charge may deny or withdraw the approval for slaughter of any livestock subject to the provisions of this Section when the inspector deems it necessary to assure that all products prepared at the official establishment are free from adulteration.

35:37-11-42. Disposition of condemned exotic livestock

(a) Except as provided in this Section exotic livestock identified as "Oklahoma Condemned" shall be killed by the official establishment, if not already dead. The animals shall not be taken into the official establishment to be slaughtered or dressed; nor shall they be conveyed into any department of the establishment used for edible products; but they shall be disposed of in the manner provided for condemned carcasses in Part 27 of this Subchapter. The official "Oklahoma Condemned" tag shall not be removed from, but shall remain on the carcass until it is tanked or is disposed of as prescribed in Part 27 of this Subchapter, at which time the tag may be removed by an authorized inspection employee only.

(b) When exotic livestock under the provisions of this Section are to be released for a purpose other than slaughter, the operator of the official establishment or the owner of the exotic livestock shall first obtain permission for the movement of exotic livestock from the appropriate State or Federal livestock health officials having jurisdiction.

35:37-11-43. Official marks and devices for purposes of

antemortem inspection

(a) With the exception of exotic livestock offered for slaughter at mobile slaughtering establishments, all exotic livestock required by this part to be identified as "Oklahoma Suspects" shall be tagged with a serially numbered metal ear tag bearing the term "Oklahoma Suspect".

(b) All exotic Livestock required by this part to be identified as "Oklahoma Condemned" shall be tagged with a serially numbered metal ear tag bearing the term "Oklahoma Condemned".

(c) The devices described in Subsections (a) and (b) of this Section shall be the official devices or identification of exotic livestock required to be identified as "Oklahoma Suspect" or "Oklahoma Condemned" as provided in this part.

PART 20. POSTMORTEM INSPECTION

35:37-11-44. Extent and time of postmortem inspection

A careful postmortem examination and inspection shall be made of the carcasses and parts thereof of all exotic livestock slaughtered at official establishments. The inspection and examination shall be made at the time of slaughter unless, because of unusual circumstances, prior arrangements acceptable to the Director have been made in specific cases by the circuit supervisor, for making the inspection and examination at a later time.

35:37-11-45. Identification of carcass, severed parts, and the animal from which derived

The head, tail, tongue, thymus gland, and all viscera of each slaughtered animal, and all blood and other parts of the animal to be used in the preparation of meat food products or medical products, shall be handled in a manner as to identify them from the rest of the carcass and as being derived from the particular animal involved, until the postmortem examination of the carcass and parts thereof has been completed.

35:37-11-46. Retention of carcasses and parts

Each carcass, including all detached organs and other parts, in which any pathological lesion or other condition is found that might render the meat or any part unfit for food purposes, or adulterated, would require a subsequent inspection, and the animal shall be retained by the inspector at the time of inspection. The identity of every retained carcass, detached organ, or other part shall be maintained until the final inspection has been completed. Retained carcasses shall not be washed or trimmed unless authorized by the inspector.

35:37-11-47. Tagging of carcasses and parts

Devices and methods approved by the Director may be used for

the temporary identification of retained carcasses, organs, and other parts. In all cases, the identification shall be further established by affixing "Oklahoma Retained" tags as soon as practicable and before final inspection. These tags shall not be removed except by an authorized inspection employee.

35:37-11-48. Condemned carcasses and parts to be so marked; tanking, separation

Each carcass or part that is found on final inspection to be unsound, unhealthful, unwholesome, or adulterated shall be conspicuously marked, on the surface tissues, by an authorized inspection employee at the time of inspection, as "Oklahoma Condemned". Condemned detached organs and other parts of the character that they cannot be so marked shall be placed immediately in acceptable trucks or receptacles that shall be kept plainly marked "Oklahoma Condemned", on a background of contrasting color, in letters not less than 2 inches high. All condemned carcasses and parts shall remain in the custody of an inspection employee and shall be disposed of as required in Part 27 of this Subchapter at or before the close of the day on which they are condemned.

35:37-11-49. Marking carcasses and parts passed for cooking

Carcasses and parts passed for cooking shall be marked conspicuously on the surface tissues thereof by an inspector at the time of inspection, "Oklahoma Passed for Cooking". All carcasses and parts shall be cooked in accordance with Part 29 of this Subchapter, and until cooked shall remain in custody of the inspector.

35:37-11-50. Passing and marking of carcasses and parts

Carcasses and parts found to be sound, healthful, wholesome, and not adulterated shall be passed and marked as provided in Part 31 of this Subchapter. In all cases where carcasses showing localized lesions are passed for food or for cooking and "Oklahoma Retained" tags are attached to the carcasses, the affected tissues shall be removed and condemned before the tags are removed. "Oklahoma Retained" tags shall be removed only by an authorized inspection employee.

35:37-11-51. Sternum to be split; abdominal and thoracic viscera to be removed

The sternum of each carcass of bovidae, cervidae, and antilocapridae, shall be split at the time of slaughter. Furthermore, the abdominal and thoracic viscera of all exotic livestock, shall be removed at the time of slaughter in order to allow proper inspection.

35:37-11-52. Handling of bruised parts

When only a portion of a carcass is to be condemned due to slight bruises, the bruised portion shall be removed immediately and disposed of in accordance with Part 27 of this Subchapter.

35:37-11-53. Disposition of lungs

(a) Exotic livestock lungs shall not be saved for human food.
(b) Lungs not found to be affected with disease or pathology or to have been adulterated with chemical or biological residues may be saved for pet food or other non-human food purposes. They shall be maintained under inspectional control in the manner prescribed in 35:37-11-134.

(c) All other exotic livestock lungs shall be properly identified as condemned.

35:37-11-54. Contamination of carcasses, organs, or other parts

(a) Carcasses, organs, and other parts shall be handled in a sanitary manner to prevent contamination with fecal material, urine, bile, hair, dirt, or foreign matter; however, if contamination occurs, it shall be promptly removed in a manner satisfactory to the inspector.

(b) Brains, cheek meat, and head trimmings from animals stunned by lead, sponge iron, or frangible bullets shall not be saved for use as human food but shall be handled as prescribed in 35:37-11-98.

35:37-11-55. Inspection of kidneys

An employee of the establishment shall open the kidney capsule and expose the kidneys of all bovidae, cervidae, and antilocapridae, at the time of slaughter for the purpose of examination by the inspector.

35:37-11-56. Postmortem inspection procedures

Due to the wide variation of species involved, the postmortem inspection procedures for exotic Livestock carcasses shall be those prescribed by the Director. They shall be appropriate and sufficient for proper disposition of each individual species.

PART 21. DISPOSAL OF DISEASED OR ADULTERATED CARCASSES AND PARTS

35:37-11-57. General requirements for disposal of diseased or adulterated carcasses and parts

(a) The carcasses or parts of carcasses of all animals slaughtered at an official establishment and found at the time of slaughter, or at any subsequent inspection, to be affected with any of the diseases or conditions named in this part shall be disposed of according to the Section pertaining to the disease or condition: Provided, That no product shall be passed for human

food under any Section unless it is found to not be adulterated. Products passed for cooking or refrigeration under this part must be handled at the official establishment where the products are initially prepared, unless the products are moved to another official establishment for handling, or in the case of products passed for refrigeration, are moved for refrigeration to a freezing facility approved by the Director in specific cases: Provided, that when moved the products are shipped in containers bearing official inspection seals or in an officially sealed means of conveyance. Owing to the fact that it is impracticable to formulate rules covering every case and to designate at what stage a disease process or a condition results in adulteration of a product, the decision as to the disposal of all carcasses, organs, or other parts not specifically covered in this part shall be left to the Veterinarian. The Veterinarian in charge shall exercise judgment regarding the disposition of all carcasses or parts of carcasses under this part in a manner that will insure that only wholesome, unadulterated product is passed for human food.

(b) In cases of doubt as to a condition, a disease, or the cause of a condition, or to confirm a diagnosis, representative specimens of the affected tissues, properly prepared and packaged, shall be sent for examination to the laboratories of the College of Veterinary Medicine, Oklahoma State University.

35:37-11-58. Arthritis

(a) Carcasses affected with arthritis that is localized and not associated with systemic change may be passed for human food after removal and condemnation of all affected parts. Affected joints with corresponding lymph nodes shall be removed and condemned. In order to avoid contamination of the meat that is passed, a joint capsule shall not be opened until after the affected joint is removed.

(b) Carcasses affected with arthritis shall be condemned when there is evidence of systemic involvement.

35:37-11-59. Bovidae carcasses affected with anasarca or generalized edema

(a) Carcasses of bovidae found on postmortem inspection to be affected with anasarca in advanced stages and characterized by an extensive or well-marked generalized edema shall be condemned.

(b) Carcasses of bovidae including their detached organs and other parts, found on postmortem inspection to be affected with anasarca to a lesser extent than as described in Subsection (a) of this Section may be passed for human food after removal and condemnation of the affected tissues, provided the lesion is localized.

35:37-11-60. Actinomycosis and actinobacillosis

(a) The definition of generalization as outlined for

tuberculosis in 35:37-11-84 shall apply for actinomycosis, actinobacillosis, and carcasses of livestock with generalized lesions. Exotic livestock with these disease shall be condemned.

(b) Carcasses of livestock in a well-nourished condition showing uncomplicated localized lesions of actinomycosis or actinobacillosis may be passed for human food after the infected organs or other infected parts have been removed and condemned, except as provided in Subsection (c) and (d) of this Section.

(c) Heads affected with actinomycosis or actinobacillosis, including the tongue, shall be condemned, except that when the disease of the jaw is slight, strictly localized, and without suppuration, fistulous tracts, or lymph node involvement, the tongue, if free from disease, may be passed, or, when the disease is slight and confined to the lymph nodes, the head including the tongue, may be passed for human food after the affected nodes have been removed and condemned.

(d) When the disease is slight and confined to the tongue, with or without involvement of the corresponding lymph nodes, the head may be passed for human food after removal and condemnation of the tongue and corresponding lymph nodes.

35:37-11-61. Neoplasms

(a) An individual organ or other part of a carcass affected with a neoplasm shall be condemned. If there is evidence of metastasis or the general condition of the animal has been adversely affected by the size, position, or nature of the neoplasm, the entire carcass shall be condemned.

(b) Carcasses affected with malignant lymphoma shall be condemned.

35:37-11-62. Pigmentary conditions; melanosis, xanthosis, ochronosis, etc.

(a) Except as provided in 35:37-11-68 carcasses of livestock showing generalized pigmentary deposits shall be condemned.

(b) The affected parts of carcasses showing localized pigmentary deposits of a character as to be unwholesome or adulterated shall be removed and condemned.

