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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE INTERIOR

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (17) is added to § 6.310 as set out below.

§ 6.310 *Department of the Interior*—(a) *Office of the Secretary.* * * *

(17) Director, Office of Oil and Gas.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-869; Filed, Feb. 4, 1958; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter D—Regulations Under the Poultry Products Inspection Act

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

Notice of the proposed issuance of regulations governing the inspection of poultry and poultry products (7 CFR Part 81) was published in the FEDERAL REGISTER on November 22, 1957 (22 F. R. 9351). The regulations hereinafter promulgated are issued pursuant to authority contained in the Poultry Products Inspection Act (71 Stat. 441; 21 U. S. C. 451 et seq.).

A new Subchapter D is added to Chapter I, Title 7, as designated above, containing Part 81—Inspection of Poultry and Poultry Products.

The regulations will apply to the inspection of poultry and poultry products in interstate or foreign commerce and in designated major consuming areas. The inspection of poultry and poultry products pursuant to these regulations will become mandatory on January 1, 1959, but inspection may be provided after May 1, 1958, to those qualified applicants voluntarily applying for it.

The regulations set forth herein contain the provisions necessary to implement the program during 1958 when applicants may voluntarily apply for and receive inspection service pursuant to the Poultry Products Inspection Act. Additional provisions relating to other phases of the program such as exemptions, importations, and the keeping of records will be published prior to January 1, 1959.

After consideration of all relevant material presented during the period granted for submission of data, views and arguments, the regulations hereinafter set forth are promulgated to become effective May 1, 1958.

The proposed regulations set forth in the FEDERAL REGISTER of November 22, 1957 (22 F. R. 9351), are hereby adopted and incorporated with the following changes:

1. Change paragraph (a) of § 81.33.
2. Change § 81.37.
3. Add the word "file" immediately preceding the word "cabinets" in the last sentence of paragraph (f) in § 81.33.
4. Change paragraph (a) of § 81.41.
5. Change the word "or" to read "and" in § 81.47.
6. Change paragraph (l) of § 81.49.
7. Change paragraphs (b) (1) and (h) of § 81.100.
8. Change the centerheading immediately preceding § 81.110 and the title of § 81.110, and add paragraph headings to paragraphs (a), (b) and (c).
9. Add the following sentence to paragraph (b) of § 81.118: "The inspector issuing an export certificate is authorized to furnish additional copies of such certificate upon the request of an interested party."
10. Add the following sentence to paragraph (b) of § 81.121: "The inspector who issues any poultry inspection certificate is authorized to furnish additional copies of such certificate upon the request of an interested party."
11. Change paragraph (a) (3) of § 81.130.
12. Add the following sentence to paragraph (a) (6) of § 81.130: "In the case of transparent wrappers the plant number may be shown on an insert label and

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FEDERAL REGISTER

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(As of January 1, 1958)

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so placed under the transparent covering that it will be clearly visible and legible."

13. Change paragraph (b) (1) of § 81.131.

14. Delete paragraph (c) of § 81.131 and redesignate the subsequent paragraphs of the section as paragraphs (c) and (d).

15. Change redesignated paragraph (d) (1) and (2) of § 81.131.

16. Add the following sentence to subparagraph (8) of newly redesignated paragraph (d) of § 81.131: "Skin shall be substantially intact."

17. Change the designation "Figure 3" in § 81.136 to read "Figure 2."

18. Section 81.152 is designated "[Reserved]".

19. Change § 81.169.

20. Delete "$4.80" and "$3.40" wherever they appear in §§ 81.170 and 81.171 and insert in lieu thereof "$5.00."

21. Change the section number "81.174" to read "81.173."

22. Add a new § 81.174.

NOTE: The reporting and record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued at Washington, D. C., this 31st day of January 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

The regulations as adopted are as follows:

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AUTHORITY: §§ 81.1 to 81.174 issued under sec. 14, 71 Stat. 447; 21 U. S. C. 463.

DEFINITIONS

§ 81.1 *Definitions.* Unless the context otherwise requires, the following terms shall have the following meanings:

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

Act. "Act" means the Poultry Products Inspection Act (71 Stat. 441.).

Administrator. "Administrator" means the Administrator of the Agricultural Marketing Service of the Department or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated the authority to act in his stead.

Adulterated. "Adulterated" shall apply to poultry and poultry products under one or more of the following circumstances:

(1) If they bear or contain any poisonous or deleterious substance which may render them injurious to health, but, in case the substance is not an added substance, such poultry and poultry products shall not be considered adulterated under this clause if the quantity of such substance in such poultry and poultry products does not ordinarily render them injurious to health.

(2) If they bear or contain any added poisonous or added deleterious substance, unless such substance is permitted in their production or unavoidable under good manufacturing practices as may be determined by the regulations in this part or other provisions of Federal law limiting or tolerating the quantity of such added substance on or in such poultry and poultry products: *Provided,* That any quantity of such added substance exceeding the limits so fixed shall also be deemed to constitute adulteration.

(3) If any substance has been substituted, wholly or in part, therefor.

(4) If damage or inferiority has been concealed in any manner.

(5) If any valuable constituent has been in whole or in part omitted or abstracted therefrom.

(6) If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

Applicant. "Applicant" means any person who requests any inspection service.

Commerce. "Commerce" means commerce between any State, Territory, or possession or the District of Columbia,

and any place outside thereof; or between points within the same State, or the District of Columbia, but through any place outside thereof; or within the District of Columbia, or between a designated major consuming area and any point outside thereof; or within a designated major consuming area.

Consumer package. "Consumer package" means any container in which a poultry product is enclosed for the purpose of display and sale to household consumers.

Container or package. "Container or package" includes any box, can, tin, cloth, plastic, or any other receptacle, wrapper, or cover.

Department. "Department" means the United States Department of Agriculture.

Dressed poultry. "Dressed poultry" means poultry which has been slaughtered for human food with head, feet, and viscera intact and from which the blood and feathers have been removed.

Dressed poultry identification mark. "Dressed poultry identification mark" means the symbol formulated pursuant to the regulations in this part stating that the dressed poultry is eligible for further processing in official establishments under USDA inspection.

Food product containing poultry product. "Food product containing poultry product" means any article of food for human consumption which is prepared in part from ready-to-cook poultry, but which has been exempted by the Administrator from the category of a poultry food product.

Giblets. "Giblets" means the liver from which the bile sac has been removed, the heart from which the pericardial sac has been removed, and the gizzard from which the lining and contents have been removed: *Provided*, That each such organ has been properly trimmed and washed.

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

Inspected for wholesomeness. "Inspected for wholesomeness" means, with respect to any poultry product, that it has undergone an inspection and was found at the time of such inspection to be wholesome and not adulterated.

Inspection. "Inspection" means any ante mortem examination of poultry or any post-mortem inspection of dressed poultry at the time of evisceration or any inspection by an inspector to determine in accordance with the regulations in this part (1) the wholesomeness of any poultry product at any stage of the preparation or packaging thereof in the official establishment where inspected for wholesomeness, or (2) the wholesomeness of any previously inspected poultry product if such poultry product has not lost its identity as an inspected product.

Inspection service. "Inspection service" means the official service within the Department having the responsibility for carrying out the provisions of the Poultry Products Inspection Act. Inspection service also means the activities performed, including official reporting, by such official service.

Inspector. "Inspector" means (1) an employee or official of the United States Government, authorized by the Administrator to inspect poultry and poultry products, pursuant to the regulations in this part, or (2) an employee or official of any State government, authorized by the Administrator to inspect poultry and poultry products, pursuant to the regulations in this part, under an agreement entered into between the Agricultural Marketing Service and the appropriate State agency.

Label. "Label" means any written, printed, or graphic material upon the shipping container, if any, or upon the immediate container, including but not limited to an individual consumer package of the poultry product, or accompanying such product.

Official establishment. "Official establishment" means any establishment as determined by the Administrator at which inspection of the slaughter of poultry, or the processing of poultry products, is maintained pursuant to the regulations in this part.

Official identification. "Official identification" means the official inspection mark or the dressed poultry identification mark.

Official inspection mark. "Official inspection mark" means the symbol, formulated pursuant to the regulations in this part, stating that the poultry product was inspected.

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

Potable water. "Potable water" means water that has been approved by the State health authority or agency or laboratory acceptable to the Administrator as safe for drinking, and suitable for food processing.

Poultry. "Poultry" means any live or slaughtered domesticated bird (chickens, turkeys, ducks, geese or guineas).

Poultry food product. "Poultry food product" means any human food product consisting of any edible part or parts of poultry in combination with other ingredients unless such human food product is exempted by the Administrator.

Poultry product. "Poultry product" means any ready-to-cook poultry or any poultry food product.

Product. "Product" means dressed poultry or poultry product or both.

Ready-to-cook poultry. "Ready-to-cook poultry" means any dressed poultry from which the protruding pinfeathers, vestigial feathers (hair or down as the case may be), head, shanks, crop, oil gland, trachea, esophagus, entrails, kidneys, reproductive organs and lungs have been removed, and with or without the giblets, is ready to cook without need of further processing. Ready-to-cook poultry also means any cut-up or disjointed portion of poultry or any edible part thereof, as described in this paragraph.

Regulations. "Regulations" means the provisions of this entire part.

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

Shipping container. "Shipping container" means any container used or intended for use in packaging the product packed in an immediate container.

Slaughter. "Slaughter" means the act of killing poultry for human food in accordance with good commercial practices in a manner which will result in thorough bleeding of the carcasses.

Unwholesome. "Unwholesome" means:

(1) Unsound, injurious to health, or otherwise rendered unfit for human food.

(2) Consisting in whole or in part of any filthy, putrid, or decomposed substance.

(3) Processed, prepared, packed, or held under unsanitary conditions whereby a poultry carcass or parts thereof or any poultry product may have become contaminated with filth or whereby a poultry product may have been rendered injurious to health.

(4) Produced in whole or in part from poultry which has died otherwise than by slaughter.

(5) Packaged in a container composed of any poisonous or deleterious substance which may render the contents injurious to health.

Wholesome. "Wholesome" means sound, healthful, clean, and otherwise fit for human food.

General Regulations

Poultry Products Inspection Act

§ 81.2 *Effective date.* The Poultry Products Inspection Act became effective on August 28, 1957. However, no person is subject to the provisions of this act prior to January 1, 1959, unless such person, after January 1, 1958, applies for and receives inspection for poultry or poultry products pursuant to the act and the regulations in this part. Any person who voluntarily applies for and receives such inspection after January 1, 1958, shall be subject, on and after the date he commences to receive such inspection, to all of the provisions and penalties provided for in the Poultry Products Inspection Act with respect to all poultry or poultry products handled in the establishment for which said application for inspection is made.