35:37-11-63. Abrasions, bruises, abscesses, pus, etc.

All slight, well-limited abrasions on the tongue and inner surface of the lips and mouth, when without lymph node involvement shall be carefully excised, leaving only sound, normal tissue, that may be passed for human food. Any organ or other part of a carcass that is badly bruised or that is affected by an abscess, or a suppurating sore shall be condemned; and when the lesions are of a character or extent as to affect the whole carcass, the whole carcass shall be condemned. Portions of carcasses that are contaminated by pus or other diseased material shall be condemned.

35:37-11-64. Brucellosis

Carcasses affected with localized lesions of brucellosis may be passed for human food after the affected parts are removed and condemned.

35:37-11-65. Carcasses infected that consumption of the meat may cause food poisoning

(a) All carcasses of exotic livestock so infected that consumption of the products may give rise to food poisoning shall be condemned. This includes all carcasses showing signs of:

- (1) Acute inflammation of the lungs, pleura, pericardium, peritoneum, or meninges.
- (2) Septicemia or pyemia, whether puerperal, traumatic, or without any evident cause.
- (3) Gangrenous or severe hemorrhagic enteritis or gastritis.
- (4) Acute diffuse metritis or mammitis.
- (5) Phlebitis of the umbilical veins.
- (6) Septic or purulent traumatic pericarditis.
- (7) Any acute inflammation, abscess, or suppurating sore, if associated with acute nephritis, fatty and degenerated liver, swollen soft spleen, marked pulmonary hyperemia, general swelling of lymph nodes, diffuse redness of the skin, cachexia, icteric discoloration of the carcass or similar condition, either singly or in combination.
- (8) Salmonellosis.

(b) Implements contaminated by contact with carcasses affected with any of the disease conditions mentioned in this Section shall be thoroughly cleaned and sanitized as prescribed in Part 15 of this Subchapter. The equipment used in the dressing of carcasses, such as viscera trucks or inspection tables shall be sanitized with hot water having a minimum temperature of 180°F. Carcasses or parts of carcasses contaminated by contact with diseased carcasses shall be condemned unless all contaminated tissues are removed within 2 hours.

35:37-11-66. Necrobacillosis, pyemia, and septicemia

From the standpoint of meat inspection, necrobacillosis may be regarded as a local infection at the beginning, and carcasses in which the lesions are localized may be passed for human food if in a good state of nutrition, after those portions affected with necrotic lesions are removed and condemned. However, when emaciation, cloudy swelling of the parenchymatous tissue of organs or enlargement of the lymph nodes is associated with the infection, it is evident that the disease has progressed beyond the condition of localization to a state of toxemia, and the entire carcass shall be condemned as both unwholesome and noxious. Pyemia or septicemia may intervene as a complication of the local necrosis, and when present the carcass shall be condemned.

35:37-11-67. Caseous lymphadenitis

(a) A thin carcass showing well-marked lesions in the viscera and the skeletal lymph nodes, or a thin carcass showing extensive lesions in any part shall be condemned.

(b) A thin carcass showing well-marked lesions in the viscera with only slight lesions elsewhere or showing well-marked lesions in the skeletal lymph nodes with only slight lesions elsewhere may be passed for cooking.

(c) A thin, carcass showing only slight lesions in the skeletal lymph nodes and in the viscera may be passed for human food without restriction.

(d) A well-nourished carcass showing well-marked lesions in the viscera and with only slight lesions elsewhere or showing well-marked lesions confined to the skeletal lymph nodes with only slight lesions elsewhere may be passed for human food without restriction.

(e) A well-nourished carcass showing well-marked lesions in the viscera and the skeletal lymph nodes may be passed for cooking; but where the lesions in a well-nourished carcass are both numerous and extensive, it shall be condemned.

(f) All affected organs and nodes of carcasses passed for human food without restriction or passed for cooking shall be removed and condemned.

(g) As used in this Section, the term "thin" does not apply to a carcass that is anemic or emaciated; and the term "lesions" refers to lesions of caseous lymphadenitis.

35:37-11-68. Icterus

Carcasses showing any degree of icterus shall be condemned. Yellow fat conditions caused by nutritional factors or characteristic of certain species or exotic livestock shall not be confused with icterus. The carcasses should be passed for human food, if normal.

35:37-11-69. Mange or scab

Carcasses of exotic livestock affected with mange or scab in advanced stages, showing cachexia or extensive inflammation of the flesh, shall be condemned. When the disease is slight, the carcass may be passed after removal of the affected portion.

35:37-11-70. Tapeworm cysts in bovidae

(a) Carcasses of bovidae affected with tapeworm cysts shall be disposed of as follows:

(1) Carcasses of bovidae infected with tapeworm cysts shall be condemned if the infestation is excessive or if the meat is watery or discolored. Carcasses shall be considered excessively infested if incisions in various parts of the musculature expose one or more cysts on most of the cut surfaces.

(2) Carcasses of bovidae in which tapeworm cyst infestation is limited to one dead and degenerated cyst may be passed for human food after removal and condemnation of the cyst.

(3) Carcasses of bovidae showing a slight or moderate tapeworm cyst infestation other than that indicated in Paragraph (2) of this Subsection but not so extensive as indicated in Paragraph (1) of this Subsection, as determined by a careful examination of the heart, muscles of mastication, diaphragm and its pillars, tongue, and portions of the carcass rendered visible by the process of dressing, may be passed for human food after removal and condemnation of the cysts with surrounding tissues: Provided, that the carcasses, appropriately identified by the Oklahoma Retained tags, are held in cold storage at a temperature not higher than 15° F. continuously for a period of not less than 10 days: And provided further, that the boned meat from the carcasses when in boxes, tierces, or other containers, appropriately identified by Oklahoma Retained tags, is held at a temperature of not higher than 15° F. continuously for a period of not less than 20 days. As an alternative to retention in cold storage as provided in this Paragraph, the carcasses and meat may be heated throughout to a temperature of at least 140° F.

(b) The edible viscera of carcasses passed for human food or passed for human food after refrigeration or heating under Subsection (a), Paragraphs (2) or (3) of this Section may be passed for human food without refrigeration or heating if they are found to be free from cysts on final inspection. This shall not include the lungs, fat, muscles of the oesophagus, and the heart, which shall be disposed of in the same manner as the rest of the carcasses under Subsection (a) of this Section. The intestines, oesophagi, and bladders from bovidae carcasses affected with tapeworm cysts that have been passed for human food or passed for human food after refrigeration or heating under Subsection (a), Paragraphs (2) or (3) of this Section may be used for casings after they have been subjected to the usual method of preparation. They may be used for the purpose upon completion of the final inspection of the carcasses.

35:37-11-71. Parasites not transmissible to man; tapeworm cysts in cervidae; hydatid cysts; flukes; gid bladder worms

(a) In the disposal of carcasses, edible organs, and other parts of carcasses showing evidence of infestation with parasites not transmissible to man the following general rules shall govern except as provided in this Section: if the lesions are localized in a manner and are of a character that the parasites and the lesions caused by them can be completely removed, the non-affected portion of the carcass, organ, or other part of the carcass may be passed for human food after the removal and condemnation of the affected portions. If an organ or other part of a carcass shows numerous lesions caused by parasites, or if

the character of the infestation is such that complete extirpation of the parasitic infestation or invasion renders the part in any way unfit for human food, the affected part shall be condemned. If parasites are found to be distributed in a carcass in a manner or to be of a character that their removal and the removal of the lesions caused by them is impracticable, no part of the carcass shall be passed for human food. If the infestation is excessive, the carcass shall be condemned. If the infestation is moderate, the carcass may be passed for cooking, but in case the carcass is not cooked, as required by Part 29 of this Subchapter, it shall be condemned.

(b) In the case of cervidae carcasses affected with tapeworm cysts (*Cysticercus ovis*, so-called sheep measles, not transmissible to a man), the carcasses may be passed for human food after the removal and condemnation of the affected portions: Provided, however, that if, upon the final inspection of cervidae carcasses retained on account of measles, the total number of cysts found embedded in muscular tissue, or in immediate relation with muscular tissue, excluding the heart, exceeds five, the entire carcass shall be condemned, or the carcass shall be heated throughout to a temperature of at least 140° F. after removal and condemnation of all affected portions.

(c) Carcasses found infested with gid bladder worms (*Coenurus cerebralis*, *Multiceps multiceps*) may be passed for human food after condemnation of the affected organ (brain or spinal cord).

(d) Organs or other parts of carcasses infested with hydatid cysts (*echinococcus*) shall be condemned.

(e) Livers infested with flukes or fringed tapeworms shall be condemned.

35:37-11-72. Emaciation

Carcasses of livestock too emaciated to produce wholesome meat, and carcasses that show a serous infiltration of muscle tissues, or a serous or mucoid degeneration of the fatty tissue, shall be condemned. A gelatinous change of the fat of the heart and kidneys of well-nourished carcasses and mere leanness shall not be classed as emaciation.

35:37-11-73. Injured animals slaughtered at unusual hour

When it is necessary for humane reasons to slaughter an injured animal at unusual hours or on weekends or a holiday when the inspector cannot be obtained, the carcass and all parts shall be kept for inspection, with the head and all viscera except the stomach, bladder, and intestines held by the natural attachments. If all parts are not kept for inspection, the carcass shall be condemned. If, on inspection of a carcass slaughtered in the absence of an inspector, any lesion or other evidence is found indicating that the animal was sick or diseased, or affected with any other condition requiring condemnation of the animal on ante-mortem inspection, or if there is lacking evidence of the

condition that rendered emergency slaughter necessary, the carcass shall be condemned.

35:37-11-74. Carcasses of immature exotic livestock

Carcasses of immature exotic livestock are unwholesome and shall be condemned if:

- (1) The meat has the appearance of being water-soaked, is loose, flabby, tears easily, and can be perforated with the fingers; or
- (2) Its color is grayish-red; or
- (3) Good muscular development as a whole is lacking, especially noticeable on the upper shank of the leg, where small amounts of serous infiltrates or small edematous patches are sometimes present between the muscles; or
- (4) The tissues that later develops as the fat capsule of the kidneys is edematous, dirty yellow, or grayish red, tough, and intermixed with islands of fat.

35:37-11-75. Unborn and stillborn animals

All unborn and stillborn animals shall be condemned and no hide or skin shall be removed from the carcass within a room in which edible products are handled.