Administration

§ 81.3 *Administration.* The Administrator shall perform, for and under the supervision of the Secretary, such duties as are prescribed in the regulations in this part and as the Secretary may require in the administration of the regulations in this part. The Administrator is authorized to waive for limited periods any particular provisions of the regulations to permit experimentation so that new procedures, equipment and processing techniques may be tested to facilitate definite improvements: *Provided*, That such variations from the provisions of the regulations are not in conflict with the purposes of the act. The Administrator is authorized to grant exemptions

in accordance with the provisions of the act.

§ 81.4 *Inspection in accordance with methods prescribed or approved.* Inspection of poultry products shall be rendered pursuant to the regulations in this part and under such conditions and in accordance with such methods as may be prescribed or approved by the Administrator.

SCOPE OF INSPECTION

§ 81.5 *Inspection services available.* The regulations in this part provide for inspection service pursuant to the provisions of the Poultry Products Inspection Act.

§ 81.6 *Establishments requiring inspection.* (a) Every establishment in which poultry is slaughtered for transportation or sale in commerce, or for transportation from an official establishment to another official establishment, and every establishment in which poultry products are prepared for transportation or sale in commerce shall have inspection under the regulations in this part, except as expressly exempted in this part.

(b) The term "prepared" as used in this section means any operation or combination of operations, whereby poultry is eviscerated, cut up, heat treated, canned, packed, labeled, or changed in size, shape or form, and includes the combining of poultry products with other edible ingredients. It does not refer to freezing of poultry or poultry products after they have been shipped from an official establishment, except when freezing is a part of the processing operations of such establishment in which case the provisions of §§ 81.50 and 81.104 shall apply.

§ 81.7 *Poultry and poultry products entering or prepared in official establishments.* All poultry and poultry products processed in an official establishment shall be inspected, handled, prepared, marked and labeled as required by the regulations in this part, and all dressed poultry and poultry products entering an official establishment shall have been inspected as required by the regulations in this part.

APPLICATION FOR SERVICE

§ 81.11 *How application shall be made.* The proprietor or operator of each establishment of the kind specified in § 81.6 shall make application to the Administrator for inspection service. Every application under this section shall be made on a form furnished by the Inspection Service. In cases of change of name or ownership or change of location, a new application shall be made.

§ 81.12 *Filing of application.* An application for inspection service shall be regarded as filed only when it has been filled in completely and signed by the applicant and has been received in the office of the Administrator.

§ 81.13 *Authority of applicant.* Proof of authority of any person applying for inspection service may be required at the discretion of the Administrator.

§ 81.14 *Approval of application for inspection.* An application for inspection service to be rendered in an official establishment shall be approved according to the following procedure:

(a) *Drawings and specifications to be furnished.* (1) Applicants for inspection service may request and obtain information or assistance from the Inspection Service with respect to the requirements before submitting drawings and specifications.

(2) Four copies of drawings or blueprints showing the features specified herein shall be submitted to the Administrator. The drawings or blueprints shall be legible, made with sharp, clear lines, be properly drawn to scale, and shall consist of floor plans, elevations of various buildings, and a plot plan.

(3) The plot plan shall show such features as the limits of the plant's premises, locations in outline of buildings on the premises, one point of the compass, and roadways and railroads serving the plant.

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

(5) The sheets of paper on which drawings or blueprints are made shall not exceed a size of 34" x 44". The drawings other than of the plot plan shall be made to a scale of ⅛" per foot, except that additional plans for some areas showing detail may be drawn to a scale of ¼" per foot. The plot plan may be drawn to a scale of not less than 1/32" per foot. The drawings shall indicate the scale used and shall also indicate the floor shown (i. e., basement, first, or second).

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

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

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

(3) One point of the compass.

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

(5) All floor drain openings and gutter drains.

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

(7) All steam, hot and cold water outlets for clean-up purposes.

(8) Ice making and storage facilities.

(9) The point at which live poultry is hung on the conveyor line, the point where dressed poultry is removed, and the point of transfer to the eviscerating line.

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

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

(c) *Specifications.* Specifications covering the following notations shall accompany the drawings:

(1) Height of ceilings.

(2) Type of ceilings—open or closed.

(3) Finish of ceilings; for example—cement plaster, metal, marine plywood, cement, asbestos board, etc.

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

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

(6) Finish of floors—concrete, brick, mastic material, etc.

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

(8) Heating—indicate type.

(9) Water supply—indicate whether public or private water supply, or both, and specify in terms of gallons per minute of water available for the processing needs of the plant. Also indicate whether or not a nonpotable water supply is used for any purpose in the plant and, if so, specify such uses.

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

(11) Specify number of men and number of women who will use each toilet room.

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

(13) Approximate rate of production—indicate hourly rate of slaughter and evisceration for each class of poultry.

(d) *Rooms and compartments which must be included in the official establishment.* The official establishment shall include employees' toilet and dressing rooms, office space for the inspectors, storerooms for supplies, refuse rooms, and all rooms, compartments or passageways where poultry or poultry products, or any ingredients to be used in the preparation of products under inspection will be handled or kept. It also may include other rooms or compartments located in the buildings comprising the official establishment.

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

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

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

(f) *Use of information on file for plants operating under voluntary inspection service.* Applicants whose plants have been surveyed and are operating under voluntary inspection service pursuant to regulations (Part 70 of this

chapter) in effect on the date service is made available under the Poultry Products Inspection Act will be exempt from the requirements of this section to the extent that the Administrator may determine that information and materials required by the provisions of this section are already available in official files of the Inspection Service.

(g) *Survey and plant approval.* Prior to the inauguration of the inspection service, a survey of the plant and premises shall be made by a representative of the Inspection Service to determine if the plant is constructed and facilities are installed in accordance with the approved drawings, specifications and the regulations in this part. The application for inspection service may be granted and the plant may be approved by the Administrator only when these requirements have been met.

(h) *Order of service.* On the date when service is inaugurated under this act all establishments that are approved pursuant to the regulations in this part will be granted inspection service simultaneously subject to the availability of funds and qualified inspectors. Thereafter, during 1958, applications will be considered in the order received and service will be installed in the order of approval of establishments subject to the availability of inspectors and funds to provide service.

§ 81.15 *Rejection of application for inspection.* Any application for inspection service may be rejected by the Administrator whenever the applicant fails to meet the requirements of the regulations prescribing the conditions under which inspection service is made available, or if he determines that any false statement was made in such application.

OFFICIAL PLANT NUMBERS, INAUGURATION, SUSPENSION AND WITHDRAWAL OF INSPECTION SERVICE

§ 81.21 *Official plant numbers.* An official plant number shall be assigned to each establishment granted inspection service. Such plant number shall be used to identify all containers of inspected products prepared in the establishment. An establishment shall not have more than one plant number.

§ 81.22 *Subsidiary establishments.* When inspection service has been granted to a person at an establishment, it shall not be granted to any other person at the same establishment, except that a subsidiary of the grantee, doing any of the business described in § 81.6 may apply for and receive inspection at such establishment.

§ 81.23 *Separation of official from unofficial establishments.* Each official establishment shall be separate and distinct from any other official establishment and from any unofficial establishment. Doorways, or other openings, may be permitted between establishments only at the discretion of the Administrator and under such conditions as he may prescribe.

§ 81.24 *Inauguration of service.* The inspector in charge or his supervisor shall, upon or prior to the inauguration of service, inform the proprietor or operator of the establishment of the requirements of the regulations in this part. If the establishment at the time service is inaugurated contains any product which has not been inspected and marked in compliance with the regulations, its identity shall be maintained, and it shall not be represented or dealt with as a product which has been inspected. Such products may be shipped in commerce as provided in § 81.154.

§ 81.25 *Suspension of plant approval and withdrawal of service.* (a) Any establishment approval given pursuant to the regulations may be suspended by the Administrator for (1) failure to maintain premises, facilities, and equipment in a satisfactory state of repair; (2) the use of operating procedures or practices which are not in accordance with the regulations; or (3) alterations of buildings, facilities, or equipment which have not been approved in accordance with the regulations.

(b) During such period of suspension, no processing of poultry or poultry products shall be carried on in the official establishment. If the plant facilities or methods of operation are not brought into compliance within a reasonable period of time, to be specified by the Administration, inspection service shall be withdrawn from the establishment. Upon withdrawal of inspection service in an official establishment, the plant approval shall also become terminated.

PUBLICATIONS

§ 81.28 *Publications.* Publications under the act and the regulations in this part shall be made in the FEDERAL REGISTER, and in the Service and Regulatory Announcements of the Department or in such other media as the Administrator may designate. Such publications will be available to applicants for inspection service.

SANITARY REQUIREMENTS

GENERAL

§ 81.31 *Minimum standards for sanitation, facilities and operating procedures in official establishments.* The provisions of §§ 81.32 to 81.53, inclusive, shall apply with respect to inspection service in all official establishments.

BUILDINGS AND PLANT FACILITIES

§ 81.32 *Buildings.* The buildings shall be of sound construction and kept in good repair.

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

(2) Outside doors, except in receiving rooms and feeding rooms, shall be so hung as to be close fitting when closed. Doors shall be provided with self-closing devices where necessary to prevent the entry of vermin into processing and storage rooms.

§ 81.33 *Rooms and compartments.* Rooms or compartments used for edible products shall be separate and distinct from inedible products departments and from rooms where live poultry is held or slaughtered. Separate rooms shall be provided when required for conducting processing operations in a sanitary manner; and all rooms shall be of sufficient size to permit the installation of the necessary equipment for processing operations and the conduct of such operations in a sanitary manner.

(a) *Refuse rooms.* A separate refuse room, or other equally adequate facilities, shall be required in official establishments where accumulations of refuse occur. Refuse rooms shall be entirely separate from other rooms in the establishment, shall have tight fitting doors, be properly ventilated, have adequate drainage, and the floors and walls to a height of six feet above the floor shall be impervious to moisture, and walls above that height and ceilings shall be moisture resistant.

(b) *Rooms for holding carcasses for further inspection.* Rooms or other acceptable facilities in which carcasses or parts thereof are held for further inspection shall be in such numbers and such locations as the needs of the inspection in the establishment may require. These rooms or facilities shall be equipped with hasps for locking.

(c) *Coolers and freezers.* Coolers and freezers shall be of such size and capacity as are required for compliance with the provisions set forth in § 81.50. Freezing rooms, other than those for plate freezers or liquid freezing, shall have forced air circulation and freezers and coolers shall be equipped with floor racks or pallets unless other means are used which will assure that products will be maintained in a wholesome condition.

(d) *Storage and supply rooms.* The storage and supply rooms shall be kept in good repair, dry, and sanitary.

(e) *Boiler room.* The boiler room shall be a separate room where necessary to prevent dirt and objectionable odors entering from it into any room where dressed poultry or poultry products are prepared, handled, or stored.