35:37-11-76. Livers affected with carotenosis; livers designated as "telangiectatic", "sawdust", or "spotted"

- (a) Livers affected with carotenosis shall be condemned.
- (b) Bovidae, Cervidae, and Antilocapridae livers showing the conditions sometimes designated as "telangiectatic," "sawdust," or "spotted" shall be disposed of as follows:
 - (1) When any or all of the conditions are slight in the organ, the whole organ shall be passed for human food without restriction.
 - (2) When any or all of the conditions are more severe than slight and involve less than one-half of the organ, while in the remainder of the organ the conditions are slight or nonexistent, the remainder shall be passed for human food without restriction and the other portion shall be condemned.
 - (3) When any or all of the conditions are more severe than slight and involve one-half or more of the organ, the whole organ shall be condemned.
 - (4) The division of an organ into two parts as contemplated in this Paragraph for disposition, shall be accomplished by one cut through the organ. This, of course, does not prohibit incisions that are necessary for inspection.
- (c) "Telangiectatic," "sawdust," or "spotted" livers and parts of livers that are condemned for human food may be shipped from an official establishment only for purposes other than human food in accordance with 35:37-11-100.

35:37-11-77. Vesicular diseases

(a) Any carcass affected with a vesicular disease shall be condemned if the condition is acute and if the extent of the condition is such that it affects the entire carcass or there is evidence of absorption or secondary change.

(b) Any carcass affected with a vesicular disease to a lesser extent than as described in Subsection (a) of this Section may be passed for human food after removal and condemnation of the affected parts, if the carcass is healthy.

35:37-11-78. Listeriosis

Carcasses of livestock identified as Oklahoma Suspects because of a history of listeriosis may be passed for human food after condemnation of the head if the carcass is normal.

35:37-11-79. Anemia

Carcasses of livestock too anemic to produce wholesome meat shall be condemned.

35:37-11-80. Muscular inflammation, degeneration, or infiltration

(a) If muscular lesions are found to be distributed in a manner or to be of a character that removal is impractical, the carcass shall be condemned.

(b) If muscular lesions are found to be distributed in a manner or to be of a character that removal is impractical, the following rules shall govern the disposal of the carcasses, edible organs, and other parts of carcasses showing muscular lesions. If the lesions are localized in a manner and are of a character that the affected tissues can be removed, the non-affected parts of the carcass may be passed for human food after the removal and condemnation of the affected portion. If a part of the carcass shows numerous lesions, or if the character of the lesion is such that complete extirpation is difficult and uncertainly accomplished, or if the lesion renders the part in any way unfit for human food, the part shall be condemned.

(c) If the lesions are slight or of a character as to be insignificant from a standpoint of wholesomeness, the carcass or parts may be passed for use in the manufacture of comminuted cooked product, after removal and condemnation of the visibly affected portions.

35:37-11-81. Coccidioidal granuloma

(a) Carcasses that are affected with generalized coccidioidal granuloma or that show systemic changes because of disease shall be condemned.

(b) Carcasses affected with localized lesions of this disease may be passed for human food after the affected parts are removed and condemned.

35:37-11-82. Odors, foreign and urine

(a) Carcasses that give off a pronounced odor of medicinal, chemical, or other foreign substance shall be condemned.

(b) Carcasses that give off a pronounced urine odor shall be condemned.

(c) Carcasses, organs, or parts affected by odor to a lesser degree than as described in Subsections (a) and (b) of this Section and in which the odor can be removed by trimming or chilling may be passed for human food, after removal of affected parts or dissipation of the condition.

35:37-11-83. Biological residues

Carcasses, organs, or other parts of carcasses of exotic livestock shall be condemned if it is determined that they are adulterated because of the presence of any biological residues.

35:37-11-84. Tuberculosis

(a) The entire carcass shall be condemned if any of the following conditions occur:

(1) When the lesions of tuberculosis are generalized (tuberculosis is considered to be generalized when the lesions are distributed in a manner made possible only by entry of bacilli into the systemic circulation).

(2) When the animal was observed to have a fever on antemortem inspection that was found to be associated with an active tuberculosis lesion on postmortem inspection.

(3) When there is an associated cachexia.

(4) When a tuberculosis lesion is found in any muscle or intramuscular tissue, or bone, or joint or any abdominal organ or in any lymph node as a result of draining a muscle, bone, joint, or abdominal organ.

(5) When the lesions are extensive in organs and tissues of either the thoracic or the abdominal cavity.

(b) Carcasses may be passed without restriction for human food only when the carcass of an exotic animal not identified as a reactor to a tuberculin test administered by APHIS, State or accredited veterinarian specifically approved by the Director is found free of tuberculosis lesions during postmortem inspection.

(c) When the carcass of exotic livestock of the families, bovidae, cervidae and antilocapridae identified as a reactor to a tuberculin test administered by APHIS, State, or approved accredited veterinarian is found free of lesions of tuberculosis, the carcass may be passed for cooking. Carcasses and parts passed for cooking may be used for the preparation of meat food products, provided all carcasses or parts are heated to a temperature not lower than 170° F. for a period of not less than 30 minutes either before being used in or during the preparation of the finished product. Product passed for cooking will not be removed from an official establishment until properly cooked in

the official establishment or until arrangements acceptable to the Director have been made to adequately assure control over restricted product transported to another official establishment for cooking within the State of Oklahoma. Uncooked product that has been passed for cooking shall not be passed for use as animal food.

PART 23. OFFICIAL MARKS AND DEVICES

35:37-11-85. General

The marks and devices prescribed or referenced in this part shall be official marks and devices for the purposes of 2 O.S. Sections 6-290.1 through 6-290.13 and the rules of this Subchapter and shall be used in accordance with the provisions of this part and the rules cited therein.

35:37-11-86. Official marks and devices to identify inspected and passed carcasses and products of exotic livestock

The official inspection legend or mark of inspection required by this Subchapter to be applied to inspected and passed exotic livestock carcasses, parts of carcasses, products, containers of products, and labels for products, shall be in the form and wording illustrated in Appendix E of Chapter 37. The number "G-38" shown in the illustration is given as an example only. The establishment number, assigned by the Director, for the official establishment where exotic livestock are slaughtered and dressed, or product is prepared, shall be used in lieu of, except in ratites that shall bear the standard poultry stamp specified in 35:37-5-18. The size of the inspection legend shall be determined by the Director, and will be of sufficient proportion for the size of the carcasses, product packages, labels, and containers.

35:37-11-87. Official antemortem inspection marks and devices

The official marks and devices used in connection with antemortem inspection are those prescribed in 35:37-11-43.

35:37-11-88. Official seals for transportation of products

The official mark for use in sealing trucks or other means of conveyance as prescribed in Part 37 of this Subchapter shall be the inscription and serial number on any seal, approved by the Director for applying the mark. This seal shall be an official device for the purposes of 2 O.S. Section 6-290.9 and this Subchapter. This seal shall be attached to and removed from, the means of conveyance only by an authorized inspection employee.

35:37-11-89. Official marks and devices in connection with postmortem inspection and identification of adulterated products

and insanitary equipment and facilities

(a) The official marks required by Parts 15 and 20 of this Subchapter, for use in postmortem inspection and identification of adulterated products and insanitary equipment and facilities are:

(1) The "Oklahoma Retained" tag that is used to retain carcasses and parts of carcasses in the slaughter department; it is Red and White, and bears the legend "Oklahoma Retained." It is a four section tag used for all exotic livestock.

(2) The "Oklahoma Retained" mark that is applied to products and articles as prescribed in Part 20 of this Subchapter by means of a paper tag bearing the legend "Oklahoma Retained".

(3) The "Oklahoma Rejected" mark that is used to identify insanitary buildings, rooms, or equipment as prescribed in Part 15 of this Subchapter and is applied by means of a paper tag bearing the legend "Oklahoma Rejected."

(4) The "Oklahoma Passed for Cooking" mark is applied on products passed for cooking as prescribed in Part 20 of this Subchapter by means of a brand (stamp) and is in the form illustrated in Appendix E of this Chapter.

(5) The "Oklahoma Condemned" mark shall be applied to products condemned as prescribed in Part 20 of this Subchapter by means a of brand (stamp) and is in the form illustrated in Appendix Q of Chapter 15.

(b) The Oklahoma Retained and Oklahoma Rejected tags, and all other brands, stamps, labels, and other devices approved by the Director and bearing any official mark prescribed in this Section, shall be official devices for their prescribed purposes.

35:37-11-90. Official detention marks and devices

The official mark for articles and livestock detained under Part 41 of this Subchapter shall be the designation of "Oklahoma Retained" and the official device for applying the mark shall be the official tag as prescribed in 35:37-11-89(a)(2).

PART 25. HUMANE SLAUGHTER AND HANDLING OF EXOTIC LIVESTOCK

35:37-11-91. Humane slaughter requirements for mobile slaughter establishments

(a) It shall be required that all exotic livestock offered for slaughter at official mobile slaughtering establishments be stunned or killed in a humane manner with no undue distress or pain to the animal.

(b) The minimum acceptable results of the killing or stunning of exotic livestock shall in all cases be complete unconsciousness and surgical anesthesia of the animal before it is thrown, cast, or cut.

(c) It is understood that the stunning and killing of exotic livestock at official mobile slaughter establishments is

generally done with firearms, Therefore, the individual performing this task must be highly competent and skilled in performing any stunning or killing of exotic livestock.

(d) All firearms employed for the purpose of stunning or killing exotic livestock shall have sufficient power to discharge a projectile, whether factory loaded or a specially fabricated handload; of sufficient caliber, sufficient weight, and having sufficient mass and sectional density, with sufficient velocity, penetration, and resulting terminal energy; to consistently deliver complete unconsciousness with resulting surgical anesthesia or death to the animal with one shot. It is therefore recognized that small bore rimfire firearms are generally unacceptable for this task unless special permission for the use of these firearms is granted by the Director on an individual basis after due consideration of the shooting distances and of the species involved.

(e) Furthermore, the projectile shall be delivered into the animal's brain or cervical portion of the spinal column only. This is necessary to insure that gross destruction does not occur to other internal organs that are required to be inspected for proper postmortem disposition of the carcass.

(f) If the operator of the official mobile slaughtering establishment fails to meet any of the requirements of this Section, inspection services shall be immediately suspended by the inspector in charge until all requirements of this Section are complied with.

35:37-11-92. Pens, driveways, and ramps for exotic livestock

Pens, driveways, and ramps for exotic livestock are as specified in 9 CFR 313.1.

35:37-11-93. Handling of exotic livestock

Handling of exotic livestock is as specified in 9 CFR 313.2.

35:37-11-94. Acceptable methods of stunning

Acceptable methods of stunning are as specified in 9 CFR 313.15, and 313.30.

35:37-11-95. Tagging of equipment, alleyways, pens, or compartments to prevent inhumane slaughter or handling in connections with slaughter

Tagging of equipment, alleyways, pens, or compartments to prevent inhumane slaughter or handling in connection with slaughter is as specified in 9 CFR 313.50.