(f) *Inspector's office.* Office space, including, but not being limited to furnishings, light, heat and janitor service, shall be provided rent free in the official establishment, for the use of Government personnel for official purposes. The room or space set apart for this purpose must meet the approval of the Inspection Service and be conveniently located, properly ventilated, and provided with lockers or file cabinets suitable for the protection and storage of supplies and with facilities suitable for inspectors to change clothing.

(g) *Toilet rooms.* Toilet rooms, opening directly into rooms where poultry products are exposed shall have self-closing doors and shall be ventilated to the outside of the building.

(h) *Lunch rooms.* Lunches and snacks shall not be eaten in processing, packing, or supply rooms. If needed, separate rooms or areas shall be provided in establishments where employees eat their lunches.

§ 81.34 *Floors, walls, ceilings, etc.*— (a) *Floors.* All floors in rooms where exposed products are prepared or handled shall be constructed of, or finished

with materials impervious to moisture, so they can be readily and thoroughly cleaned. The floors in killing, ice cooling, ice packing, eviscerating, cooking, boning and cannery rooms shall be graded for complete runoff with no standing water.

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

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

§ 81.35 *Draining and plumbing.* There shall be an efficient draining and plumbing system for the plant and premises.

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

(b) *Sewage and plant wastes.* (1) The sewage system shall have adequate slope and capacity to remove readily all waste from the various processing operations and to minimize and, if possible, prevent stoppage and surcharging of the system; (2) grease traps which are connected with the sewage system shall be suitably located, but not near any edible products department or in any area where products are unloaded from, or loaded into vehicles. To facilitate cleaning, such traps shall have inclined bottoms and be provided with suitable covers; (3) all floor drains shall be equipped with traps, constructed so as to minimize clogging; and the plumbing shall be installed so as to prevent sewage from backing up and flooding the floor; (4) toilet soil lines shall be separate from house drainage lines to a point outside the buildings unless they are positively trapped to prevent backing up. Drainage from toilet bowls and urinals shall not be discharged into a grease catch basin.

§ 81.36 *Water supply.* Except as provided in paragraph (d) of this section, the water supply shall be ample, clean, and potable with adequate pressure and facilities for its distribution in the plant, and its protection against contamination and pollution. A water report, issued under the authority of the State health agency, certifying to the potability of the water supply, shall be obtained by the applicant and furnished to the Administrator whenever such report is required by the Administrator.

(a) An adequate supply of hot water to enable proper cleaning shall be available.

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

(c) The refuse rooms shall be provided with adequate facilities for washing refuse cans and other equipment in the rooms.

(d) Nonpotable water is permitted only in those parts of official plants where no product is handled or prepared, and then only for limited purposes such as on condensers not connected with the potable water supply, in vapor lines serving inedible product rendering tanks, and in sewer lines for moving heavy solids in the sewage. Nonpotable water is not permitted for washing floors, areas, or equipment, nor is it permitted in boilers, scalder, chill vats or ice making machines. In all cases, nonpotable water lines shall be clearly identified and shall not be cross connected with the potable water supply unless this is necessary for fire protection. Any such connection must have an adequate break to assure against accidental contamination, and must be approved by local authorities and by the Administrator. Any untested water supply in an official establishment shall be treated as a nonpotable supply.

§ 81.37 *Lavatories, toilets, and other sanitary facilities.* Modern lavatory and toilet accommodations and properly located facilities for cleaning utensils and hands shall be provided.

(a) Adequate lavatory and toilet accommodations, including but not being limited to, running hot and cold water, soap or other acceptable agents (in sanitary dispensers), toilet tissue, and towels or other acceptable facilities for drying hands, shall be provided. Lavatories shall be in or near toilet and locker rooms and also at other places in the plant as may be essential to the cleanliness of all personnel handling products.

(b) Adequate lockers or other facilities, shall be provided for employees' wearing apparel, and for the storing and changing of clothing. Wearing apparel shall not be stored in rooms where processing operations are conducted.

(c) Suitable containers shall be provided for the temporary storage of soiled linen, coats, aprons, and other items of employees' uniforms or work clothing.

(d) Sufficient metal containers shall be provided for used towels and other wastes.

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

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

(g) Adequate toilet facilites shall be provided and the following formula shall serve as a basis for determining the number of toilet bowls required:

Persons of same sex:	*Toilet bowls required*
1 to 15, inclusive	1
16 to 35, inclusive	2
36 to 55, inclusive	[1] 3
56 to 80, inclusive	[1] 4
For each additional 30 persons in excess of 80	[1] 1

[1] Urinals may be substituted for toilet bowls but only to the extent of one-third of the total number of bowls stated.

(h) Suitable sanitary drinking water facilites shall be provided.

(i) All toilets, lavatories, and other sanitary facilities shall be kept clean and in good repair.

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

(a) All rooms in which poultry is killed, eviscerated, or otherwise processed shall have at least 30 foot candles of light intensity on all working surfaces, except that at the inspection stations such light intensity shall be of 50 foot candles. In all other rooms there shall be provided at least 5 foot candles of light intensity when measured at a distance of 30 inches from the floor.

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

EQUIPMENT AND UTENSILS

§ 81.41 *Equipment and utensils.* Equipment and utensils used for preparing, processing, or otherwise handling any product in the plant shall be suitable for the purpose intended and shall be of such material and construction as will facilitate their thorough cleaning and insure cleanliness in the preparation and handling of products. Trucks and receptacles used for handling inedible products shall be of similar construction, shall be conspicuously and distinctly marked, and shall not be used for handling any poultry products.

(a) *Refuse containers.* Leak-proof refuse containers with covers shall be provided except that perforated containers may be used for the temporary collection of feathers and such containers need not be covered.

(b) *Scalding equipment.* (1) Scalding tanks shall be constructed and installed so as to prevent contamination of potable water lines and to permit water to enter continuously at a rate which will result in a satisfactory scalding operation. The rate of flow necessary to maintain a sanitary scalding operation will be determined on such factors as the class of poultry and the number of birds per minute going into the scalding tank. It shall be the responsibility of the Station Supervisor to establish a minimum rate of flow for each scalding tank in each official establishment.

(2) The overflow outlets in scalding equipment shall be of sufficient size to permit feathers and water to be carried off.

(3) The overflow, draw-off valves, and sediment basin drain shall discharge into a floor or valley drain, or onto the floor

in close proximity to a floor or valley drain.

(c) *Wax finishing.* When wax dipping is used, metal troughs shall be provided to catch the wax removed from the dipped poultry. Acceptable facilities and methods shall be employed in reclaiming the wax.

(d) *Ice shovels.* Ice shovels shall be smooth surfaced and entirely constructed of rust proof impervious material.

(e) *Conveyors.* (1) Conveyors used in the preparation of ready-to-cook poultry shall be of metal or other acceptable material and of such construction as to permit easy identification of viscera with its carcass and so designed as will present each carcass or all parts thereof in a way that will permit adequate and efficient inspection.

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

(3) Nonmetallic belt-type conveyors used in moving poultry products shall be of water-proof composition.

(4) When individual trays are not used during eviscerating operations, each carcass shall be suspended and a metal trough or a trough constructed of other acceptable impervious material shall be provided beneath the conveyor to extend from the point where the carcass is opened to the point where the viscera has been completely removed, and such troughs shall be flushed continuously by a water spray.

(f) *Chilling and defrosting tanks.* Chilling and defrosting tanks shall be constructed of metal or other suitable material impervious to moisture and shall be of seamless construction with edges rolled outward. Where mechanical devices are not used for removing carcasses from the chilling or defrosting tanks, the tanks shall be of a size that will enable employees to remove poultry without getting inside the tanks.

(g) *Tables.* Inspection, eviscerating, and cutting tables shall be made of metal or other acceptable material, have coved corners, and be constructed and placed so as to permit thorough cleaning.

(h) *Plants lacking conveyors.* In plants where no conveyors are used, each carcass shall be eviscerated in an individual metal tray of seamless construction or in a tray of other acceptable material and construction.

(i) *Water spray washing equipment.* Water spray washing equipment with sufficient water pressure to thoroughly and efficiently wash carcasses shall be used for washing carcasses inside and out.

(j) *Offal receptacles.* Watertight metal receptacles shall be used for entrails and other waste resulting from preparation of eviscerated poultry.

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

§ 81.42 *Accessibility.* All equipment shall be placed so as to be readily accessible for all processing and cleaning operations.

(a) *Mechanical pickers.* When mechanical pickers are used they shall be installed so as to be accessible for thorough cleaning and removal of the accumulation of feathers.

§ 81.43 *Restrictions on use.* Equipment and utensils used in the official establishment shall not be used outside the official establishment, except under such conditions as may be prescribed or approved by the Administrator. Equipment used in the preparation of any article (including, but not limited to, animal food), from inedible material shall not be used outside of the inedible products department except under such conditions as may be prescribed or approved by the Administrator.

MAINTENANCE OF SANITARY CONDITIONS AND PRECAUTIONS AGAINST CONTAMINATION OF PRODUCTS

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

§ 81.47 *Cleaning of rooms and compartments.* Rooms, compartments, and other parts of the official establishment, shall be kept clean and in sanitary condition.

§ 81.48 *Cleaning of equipment and utensils.* Equipment and utensils used for preparing or otherwise handling any poultry or poultry product shall be kept clean, sanitary, and in good repair.

(a) Batteries and dropping pans shall be cleaned regularly and the manure removed from the plant daily.

(b) Scalding tanks shall be completely emptied and thoroughly cleaned as often as may be necessary, but not less frequently than once a day when in use.

(c) All equipment and utensils used in the killing, roughing, and pinning rooms shall be thoroughly washed and cleaned at least once daily when in use.

(d) The chilling and packing room and equipment and utensils used therein shall be maintained in a clean and sanitary condition.

(e) Chilling or defrosting tanks shall be emptied and rinsed after each use. They shall be thoroughly cleaned at least once daily when in use.

(f) Conveyor trays or belts which come in contact with raw products shall be completely washed and sanitized after each use.

(g) Tables, shelves, bins, trays, pans, knives, and all other tools and equipment used in the preparation of ready-to-cook poultry shall, after cleaning, be drained on racks and shall not be nested.

§ 81.49 *Operations and procedures.* Operations and procedures involving the preparation, storing, or handling of any product shall be strictly in accord with clean and sanitary methods, and shall be conducted in such a manner as will result in sanitary processing, proper inspection, and the production of wholesome poultry and poultry products.

(a) Materials which create an objectionable condition shall not be handled or stored in rooms, compartments, or other places in the establishment where any product is prepared, stored, or otherwise handled.

(b) Blood from the killing operation shall be confined to a relatively small area.

(c) The pinning and finishing of dressed poultry shall be performed in a part of the room that is located sufficiently away from the killing and roughing operations to prevent contamination of the product.