**PART 27. HANDLING AND DISPOSAL OF CONDEMNED CARCASSES AND PARTS
OR OTHER INEDIBLE PRODUCTS**

35:37-11-96. Carcasses of livestock condemned on antemortem

inspection not to pass through edible product areas

Carcasses of livestock condemned on antemortem inspection shall not be taken through rooms or compartments in which an edible product is prepared, handled, or stored.

35:37-11-97. Dead animal carcasses

(a) With the exception of dead exotic livestock that have died en route and are received with exotic livestock for slaughter at an official establishment, no dead animal or part of the carcass of any exotic livestock that died other than by slaughter may be brought on the premises of an official establishment unless advance permission is obtained from the Director.

(b) Under no circumstances shall the carcasses of any animal that has died other than by slaughter, or any part thereof, be brought into any room or compartment in which any edible product is prepared, handled, or stored.

35:37-11-98. 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 authorized inspector: Facilities and materials for carrying out the requirements in this Section shall be furnished by the official establishment.

(1) Steam treatment (that 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, that 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 Director approves that will decharacterize the carcasses or parts to the extent necessary to accomplish the purposes of this Section.

35:37-11-99. Specimens for education, research, or other nonfood

purposes

(a) Specimens of condemned or other inedible materials, including embryos and specimens of animal parasites, may be released for educational, research, or other nonfood purposes under permit issued by the Director: Provided, that the person desiring the specimens makes a written application to the Director for the permit and arranges with and receives permission from the official establishment to obtain the specimens. Permits shall be issued for a period not longer than one year. The Director may revoke the permit if the specimens are not used as stated in the application, or if the collection or handling of the specimens interferes with inspection or the maintenance of sanitary conditions in the establishment.

(b) The specimens referred to in Subsection (a) of this Section shall be collected and handled only at a time and place and in a manner as not to interfere with the inspection or to cause any objectionable condition and shall be identified as inedible when they leave the establishment.

35:37-11-100. Livers condemned because of parasitic infestation and for other causes

(a) Livers condemned due to fluke infestation may be shipped from an official establishment only for purposes other than human food and only if they are first freely slashed, then identified and handled as provided in this Subsection. The identification shall be accomplished by either; dipping the slashed livers in a hot solution composed of one part FD&C green No. 3 or methyl violet to 5,000 parts of water, followed by washing in fresh water until the washings are no longer colored; or the application of charcoal. The liver shall be either frozen or cooked as prescribed in this Paragraph. Freezing shall be preceded by chilling the livers to a temperature not above 40° F. Livers packed in containers not more than 7 inches thick shall then be held for a period of not less than 10 days at a temperature not higher than 15° F. or for a period of not less than 5 days at a temperature not higher than 10° F. Livers packed in containers over 7 inches but less than 27 inches thick shall be held not less than 20 days at a temperature not higher than 15° F., or for not less than 10 days at a temperature not higher than 10° F. In lieu of freezing, the livers may be thoroughly cooked. It is essential that the livers be sufficiently identified through discoloration by the dye or charcoal to preclude their use as human food. Freezing may be accomplished in the regular freezer in a properly separated compartment or receptacle held under lock or seal by the inspector.

(b) Livers condemned due to hydatids or fringed tapeworms may be shipped from an official establishment only for purposes other than human food and only if they are thoroughly cooked, slashed, and identified as provided in Subsection (a) of this Section.

(c) Livers condemned due to parasites other than flukes,

hydatids, or fringed tapeworms may be shipped from an official establishment without refrigeration or cooking but only for purposes other than food and only after slashing and identifying as indicated in Subsection (a) of this Section.

(d) Livers condemned for telangiectasis, angioma, "sawdust" condition, cirrhosis, or other nonmalignant change, being abscesses, or contamination, when these conditions are not associated with infectious diseases in the carcasses, may be shipped from an official establishment without refrigeration or cooking but only for purposes other than human food, and only if all tissue affected with abscesses is removed and destroyed within the establishment, and all the livers are slashed and identified as indicated in Subsection (a) of this Section or with any proprietary substances approved by the Director in specific cases.

(e) Livers identified as specified in this Section shall be placed in containers plainly marked "inedible" when shipped in commerce.

PART 29. DISPOSAL OF CARCASSES AND PARTS PASSED FOR COOKING

35:37-11-101. Carcasses and parts passed for cooking; utilization for food purposes after cooking

Carcasses and parts passed for cooking may be used for the preparation of meat food products, provided all the carcasses or parts are heated to a temperature not lower than 170 degrees F. for a period of not less than 30 minutes either before being used in or during the preparation of the finished product.

35:37-11-102. Disposal of products passed for cooking if not handled according to this part

Products passed for cooking if not handled and processed in accordance with the provisions of this part, shall be disposed of in accordance with 35:37-11-98.

PART 31. MARKING PRODUCTS AND PRODUCT CONTAINERS

35:37-11-103. Authorization required to make devices bearing official marks

No brand manufacturer, printer, or other person shall cast, print, lithograph, or make or cause to be made any device containing any official mark or simulation without prior written authority from the Director.

35:37-11-104. Approval required for official marks

No device containing any official mark shall be made or caused to be made for use on any product until approved by the Director.

35:37-11-105. Use of official marks prohibited except under supervision of authorized inspection employee; removal of official marks, when required

(a) No person shall affix or place, or cause to be affixed or placed, the official inspection legend or any other official mark, or any abbreviation or simulation of any official mark, to or on any product, or container, except under the supervision of an authorized inspection employee.

(b) No person shall fill, or cause to be filled, in whole or in part, with any product, any container bearing or intended to bear any official mark, or any abbreviation or simulation of any official mark, except under the supervision of an authorized inspection employee.

(c) Product bearing any official mark shall not be canned, cooked, cured, smoked, salted, packed, rendered, or prepared by any person for commercial purposes unless:

- (1) Preparation is performed at an official establishment; or
- (2) Preparation is conducted under State or other recognized governmental inspection and the prepared product is marked to show that fact; or
- (3) The official marks are removed, defaced, or destroyed before or during preparation; or
- (4) The preparation of the product consists solely of cutting up operations at any establishment exempted from inspection under 2 O.S. Section 6-290.5 A(1).

35:37-11-106. Marking devices

(a) The operator of each official establishment shall furnish ink brands, burning brands, and any other devices for marking products with official marks as the Director may determine is necessary for marking products at the establishment. The official inspection legend or device shall be as prescribed in Part 23 of this Subchapter.

(b) All official devices for marking products with the official inspection legend, or other official marks, including self-locking seals, shall be used only under supervision of an authorized inspection employee and, when not in use for marking shall be kept locked in properly equipped lockers or compartments, the keys shall not leave the possession of the inspector, or the locker or compartment, shall be sealed with an official seal as prescribed in Part 23 of this Subchapter.

35:37-11-107. Branding ink; to be furnished by official establishment; approval by the Director; color

(a) The operator of each official establishment shall furnish all ink for marking products with the official marks at the establishment. Ink must be made with harmless ingredients that are approved for the purpose by the Director. Samples of ink

shall be submitted to the State laboratory from time to time as deemed necessary by the inspector in charge.

(b) Only ink approved for the purpose shall be used to apply ink brands bearing official marks to carcasses of exotic livestock and fresh meat cuts derived therefrom. Any ink containing FD&C violet No. 1 shall not be considered an approved ink within the meaning of this Section.

(c) Green ink shall not be used to apply marks to carcasses of exotic livestock or fresh meat cuts derived therefrom.

(d) Except as provided in Subsection (b) of this Section, blue or purple branding ink, approved for the purpose by the Director in specific cases, may be used to apply ink brands, bearing official marks, to processed meat cuts derived from exotic livestock

(e) Ink used must assure legibility and permanence of the markings and the color of ink shall provide acceptable contrast with the color of the product to which it is applied.

35:37-11-108. Products not to be removed from official establishments unless marked in accordance with the rules

No person shall remove or cause to be removed from an official establishment any products that the rules in this Subchapter require to be marked in any way unless they are clearly and legibly marked in compliance with the rules.

35:37-11-109. Marking devices not to be false or misleading; style and size of lettering; approval required

No brand or other marking device shall be false or misleading. The letters and figures shall be of a style and type as will make a clear and legible impression. All markings to be applied to products in an official establishment shall be approved prior to use by the Director as provided for in 35:37-11-115.

35:37-11-110. Products to be marked with official marks

Each carcass that has been inspected and passed in an official establishment shall be marked at the time of inspection with the official inspection legend containing the number of the official establishment.

35:37-11-111. Marking of outside containers

(a) When any inspected and passed product for domestic commerce is moved from an official establishment, the outside container shall bear an official inspection legend as prescribed in Part 23 of this Subchapter.

(b) When any product prepared in an official establishment for domestic commerce has been inspected and passed and is enclosed in a cloth or other wrapping, the wrapping shall bear the official inspection legend and official establishment number applied by the approved brand in the form prescribed in Part 23

of this Subchapter; Provided, that the brand may be omitted if the official inspection legend and official establishment number on the product itself are clearly legible through the wrapping, or the wrapping is labeled in accordance with Part 33 of this Subchapter: Provided further, that plain unprinted wrappings, such as stockinettes, cheesecloth, paper, and crinkled paper bags, for properly marked products, that are used solely to protect the product against soiling or excessive drying during transportation or storage, need not bear the official inspection legend.

(c) The outside containers of any product that has been inspected and passed for cooking, shall bear the markings prescribed in Part 37 of this Subchapter.

35:37-11-112. Custom prepared products to be marked "not for sale"

Carcasses and parts of carcasses that are prepared on a custom basis shall be marked at the time of preparation with the term "Not for Sale" in letters at least three-eighths inch (3/8) in height, except that products need not be marked if in immediate containers properly labeled in accordance with the rules in 35:37-11-125. Ink used for marking the products must comply with the requirements of 35:37-11-107.

PART 33. LABELING

35:37-11-113. Labels required; supervision by inspector

(a) When, in an official establishment, any inspected and passed product is placed in any receptacle or covering constituting an immediate container, there shall be affixed to the container a label as described in 35:37-11-114 except that the following do not have to bear a label.

(1) Wrappings of dressed carcasses and primal parts in an unprocessed state, bearing the official inspection legend, if the wrappings are intended solely to protect the product against soiling or excessive drying during transportation or storage and the wrappings bear no information except company brand names, trade marks, or code numbers that do not include any information required by 35:37-11-114;

(2) Uncolored transparent coverings, such as cellophane, that bear no written, printed, or graphic matter and that enclose any unpackaged or packaged product bearing all markings required by Part 31 of this Subchapter that are clearly legible through the coverings;

(3) Animal and transparent artificial casings bearing only the markings required by this Subchapter;

(4) Stockinettes used as "operative devices", such as those applied to cured meats in preparation for smoking, whether or not the stockinettes are removed following completion of the operations for which they were applied;

(5) Containers such as boil-in bags, trays of frozen dinners, and pie pans that bear no information except company brand names, trademarks, code numbers, directions for preparation and serving suggestions, and that are enclosed in a consumer size container that bears a label as described in 35:37-11-114;

(6) Containers of products passed for cooking or refrigeration and moved from an official establishment under 35:37-11-57.

(b) Folders and similar coverings made of paper or similar materials, whether or not they completely enclose the product and that bear any written, printed, or graphic matter, shall bear all features required on a label for an immediate container.

(c) No covering or other container that bears or is to bear a label shall be filled, in whole or in part, except with product that has been inspected and passed in compliance with the rules in this Subchapter, that is not adulterated and that is strictly in accordance with the statements on the label. No container shall be filled, in whole or in part, and no label shall be affixed to the container, except under supervision of an inspector.

35:37-11-114. Labels; required features

(a) Any word, statement, or other information required by this part to appear on the label must be prominently placed thereon with such conspicuousness (as compared with words, statements, designs, or devices, in the labeling) and in terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use. In order to meet this requirement, information must appear on the principal display panel except as otherwise permitted in this part.

(b) Labels of all products shall show the following information on the principal display panel (except as otherwise permitted in this part), in accordance with the requirements of this Part.

(1) The name of the product, which in the case of a product that purports to be or is represented as a product for which a definition and standard of identity or composition is prescribed, shall be the name of the food specified in the standard, and in the case of any other product shall be the common or usual name of the food, if any, and if there is none, a truthful descriptive designation, as prescribed in Subsection (d) of this Section;

(2) If the product is fabricated from two or more ingredients, the word "ingredients" followed by a list of the ingredients as prescribed in Subsection (e) of this Section;

(3) The name and place of business of the manufacturer, packer, or distributor for whom the product is prepared, as prescribed in Subsection (f) of this Section;

(4) An accurate statement of the net quantity of contents, as prescribed in Subsection (g) of this Section;

(5) An official inspection legend and, except as provided in Subsection (h) of this Section, the number of the official establishment, in the form required by Part 23 of this Subchapter;

(6) Any other information necessary for the safe handling and storage of the product as required by the rules in this Part.

(c) The principal display panel shall be the part of a label that is most likely to be displayed, presented, shown, or examined under customary conditions of display for sale. Where packages bear alternate principal display panels, information required to be placed on the principal display panel shall be duplicated on each principal display panel. The principal display panel shall be large enough to accommodate all the mandatory label information required to be placed thereon with clarity and conspicuousness and without obscuring of the information by designs or vignettes or crowding. In determining the area of the principal display panel, exclude tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles or jars. The principal display panel shall be:

(1) in the case of a rectangular package, one entire side, the area of which is at least the product of the height times the width of that side.

(2) in the case of a cylindrical or nearly cylindrical container:

(A) An area that is 40 percent of the product of the height of the container times the circumference of the container, or

(B) an area of at least one third of the product of the height times the circumference of the container; if immediately to the right or left of the area, there is an area reserved for information prescribed in Subsection (b), Paragraphs (2),(3), and (5) of this Section, equal to not more than 20 percent of the circumference.

(3) in the case of a container of any other shape, 40 percent of the total surface of the container.

(d) Any descriptive designation used as a product name for a product that has no common or usual name shall clearly and completely identify the product. Product that has been prepared by salting, smoking, drying, cooking, chopping, or other means shall be described on the label unless the name of the product implies, or the manner of packaging shows, that the product was subjected to the preparation. The unqualified terms "meat," "meat byproduct," "meat food product," and terms common to the meat industry but not common to consumers such as "picnic," "butt", "cala," "square," loaf," "spread, "delight," "roll," "plate," "luncheon," and "daisy" shall not be used as names of a product unless accompanied with terms descriptive of the product or with a list of ingredients, as deemed necessary in any specific case by the Director in order to assure that the label will not be false or misleading.

(e) The list of ingredients shall show the common or usual names of the ingredients arranged in their descending order of predominance, except as otherwise provided in this Subsection.

(1) The terms "flavorings" may be used to designate natural spices, essential oils, oleoresins and other natural spice extractives, and the term "spices" may be used to designate natural spices, without naming each.

(2) The term "corn syrup" may be used to designate either corn syrup or corn syrup solids.

(3) When a product is coated with fat, gelatin, or other approved substance and a specific declaration of the coating appears contiguous to the name of a product, the ingredient statement need not make reference to the ingredients of the coating.

(4) On containers of frozen dinners, entrees, and similarly packaged consumer sized products in cartons, the ingredient statement may be placed on the front riser panel: Provided, that the words "see ingredients" followed immediately by an arrow is placed on the principal display panel immediately above the location of the statement without intervening print or designs.

(f) The name or trade name of the person that prepared the product may appear as the name of the manufacturer or packer without qualification on the label. Otherwise the name of the distributor of the product shall be shown with a phrase such as "Prepared for ***." The place of business of the manufacturer, packer or distributor shall be shown on the label by city, state, and postal zip code when the business is listed in a telephone or city directory, and if not listed in a directory, then the place of business shall be shown by street address, city, state, and postal zip code. The name and place of business of the manufacturer, packer, or distributor may be shown:

(1) On the principal display panel or

(2) On the 20 percent panel adjacent to the principal display panel reserved for required information or

(3) On the front riser panel of frozen food cartons.

(g) The requirements for the statement of net quantity of contents are:

(1) The statement of net quantity of contents shall appear on the principal display panel of all containers to be sold at retail intact and shall appear on all containers in conspicuous and easily legible boldface print or type in distinct contrast to other matter on the package and shall be declared in accordance with the provisions of this Subsection.

(2) The statement as it is shown on a label shall not be false or misleading and shall express an accurate statement of the quantity of contents of the container exclusive of wrappers and packing substances. Reasonable variations caused by loss or gain of moisture during the course of good distribution practices or by unavoidable deviations in good

manufacturing practice will be recognized. Variations from stated quantity of contents shall not be unreasonably large.

(3) The statement shall be placed on the principal display panel within the bottom 30 percent of the area of the panel in lines generally parallel to the base: Provided, that on packages having a principal display panel of 5 square inches or less, the requirement for placement within the bottom 30 percent of the area of the label panel shall not apply when the statement meets the other requirements of this Subsection. In any case, the statement may appear in more than one line, The terms "net weight" or "net wt." shall be used when stating the net quantity of contents in terms of weight, and the term "net contents" or "content" when stating the net quantity of contents in terms of fluid measure.

(4) Where no general consumer usage to the contrary exists, the statement shall be in terms of liquid measure, if the product is liquid, or in terms of weight if the product is solid, semi-solid viscous or a mixture of solid and liquid. For example, a declaration of 3/4 pound avoirdupois weight shall be expressed as "Net Wt. 12 oz. except as provided for in Paragraph (5) of this Subsection for random weight packages; a declaration of 1 1/2 pounds avoirdupois weight shall be expressed as "Net Wt. 24 oz. (1 1/2lbs.)" or "Net Wt. 24 oz. (1.5 lbs.)."

(5) On packages containing 1 pound or 1 pint and less than 4 pounds or 1 gallon, the statement shall be expressed as a dual declaration both in ounces and (immediately thereafter in parenthesis) in pounds, with any remainder in terms of ounces or common or decimal fraction of pound, or in the case of liquid measure, in the largest whole units with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart, except that on random weight packages the statement shall be expressed in terms of pounds and decimal fractions of the pound carried out to not more than two decimal places, for packages over 1 pound, and for packages which do not exceed 1 pound the statement may be in decimal fractions of the pound in lieu of ounces.

(6) The statement shall be in letters and numerals in type size established in relationship to the area of the principal display panel of the same package and shall be uniform for all packages of substantially, the same size by complying with the following type specifications:

(A) Not less than one-sixteenth inch in height on packages, the principal display panel of which has an area of 5 square inches or less;

(B) Not less than one-eighth inch in height on packages, the principal display panel that has an area of more than 5 but not more than 25 square inches;

(C) Not less than three-sixteenths inch in height on packages, the principal display panel of which has an area

of more than 25 but not more than 100 square inches.

(D) Not less than one-quarter inch in height on packages, the principal display panel of which has an area of more than 100 but not more than 400 square inches.

(E) Not less than one-half inch in height on packages, the principal display panel of which has an area of more than 400 square inches.

(7) The ratio of height to width of letters and numerals shall not exceed a differential of 3 units to 1 unit (no more than 3 times as high as it is wide). Heights pertain to upper case of capital letters. When upper and lower case or all lower case letters are used, it is the lower case letter "o" or its equivalent that shall meet the minimum standards. When fractions are used, each component numeral shall meet one-half the height in standards.

(8) The statement shall appear as a distinct item on the principal display panel and shall be separated by a space at least equal to the height of the lettering used in the statement from other printed label information appearing above or below that statement and by a space at least equal to twice the width of the letter "N" of the style of type used in the quantity of contents statement from other printed label information appearing to the left or right of the statement. It shall not include any term qualifying a unit of weight, measure, or count such as "jumbo quart," "full gallon," "giant quart," "when packed," "Minimum" or words of similar import.

(9) The following exemptions from the requirements contained in this Subsection are hereby established.

(A) Individually wrapped and labeled packages of less than 1/2 ounce net weight that are in a shipping container, need not bear a statement of net quantity of contents as specified in this Subsection when the statement of net quantity of contents on the shipping container meets the requirements of this Subsection.

(B) Random weight consumer size packages bearing labels declaring net weight, price per pound, and total price, shall be exempt from the type size, dual declaration and placement requirements of this Subsection, if an accurate statement of net weight is shown conspicuously and on the principal display panel of the package.

(10) Labels for containers that bear any representation as to the number of servings contained therein shall bear, contiguous to the representation, and in the same size type as is used for the representation, a statement of the net quantity of each serving.

(11) As used in this Section a "random weight package" is one that is one of a lot, shipment, or delivery of packages of the same product with varying weights and with no fixed weight pattern.