(d) In finishing and cleaning dressed poultry, the vestigial feathers (hair or down as the case may be) shall be removed by singeing or other means, feed shall be removed from the crop without incising the tissues, and the fecal material in the cloaca shall be removed by venting. These operations shall be completed prior to, or during the final washing, but prior to chilling and packaging of such dressed poultry. Notwithstanding the foregoing, dressed poultry which is to be warm eviscerated is not required to be vented, and dressed poultry which is to be eviscerated in an official establishment within 72 hours from time of slaughter may, when approved by the Inspection Service be transferred by conveyor or operational type container or other approved means to such official establishment prior to removal of the feed in the crop.

(e) If dressed poultry is not to be immediately warm eviscerated, the head of each carcass shall be washed thoroughly either by automatic washer or manually to remove feed from the mouth and blood from the head and mouth.

(f) In the final washing of dressed poultry, the carcass shall be passed through a system of sprays providing an abundant supply of fresh clean water either under pressure or scrubbing action.

(g) When frozen ready-to-cook poultry is to be defrosted in water, it shall be thawed in continuous running tap water of sufficient volume to thaw such poultry. If ready-to-cook poultry is to be defrosted in water which is heated, the water shall not be heated above 70° F. except when such poultry is defrosted in cooking kettles and the temperature of the water will be raised to cooking temperature immediately after the poultry has become defrosted. Frozen dressed poultry shall not be defrosted in tanks with continuously running water or residual water, but shall be defrosted on metal racks or in perforated metal containers under a continuous water spray at a temperature not in excess of 70° F.

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

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

fully lined except when the individual birds to be packaged therein are fully wrapped.

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

(k) Containers to be used for packaging dressed poultry and ready-to-cook poultry shall be clean, free from objectionable substances or odors and of sufficient strength and durability to protect the product adequately during normal distribution. Dressed and ready-to-cook poultry, other than that which is to be ice packed, shall be adequately drained to remove ice and free water prior to packing and packaging.

(l) Cleanliness and hygiene of personnel:

(1) All persons coming in contact with exposed poultry products, or poultry products handling equipment shall wear clean garments and suitable head coverings to prevent hair from falling into poultry products; and shall keep their hands and fingernails clean at all times while thus engaged.

(2) All persons with infected cuts, boils, or open sores on their hands shall not handle dressed poultry or poultry products, or poultry products handling equipment.

(3) Every person shall wash his hands thoroughly after each use of toilet or change of garments before returning to duties that require the handling of dressed poultry or poultry products or containers thereof, or poultry products handling equipment.

(4) The use of tobacco in any form, the eating of food, or any other objectionable personal habit which may result in a nuisance or an unsanitary condition, shall not be permitted in any room where exposed dressed poultry or poultry products are being prepared, processed, or otherwise handled.

§ 81.50 *Temperatures and cooling and freezing procedures.* Temperatures and procedures which are necessary for cooling and freezing dressed and ready-to-cook poultry, including all edible portions thereof, shall be in accordance with operating practices which insure the prompt removal of the animal heat and will preserve the condition and wholesomeness of the poultry.

(a) *General cooling requirements.* All poultry that is prepared or processed in the official establishment shall be cooled immediately after processing so that the internal temperature is reduced to 40° F. or less, unless such poultry is to be further processed immediately at the official establishment. Poultry to be shipped from the plant in packaged form shall be maintained at 40° F. or less, except that during further processing and packaging operations, the internal temperature may rise to a maximum of 55° F.: *Provided*, That immediately after packaging, the poultry is placed under refrigeration at a temperature that will promptly lower the product to 40° F. or less, or placed in a freezer promptly. Poultry which is to be held at the plant in packaged form in excess of 24 hours shall be held in a room at a temperature of 36° F. or less.

(b) *Ice and water chilling.* (1) Only ice manufactured or produced from potable water may be used for ice-water chilling. The ice shall be handled and stored in a sanitary manner. If of block type, the ice shall be washed by spraying all surfaces with clean water before crushing.

(2) Poultry carcasses shall be chilled to 40° F. or lower within the times specified below:

Weight of carcass:	Time (hours)
Under 4 pounds	4
4 to 8 pounds	6
Over 8 pounds	8

Such chilled poultry shall be maintained constantly at 40° F. or below until removed from the vats or tanks for immediate packaging. Poultry may be removed from the vats or tanks prior to being cooled to 40° F. or lower for freezing or for further processing in the official establishment. Poultry shall not be packed until after it has been chilled to 40° F. or below except when the packaging will be followed immediately by freezing at the official establishment.

(3) In order to facilitate continuous processing operations, poultry may be held overnight in chilling tanks containing water-saturated ice, refrigerated water, or other approved cooling media that will maintain all poultry in the tanks at a temperature of 40° F., or lower. Practices (such as re-icing, recirculation of the chilling medium, or holding product in refrigerated rooms, or use of increased amounts of ice) shall be employed that will result in all of the poultry in the chilling tanks being maintained at a temperature of 40° F. or lower throughout the holding period.

(i) Should it be necessary to hold dressed poultry in excess of 24 hours in chilling tanks, the poultry shall be removed from the tanks, repacked in clean ice in clean tanks which are continually drained.

(ii) If it is necessary to hold ready-to-cook poultry in chilling tanks for longer periods than 24 hours, the tanks shall be drained and the chilling medium renewed to uniformly maintain the temperature of the ready-to-cook poultry at, or below, 40° F. The additional holding period shall not exceed 24 hours unless the poultry is maintained in continuously drained tanks which are adequately iced.