(12) On a multiunit retail package, a statement of the net

quantity of contents shall appear on the outside of the package and shall include the number of individual units, the quantity of each individual unit, and in parentheses, the total net quantity of contents of the multiunit package in terms of avoirdupois or fluid ounces, except that the declaration of total quantity need not be followed by an additional parenthetical declaration in terms of the largest whole units and Subdivisions thereof, as required by Paragraph (5) and of this Subsection. For the purposes of this Subsection, "multiunit retail package" means a package containing two or more individually packaged units of the identical commodity and in the same quantity, with the individual packages intended to be sold as part of the multiunit retail package but capable of being individually sold in full compliance with all requirements of the rules in this Part. Open multiunit retail packages that do not obscure the number of units and the labeling thereon are not subject to this Subsection if the labeling of each individual unit complies with the requirements of Paragraphs (2), (3), (5), and (8) of this Subsection. On multiunit retail packages, consisting of varied cuts, in the same package destined for resale as a complete unit, shall be labeled to indicate species, proper name of each cut and net weight of each cut or component part. In addition, the total net contents of the entire unit will be shown along with other label features.

(h) The requirements for the inspection legend and establishment number are:

(1) The official establishment number shall be either embossed or lithographed on all hermetically sealed metal, plastic or glass containers of products fully processed within the containers in an official establishment, except that the containers that bear labels lithographed directly on the container and in which the establishment number is incorporated need not have the establishment number separately embossed or lithographed thereon. Labels shall not be affixed to containers so as to obscure the embossed or lithographed establishment number.

(2) When any product is placed in a carton or in a wrapper of paper or cloth or in any other type of container approved by the Director, that is labeled in accordance with this Part, the official inspection legend and the official establishment number as specified in Subsection (b) of this Section, may be applied by means of a sticker to be securely and prominently affixed, along with the name of the product, at a place on the label reserved for the purpose. In case there are two or more display panels featuring the name of product, the inspection sticker shall be affixed to each panel.

(3) The official establishment number may be omitted from the official inspection legend on the immediate containers of frozen dinners and pies, and similarly packaged products when

the official establishment number is placed on an end panel at the time of packaging and when it is presented on a single colored background in a prominent and legible manner in a size sufficient to insure easy recognition.

(4) The official establishment number may be omitted from the official inspection legend on consumer size packages of sliced meat food products when the official establishment number is printed on the label at the time of packaging and when it is presented on a single colored background in a prominent and legible manner in a size sufficient to insure easy recognition.

(5) The official establishment number may be omitted from the official inspection legend on consumer size containers of meat food products in aluminum pans or trays when the official establishment number is embossed on the pans or trays and when a statement such as "Est. No. on Pan" is placed contiguous to the official inspection legend on the container.

(6) The official establishment number may be omitted from the official inspection legend printed on artificial casings or bags enclosing meat food products when the official establishment number is etched in ink on a flat surface of a metal clip used to close the container in a prominent and legible manner in a size sufficient to insure easy recognition and when a statement, such as, "Est. No. on Metal Clip" is placed contiguous to the official inspection legend on the casing or bag.

(7) The official establishment number may be omitted from the official inspection legend printed on paper labels of canned products when the official establishment number is printed on the principal display panel at the time of labeling the container, or the official establishment number may be printed on the back of the paper label when the statement "Est. No. On Back of Label" is printed contiguous to the official legend, in a prominent and legible manner in a size sufficient to insure easy recognition.

(i) Labels of any product within any of the following Paragraphs shall show the information required by the Paragraph for the product:

(1) A label for product that is an imitation of another food shall bear the word "imitation" immediately preceding the name of the food imitated and in the same size and style of lettering as in that name and immediately thereafter the word "ingredients" and the names of the ingredients arranged in the order of their predominance.

(2) If a product purports to be or is represented for any special dietary use by man, its label shall bear a statement concerning its vitamin, mineral, and other dietary properties upon which the claim for use is based in whole or in part and shall be in conformity with rules the Director may prescribe.

(3) When an approved artificial smoke flavoring or an

approved smoke flavoring is added as an ingredient in the formula of a meat food product, there shall appear on the label, in prominent letters and contiguous to the name of the product, a statement such as "Artificial Smoke Flavoring Added" or "Smoke Flavoring Added," as may be applicable, and the ingredient statement shall identify any artificial smoke flavoring so added as an ingredient in the formula of the meat food product.

(4) When any other artificial flavoring is to be added to a product, the ingredient statement shall identify it as "Artificial Flavoring."

(5) When product is placed in a casing to which artificial coloring is applied there shall appear on the label, in a prominent manner and contiguous to the name of the product, the words, "Artificially colored."

(6) If a casing is removed from product at an official establishment and there is evidence of artificial coloring on the surface of the product, there shall appear on the label, in a prominent manner and contiguous to the name of product, the words "Artificially colored."

(7) When a casing is colored prior to its use as a covering for product and the color is not transferred to the product enclosed in the casing, no reference to color need appear on the label but no casing may be used if it is misleading or deceptive with respect to color, quality, or kind of product, or otherwise.

(8) Product that bears or contains any other artificial coloring shall bear a label stating that fact on the immediate container or if there is none, on the product.

(9) When an antioxidant is added to product as permitted under Part 35 of this Subchapter, there shall appear on the label in prominent letters and contiguous to the name of the product, a statement identifying the officially approved specific antioxidant by its common name or abbreviation thereof and the purpose for which it is added, such as, "BHA, BHT and Propylgallate added to help protect flavor."

(10) Containers or other product packed in, bearing, or containing any chemical preservative shall bear a label stating that fact.

(j) Packaged products that require special handling to maintain their wholesome condition shall have prominently displayed on the principal display panel of the label the statement: "Keep Refrigerated," "Keep Frozen," "Perishable Keep Under Refrigeration," or a similar statement as the Director may approve in specific cases. Products that are distributed frozen during distribution and thawed prior to or during display for sale at retail shall bear the statement on the shipping container: "Keep Frozen." The consumer-size container for the products shall bear the statement "Previously Handled Frozen for Your Protection, Refreeze or Keep Refrigerated." For all

perishable canned products the statement shall be shown in upper case letters one-fourth inch in height for containers having a net weight of 3 pounds or less, and for containers having a net weight over 3 pounds, the statement shall be in upper case letters at least one-half inch in height.

35:37-11-115. Preparation of marking devices bearing inspection legend without advanced approval prohibited

Except for the purpose of submitting a sample or samples of the same to the Director for approval, no person shall procure, make or prepare, or cause to be procured, made, or prepared, labels, brands, or other marking devices bearing the inspection legend or any abbreviations, copy or representation thereof, for use on any product without the written authority of the Director. However, when any sample label, brand, or other marking device is approved by the Director, new supplies of the labels and new brands and other marking devices of a character exactly similar to the approved samples may be procured, made, or prepared, for use in accordance with the rules in this Subchapter, without further approval by the Director.

35:37-11-116. Labels to be approved by director

(a) Except as provided in Subsection (d) of this Section no label shall be used on any product until it has been approved in its final form by the Director. For the convenience of the establishment, sketches or proofs of new labels may be submitted in triplicate through the inspector in charge to the Director for approval and the preparation of finished labels deferred until the approval is obtained. All finished labels shall be submitted in triplicate through the inspector in charge to the Director for approval. Postage fees for submittal of labels or sketches shall be at the establishment's expense.

(b) In case of lithographed labels, paper takeoffs in lieu of Section of the metal containers shall be submitted for approval. The paper takeoffs shall be in the form of a negative but shall be a complete reproduction of the label as it will appear on the package, including any color scheme involved. In case of fiber containers, printed layers, such as the kraft paper sheets, shall be submitted for approval in lieu of the complete container.

(c) Inserts, tags, liners, pasters, and like devices containing printed or graphic matter and for use on, or to be placed within, containers and coverings of product shall be submitted for approval in the same manner as provided for labels in Subsection (a) of this Section, except that the inspector in charge may permit use of the devices that contain no reference to product and bear no misleading feature.

(d) Stencils, labels, box dies, and brands may be used on shipping containers and on immediate containers as tierces, barrels, drums, boxes, crates, and large-size fiberboard containers provided the markings are applicable to the product,

are not false or deceptive, and are used with the approval of the inspector in charge. The inspection legend for use in combination with markings shall be approved by the Director.

35:37-11-117. Inspector in charge may permit modifications of approved labels

The inspector in charge may permit modification of approved labels, or markings, under the following circumstances, provided the labeling or marking as modified is used as not to be false or misleading:

- (1) When all features of the label or marking are proportionately enlarged and the color scheme remains the same;
- (2) When there is substitution of the abbreviations as "lb." for "pound," or "oz." for "ounce," or the word "pound" or "ounce" is substituted for the abbreviations;
- (3) When a master or stock label has been approved from which the name and address of the distributor are omitted and the name and address are applied before being used (in such case, the words "prepared for" or similar statement must be shown together with the blank space reserved for the insertion of the name and address when the labels are offered for approval);
- (4) When during Christmas and other holiday seasons, wrappers or other covers bearing floral or foliage designs or illustrations of rabbits, chicks, fireworks, or other emblematic holiday designs are used with approved labels or markings. (The use of the designs will not make necessary the application of labeling not otherwise required);
- (5) When there is a slight change in arrangement of directions pertaining to the opening of cans or the serving of the product;
- (6) When there is a change in the quantity of an ingredient shown in the formula without a change in the order of predominance shown on the label: Provided, that the change in quantity of ingredients complies with any minimum or maximum limits for the use of an ingredients prescribed in Parts 35 and 37 of this Subchapter.

35:37-11-118. Approved labels to be used only on products to which they are applicable

Labels shall be used only on products for which they are approved, and only if they have been approved for the products: Provided, that existing stocks of labels approved prior to the effective date of this Section and the quantity of which has been identified to the inspector in charge as being in storage on said date at the official establishment or other identified warehouse for the account of the operator of the official establishment may be used until the stocks are exhausted, but not later than one year after the effective date of this Section unless the labels

conform to all the requirements of this Part. The Director may upon the show of good cause grant individual extensions of times as deemed necessary.

35:37-11-119. False or misleading labeling or practices

No product or any of its wrappers, packaging, or other containers shall bear any false or misleading marking, label, or other labeling and no statement, word, picture, design, or device that conveys any false impressions or gives any false indication of origin or quality or is false or misleading shall appear in any marking or other labeling. No product shall be wholly or partly enclosed in any wrapper, packaging, or other container that is made, formed, or filled as to be misleading.

35:37-11-120. Reuse of official inspection marks, reuse of containers bearing official marks, labels, etc.

(a) No official inspection legend or other official mark that has been previously used shall be used again for the identification of any product, except as provided for in Subsection (b) of this Section.

(b) All stencils, marks, labels, or other labeling on previously used containers, whether relating to any product or otherwise, shall be removed or obliterated before the containers are used for any product, unless the labeling correctly indicates the product to be packed therein and the containers are refilled under the supervision of an inspector.

35:37-11-121. Labeling, filling of containers, handling of labeled products to be only in compliance with rules

(a) No person shall in any official establishment apply or affix, or cause to be applied or affixed, any label to any product prepared or received in an establishment, or to any container, or fill any container at an establishment, except in compliance with the rules in this Subchapter.

(b) No covering or other container shall be filled, in whole or in part, at any official establishment with any product unless it has been inspected and passed in compliance with the rules in this Subchapter, it is not adulterated, and is strictly in accordance with the statements on the label, and the filling is done under the supervision of an inspector.

(c) No person shall remove, or cause to be removed from an official establishment any product bearing a label unless the label is in compliance with the rules in this Subchapter, or any product not bearing a label required by the rules.

35:37-11-122. Relabeling products; requirements

When it is claimed by an official establishment that any of its products that bore labels bearing official marks has been transported to a location other than an official establishment,

and it is desired to relabel the product because the labels have become mutilated or damaged, a request for relabeling the product shall be sent to the Director, accompanied with a statement of the reasons. Labeling material intended for relabeling inspected and passed product shall not be transported from an official establishment until permission has been received from the Director. The relabeling of inspected and passed product with labels bearing any official marks shall be done under the supervision of an inspector. The official establishment shall reimburse the Meat Inspection Services, in accordance with the rules of the Board, for any cost involved in supervising the relabeling of the product.

35:37-11-123. Storage and distribution of labels and containers bearing official marks

Labels, wrappers, and containers bearing any official marks, with or without the establishment number, may be transported from one official establishment to any other official establishment provided the shipments are made with the prior authorization of the inspector in charge at point of origin, who will notify the inspector in charge at destination concerning the date of shipment, quantity, and type of labeling material involved. No material shall be used at the establishment to which it is shipped unless the use conforms with the requirements of this Subchapter.

35:37-11-124. Reporting of obsolete labels

Once a year or more often if necessary, the operator of each official establishment shall submit to the Director in quadruplicate, a list of approved labels no longer used or a list of the documents issued by the Director approving the labels involved. The approved labels shall be identified by the approved number, the date of approval, and the name of the product, or other designation showing the class of labeling material.

35:37-11-125. Labeling and containers of custom prepared products

(a) Products that are custom prepared must be packaged immediately after preparation and labeled in lieu of information otherwise required by this Part with the following information in accordance with 35:37-11-114 conspicuously displayed on the principal display panel:

- (1) The words "Not for Sale" in lettering not less than three-eighths inches in height;
- (2) The name of the product.
- (3) The word "ingredients" followed by a list of ingredients if the product is made from two or more ingredients;
- (4) The name and place of business of the custom operator who prepared the product;

- (5) An accurate statement of the quantity of contents;
 - (6) Handling instructions, if necessary, to insure that the public will be informed of the manner of handling required to maintain the product in a wholesome condition; and
 - (7) Any other information required to appear on the label, except the official inspection legend.
- (b) The exempted custom prepared products shall not have false or misleading labeling on containers or be misbranded.

**PART 35. ENTRY INTO OFFICIAL ESTABLISHMENT; REINSPECTION AND
PREPARATION OF PRODUCTS**

35:37-11-126. Products and other articles entering official establishments

(a) Except as otherwise provided in Subsections (e) and (f) of this Section or 35:37-11-134, no product shall be brought into an official establishment unless it has been prepared only in an official establishment, State or Federal, and previously inspected and passed by such and is identified by an official inspection legend as inspected and passed. Products received in an official establishment during the inspector's absence shall be identified and maintained in a manner acceptable to the inspector. Product entering any official establishment shall not be used or prepared until it has been reinspected in accordance with 35:37-11-127. Any product originally prepared at any official establishment may not be returned into any part of establishment, except the receiving area approved under 35:37-11-128, until it has been reinspected by the inspector.

(b) The operator of the official establishment shall furnish information as is necessary to determine the origin of any product or other article entering the official establishment. Information shall include, but is not limited to, the name and address of the seller or supplier, transportation company, agent, or broker involved in the sale or delivery of the product or article in question.

(c) Every article for use as an ingredient in the preparation of meat food products, when entering any official establishment and at all times while it is in the establishment, shall bear a label showing the name of the article, the amount or percentage of any substances restricted by this Part or Part 33 of this Subchapter, and a list of ingredients in the article if composed of two or more ingredients. In addition, the label must show the name and address of the shipper.

(d) Dyes, chemicals, or other substances, the use of which is restricted to certain products, may be brought into or kept in an

official establishment only if the products are prepared at the establishment. No prohibited dye, chemical, preservative or other substance shall be brought into or kept in an official establishment.

(e) Carcasses of game animals, and carcasses derived from the slaughter by any person of livestock of the person's own raising and parts of the carcasses, may be brought into an official establishment for preparation, packaging, and storing in accordance with the provisions of this Subchapter.

(f) Glands and organs, such as cotyledons, ovaries, prostrate glands, tonsils, spinal cords, and detached lymphatic, pineal, pituitary, parathyroid, suprarenal, pancreatic and thyroid glands, used in preparing pharmaceutical, organotherapeutic or technical products and that are not used as human food (whether or not prepared at official establishments) may be brought into and stored in edible product departments of inspected establishments if packaged in suitable containers so that the presence of the glands and organs will in no way interfere with the maintenance of sanitary conditions or constitute an interference with inspection. Glands or organs that are regarded as human food products, such as livers, testicles, and thymus glands, may be brought into official establishments for pharmaceutical organotherapeutic or technical purposes, only if inspected and passed and identified.

(g) Any product or other article that is brought into an official establishment contrary to any provision of this Section may be required by the Director to be removed immediately from the establishment by the operator, and failure to comply with the requirement shall be deemed a violation of this Subchapter.

35:37-11-127. Reinspection, retention, and disposal of exotic livestock products at official establishments

(a) All products brought into any official establishment shall be identified by the operator of the official establishment at the time of receipt at the official establishment and shall be subject to reinspection by an inspector at the official establishment in a manner and at times as may be deemed necessary by the District Supervisor to assure compliance with the rules in this Subchapter.

(b) All products, whether fresh, cured, or prepared, even though previously inspected and passed, shall be reinspected by authorized inspection employees as often as the inspector may deem necessary in order to ascertain that the products are not adulterated or misbranded at the time the products enter or leave official establishments and that the requirements of the rules in this Subchapter are complied with.

(c) Reinspection may be accomplished through use of statistically sound sampling plans that assure a high level of confidence. The District Supervisor shall designate the type of plan and the inspector shall select the specific plan to be used

in accordance with instructions issued by the District Supervisor.

(d) An Oklahoma retained tag shall be placed by an inspector at the time of reinspection at any official establishment on all products that are suspected on reinspection of being adulterated or misbranded, and the products shall be held for further inspection. The tags shall be removed only by authorized inspection employees. When further inspection is made, if the product is found to be adulterated, all official inspection legends or other official marks for which the product is found to be ineligible under the rules in this subchapter, shall be removed or defaced and the product will be subject to condemnation and disposal in accordance with Part 27 of this Subchapter, except that a determination regarding adulteration may be deferred if a product has become soiled or unclean by falling on the floor or in any other accidental way or if the product is affected with any other condition that the inspector deems capable of correction, in that case the product shall be cleaned (including trimming if necessary) or handled in a manner approved by the inspector to assure that it will not be adulterated or misbranded and shall then be presented for reinspection and disposal in accordance with this Section. If upon final inspection, the product is found to be neither adulterated nor misbranded, the inspector shall remove the Oklahoma retained tag. If a product is found upon reinspection to be misbranded, it shall be held under an Oklahoma retained tag, pending correction of the misbranding, or the institution of a judicial seizure action or other appropriate action. The inspector shall make a complete record of each transaction under this Subsection and shall report the action to the district supervisor.

35:37-11-128. Designation of places of receipt of products and other articles for reinspection

Every official establishment shall designate, with the approval of the Circuit Supervisor, a dock or place at which products and other articles subject to reinspection under 35:37-11-127 shall be received, and the products and articles shall be received only at the dock or place.

35:37-11-129. Preparation of products to be officially supervised; responsibilities of official establishments

(a) All processes used in curing, pickling, rendering, canning, or preparing any product in official establishments shall be supervised by authorized inspectors. No fixtures or appliances, such as tables, trucks, trays, tanks, vats, machines, implements, cans or containers of any kind, shall be used unless they are of such materials and construction as will not contaminate or adulterate the product and are clean and sanitary. All steps in the preparation of edible products shall be conducted carefully

and with strict cleanliness in rooms or compartments separate from those used for inedible products.

(b) It shall be the responsibility of the operator of every official establishment to comply with the Act and the rules in this Subchapter. In order to effectively carry out the operator's responsibility, the operator of the establishment shall institute appropriate control programs to assure the maintenance of the establishment and the preparation, marking, labeling, packaging and other handling of its product strictly in accordance with the sanitary and other requirements of this Subchapter. The efficiency of the control programs will be subject to review by an authorized inspector.

35:37-11-130. Requirements concerning procedures

(a) Care shall be taken to assure that product is not adulterated when placed in the freezer. If there is doubt as to the soundness of any frozen product, the inspector will require the defrosting and reinspection of a sufficient quantity of the product to determine its actual condition. Frozen product may be defrosted in water or pickle in a manner and with the use of facilities that are acceptable to the inspector. Before the product is defrosted, careful examination shall be made to determine its condition. If necessary, this examination shall include defrosting of representative samples by means other than in water or pickle.

(b) Care shall be taken to remove bones and parts of bones from product that is intended for chopping.

(c) Kidneys for use in the preparation of meat food products shall first be freely sectioned and then thoroughly soaked and washed. All detached kidneys, shall be inspected before being used in or shipped from the official establishment.

(d) Clotted blood shall be removed from hearts before they are shipped from the official establishment or used in the preparation of exotic meat food products.

35:37-11-131. Requirements concerning ingredients and other articles used in preparation of products

All ingredients and other articles used in the preparation of any product shall be clean, sound, healthful, wholesome, and will not result in the product's being adulterated. Official establishments shall furnish inspectors accurate information on all procedures involved in product preparation including product composition and any changes in the procedures essential for inspectional control of the product.

(1) Due to the inevitable presence of bone splinters, detached spinal cords shall not be used in the preparation of edible product.

(2) Testicles if handled as an edible product may be shipped from the official establishment as such, but they shall not be

used as an ingredient of a meat food product.

(3) Tonsils shall be removed and shall not be used as ingredients of meat food products.

(4) Intestines shall not be used as ingredients of meat food products.

(5) Poultry products and egg products (other than shell eggs) that are intended for use as ingredients of exotic livestock products shall be considered acceptable for use only when identified as having been inspected and passed for wholesomeness and when found to be sound and acceptable when presented for use. Poultry products and egg products (other than shell eggs) that have not been inspected and passed for wholesomeness shall not be used in the preparation of meat food products.

(6) Dry milk products that are intended for use as ingredients of eat food products shall be considered acceptable for use only when produced in a plant approved by U.S.D.A. and when found to be sound and acceptable when presented for use. Dry milk products prepared in a plant not approved shall not be used in the preparation of exotic livestock food products.

(7) Ingredients for use in any product may not bear or contain any pesticide chemical or other residues in excess of levels permitted in 35:37-11-137.

35:37-11-132. Approval of substances for use in the preparation of products

(a) No chemical substance may be used in the preparation of any product unless it is approved in this Part of this Subchapter or by the Director in specific cases.

(b) No product shall bear or contain any substance that would render it adulterated or that is not approved in this Part of this Subchapter or by the Director in specific cases.

(c) Under appropriate declaration as required in Parts 31 and 33 of this Subchapter, the following substances may be added to products:

(1) Common salt, approved sugars [sucrose (cane or beet sugar), maple sugar, dextrose, invert sugar, honey, corn syrup solids, corn syrup and glucose syrup], wood smoke, vinegar, flavorings, spices, sodium nitrate, sodium nitrite, potassium nitrate, potassium nitrite, and other substances specified in Paragraph (3) of this Subsection may be added to products under conditions, if any, specified in this Part or in Part 33 of this Subchapter.

(2) Other harmless artificial flavoring may be added to products with the approval of the Director in specific cases.

(3) A list of additional substances that are acceptable for use in the preparation of exotic livestock products, including the substances intended use and limits is available upon request.

(d) No substance may be used in or on any product if it conceals damage or inferiority or makes the product appear to be better or of greater value than it is.

35:37-11-133. Samples of products, water, dyes, chemicals, etc., to be taken for examination

Sample of products, water, dyes, chemical, preservatives, spices, or other articles in any official establishment shall be taken, without cost to the Department, for examination, as often as deemed necessary for the efficient conduct of the inspection.

35:37-11-134. Manufacture of dog food or similar uninspected article at official establishment

(a) When dog food or similar uninspected article is manufactured in a part of an official establishment, the area in which the article is manufactured shall be separated from edible product departments in the manner required for separation between edible product departments and inedible product departments. Sufficient space must be allotted and adequate equipment provided so that the manufacture of the uninspected article does not interfere with the proper functioning of the other operations at the establishment. Nothing in this Section shall be construed as permitting any deviation from the requirement that dead animals, condemned products, and similar materials of whatever origin, must be placed in the inedible product handling area, and without undue delay. The manufacture of the uninspected article must be such as not to interfere with the maintenance of general sanitary conditions on the premises, and it shall be subjected to inspectional supervision similar to that exercised over other inedible product departments. There shall be no movement of any product from an inedible product department to any edible product department. Trucks, barrels, and other equipment shall be cleaned before being returned to edible product departments from inedible product departments. Inoffensive material prepared outside edible product departments may be stored in, and distributed from edible product departments only if packaged in clean, properly identified, sealed containers.

(b) Animal food shall be distinguished from articles of human food to avoid distribution of the animal food as human food. To accomplish this, the animal food shall be properly decharacterized and labeled as animal food.

35:37-11-135. Adulteration of products by flood water, etc.; procedures for handling

(a) Any product at any official establishment that has been adulterated by contamination with flood water, harbor water, or other polluted water, shall be condemned. This would not apply to product in sound, hermetically sealed containers.

(b) After flood water has receded at an official establishment,

the operator shall cause its employees to thoroughly cleanse all walls, ceilings, posts, and floors of the rooms and compartments involved, including the equipment, under the supervision of an inspector. An adequate supply of hot water under pressure, is essential for effective cleansing of the rooms and equipment. After cleansing, a solution of sodium hypochlorite containing approximately half of 1 percent available chlorine (5,000 parts per million) or other disinfectant approved for the purposes of Part 15 of this Subchapter shall be applied to the surface of the rooms. Where the solution has been applied to equipment that will afterwards contact meat, the equipment shall be rinsed with potable water before being used. All metal should be rinsed with potable water to prevent corrosion.

(c) Hermetically sealed metal containers of product that have been submerged or contaminated by flood water, harbor water, or other polluted water shall be rehandled promptly under supervision of an inspector at the official establishment as follows:

(1) Separate and condemn all product the containers of which show extensive rusting or corrosion, as might materially weaken the container, as well as any swollen, leaky or suspected container.

(2) Remove paper labels and wash the containers in warm soapy water using a brush where necessary to remove rust or other foreign material, immerse in a solution of sodium hypochlorite containing not less than 100 parts per million of available chlorine or other disinfectant approved for the purposes of Part 15 of this Subchapter and rinse in potable water and dry thoroughly.

(3) After handling as described in Paragraph (2) of this Subsection, the containers may be relacquered, if necessary, and then relabeled with approved labels applicable to the product therein.

(4) The identity of the canned product shall be maintained throughout all stages of the rehandling operations, to insure correct labeling of the containers.

35:37-11-136. Tagging chemicals, preservatives, cereals, spices, etc., "Oklahoma retained"

When any chemical, preservative, cereal, spice, or other substance is intended for use in an official establishment it shall be examined by an inspector and if found to be unfit or unacceptable for the use intended, or if final decision regarding acceptance is deferred pending laboratory or other examination, the inspector shall attach an "Oklahoma Retained" tag to the substance or container. The substance tagged shall be kept separate from other substances as the inspector in charge may require and shall not be used until the tag is removed, and the removal shall be made only by an inspector after a finding that the substance can be accepted, or, in the case of an unacceptable

substance, when it is removed from the establishment.

35:37-11-137. Pesticide chemicals and other residues in products

(a) Residues of pesticide chemicals, food additives and color additives, and other substances in or on ingredients (other than meat, meat by-products, and meat food products) used in the formulation or products shall not exceed the levels permitted under the Federal Food, Drug, and Cosmetic Act, and nonmeat ingredients must be in compliance with the requirements under that Act.

(b) Products, and products used as ingredients of products, shall not bear or contain any pesticide chemical, food additives, or color additives, or color additive residue in excess of the level permitted under the Federal Food, Drug, and Cosmetic Act, and the rules in this Subchapter, or any other substance that is prohibited by rules or that makes the products adulterated.

(c) Instructions specifying the standards and procedures for determining when ingredients of finished products are in compliance with this Section shall be issued to the inspectors by the Director. Copies of the instructions will be made available to interested persons upon request made to the Director.

35:37-11-138. Animal drug residues

Animal drug residues are not permitted in exotic livestock and exotic livestock products except at the current permissible tolerance levels established and published as the maximum allowed levels for food animals by the Federal Food and Drug Administration.

PART 37. STANDARDS OF IDENTITY; RECORD; REGISTRATION AND TRANSPORTATION

35:37-11-139. General requirements

(a) Fabricated products derived from exotic livestock or a combination of exotic livestock and other inspected species that are ground, chopped, mixed, stuffed, formed, salted, spiced, flavored, seasoned, cooked, smoked, dried, fermented, pickled, canned, or subjected to recognized and acceptable processing methods, and that shall be offered for sale as articles of intrastate commerce, shall be properly labeled and identified as required in Part 33 of this Subchapter.

(b) Therefore, all products described in Subsection (a) of this Section shall be thoroughly evaluated by the Director before any label approval is granted.

(c) If the products described in Subsection (a) of this Section are similar to products that are processed from other domestic livestock species for which a recognized standard(s) exist, the product name shall then be the same as the name of the recognized

product after proper specification of the species as part of the product name.

(d) If the products described in Subsection (a) of this Section are not similar to any products that are processed from other domestic livestock species for which a recognized standard(s) exist, the name of the product shall then be a name that completely and accurately describes the product and its contents.

(e) The requirements of this part shall not derogate from other labeling requirements in Part 33 of this Subchapter.

35:37-11-140. Records, registration and reports

Records, registration, and reports are as specified in 2 O.S., Section 6-290.8.

35:37-11-141. General requirements

General requirements for transportation are as specified in OAC 35:37-3-22.

PART 39. CANNING [RESERVED]

PART 41. DETENTION, SEIZURE AND CONDEMNATION

35:37-11-142. Exotic livestock and products subject to administrative detention

Any carcass, part of a carcass, meat or meat food product of exotic livestock 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 Exotic Livestock and Exotic Livestock Products Inspection Act or the Federal Food, Drug, and Cosmetic Act; or
- (3) Any article or exotic livestock has been or is intended to be distributed in violation of any laws.

35:37-11-143. Method of detention; form, or detention tag

An authorized representative of the Board shall detain any article or exotic livestock to be detained under this part, by affixing an official "Oklahoma Retained Tag" to the article or exotic livestock.

35:37-11-144. Notification of detention to the owner of the article or exotic livestock detained, or agent, or person having custody

(a) An authorized agent of the Board shall give oral

notification of detention to the immediate custodian of the article or exotic livestock being detained.

(b) 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 exotic livestock.

(c) If the owner of the detained article or exotic livestock, 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.

(d) 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.

35:37-11-145. Notification of governmental authorities having jurisdiction over article or exotic livestock detained; form or written notification

Within 48 hours after the detention of any exotic livestock 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 exotic livestock or article. In the event notification is given orally, it shall be confirmed in writing, as promptly as circumstances permit.

35:37-11-146. Movement of article or exotic livestock detained; removal of official marks

No article or exotic livestock 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 exotic livestock may be moved from the place at which it is located when detained, for refrigeration, freezing, or storage purposes if movement has been approved by an authorized representative of the Board: And provided further, that the article or exotic livestock 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 exotic livestock is terminated, the owner, or agent or the carrier or other person in possession of the article or exotic livestock who was notified when the article or exotic livestock 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 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 exotic livestock

before it is released unless it appears to the satisfaction of the representative that the article or exotic livestock is eligible to retain the marks.

35:37-11-147. Articles or exotic livestock subject to judicial seizure and condemnation

Any carcass, part of a carcass, meat or meat food product, or any dead, dying, disabled, or diseased exotic livestock, 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 exotic livestock:

- (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.

35:37-11-148. Procedure for seizure, condemnation, and disposition

Any article or exotic livestock 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 exotic livestock is found.

35:37-11-149. Authority for condemnation or seizure under other provisions of law

The provisions of this part relating to seizure, condemnation, and disposition of articles or exotic livestock do not derogate from authority for condemnation or seizure conferred by other provisions of the Act, or other laws.

35:37-11-150. Action taken when plant is identified as insanitary

(a) 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 insanitary. This includes failure to control vermin and insects.
- (3) When carcasses or parts show evidence of contamination or insanitary 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 presence of excessive amounts of approved chemicals, or the presence of foreign material, prohibited chemicals, and preservatives.

(b) 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 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 is to the State Board of Agriculture en banc.