(4) Notwithstanding the foregoing cooling requirements, the Administrator is authorized to specify, under special circumstances, such additional cooling and handling methods as may be necessary to assure wholesome poultry and poultry products.

(c) *Air chilling.* In air chilling, dressed poultry shall be placed in a refrigerated room with moderate air movement at a temperature which will reduce the internal temperature of the carcasses to 40° F. or less within 24 hours. In air chilling ready-to-cook poultry, the internal temperature of the carcasses shall be reduced to 40° F. or less within 16 hours.

(d) *Cooling giblets.* Giblets shall be chilled to 40° F. or lower within two hours from the time they are removed from the inedible viscera, except when they are cooled with the carcass the requirements of paragraphs (b) (2) and (f) (5) of this section shall apply. Any of the acceptable methods of chilling the poultry carcass may be followed in cooling giblets, except that unwrapped livers shall not be cooled in agitated ice and water chilling media, but may be cooled in perforated containers which are immersed in noncirculated ice and water chilling media: *Provided*, That the livers are removed from the chilling containers when their temperature has been lowered to 40° F. When ready-to-cook birds are to be consumer packaged, the giblets shall be handled in a manner that will prevent free water from being included in the giblet package. Giblet wrappers shall be made of reasonably nonabsorbent materials and shall be no larger than necessary to properly wrap the giblets.

(e) *Other chilling procedures.* Any other chilling procedure which will effect chilling in a manner equal to that obtained by the procedures herein set forth may be permitted when approved by the Administrator.

(f) *Freezing.* (1) Dressed and ready-to-cook poultry which has been chilled to 40° F. or below prior to packaging and which is to be frozen and so labeled shall be placed into a freezer within 48 hours from time of packaging. If such poultry cannot be immediately placed into the freezer after packaging, it shall be held at 36° F. or lower.

(2) The freezing operation for dressed poultry shall be accomplished in such a manner as to bring the internal temperature of the birds in the center of the package to 0° F. or below within 96 hours from the time of entering the freezer; whereas, ready-to-cook poultry shall be frozen in a manner so as to bring the internal temperature of the birds at the center of the package to 0° F. or below within 72 hours from the time of entering the freezer.

(3) Upon written request, and under such conditions as may be prescribed by the Administrator, dressed and ready-to-cook poultry which is to be frozen immediately may be moved from the official establishment prior to freezing: *Provided*, That the plant and freezer are so located and the necessary arrangements are made so that the Inspection Service will have access to the freezing room and adequate opportunity to determine compliance with the time and temperature requirements specified in subparagraph (2) of this paragraph.

(4) Warm packaged ready-to-cook poultry which is to be chilled by immediate entry into a freezer within the official establishment shall within 2 hours from time of slaughter be placed in a plate freezer or a freezer with a functioning circulating air system where a temperature of −10° F. or lower is maintained.

(5) Frozen poultry shall be held under conditions which will maintain the product in a solidly frozen state with tem-

perature maintained as constant as possible.

(6) Immersion or spray freezing equipment shall be constructed of noncorrosive metal or other acceptable material. Compounds used in immersion or spray freezing procedures shall be approved by the Administrator prior to use.

(7) Except as otherwise provided in § 81.104, freezing facilities shall be provided within the official establishment for frozen poultry products other than ready-to-cook poultry.

(g) *Ice-pack containers.* When poultry is ice packed in barrels or other containers, the barrels and containers shall be covered and shall have an adequate number of drain holes to permit the water to drain out.

§ 81.51 *Vermin.* Every practicable precaution shall be taken to exclude flies, rats, mice, and other vermin from the official establishment. Dogs, cats, and other pets shall be excluded from rooms where poultry products and dressed poultry are processed, handled and stored.

§ 81.52 *Use of compounds.* Only germicides, insecticides, rodenticides, detergents, or wetting agents or other similar materials which will not contaminate or deleteriously affect the poultry and poultry products and which have been approved by the Administrator may be used in an official establishment. The use of such compounds shall be in a manner satisfactory to the Administrator.

§ 81.53 *Exclusion of diseased persons.* No person affected with any communicable disease (including, but not being limited to, tuberculosis) in a transmissible stage shall be permitted in any room or compartment where exposed or unpacked dressed poultry or poultry products are prepard, processed, or otherwise handled.

Inspection Procedures

ante mortem inspection

§ 81.61 *Ante mortem inspection.* An ante mortem inspection of poultry shall, where and to the extent considered necessary by the Administrator and under such instructions as he may issue from time to time, be made of poultry on the day of slaughter in any official establishment processing poultry for commerce.

§ 81.62 *Facilities for ante mortem inspection.* Batteries, coops, or other facilities in which live poultry is presented for ante mortem inspection shall be of such arrangement, construction, and shall be so placed with sufficient light provided so that the inspector can clearly see the birds to the extent needed to carry out an adequate inspection.

§ 81.63 *Condemnation on ante mortem inspection.* Birds plainly showing on ante mortem inspection any disease or condition, that under §§ 81.79 to 81.91, inclusive, would cause condemnation of their carcasses on post-mortem inspection, shall be condemned. Birds which on ante mortem inspection are condemned shall not be dressed, nor shall they be conveyed into any department of the plant where poultry products are prepared or held. Poultry which has been condemned on ante mortem inspection and has been killed shall, under the supervision of an inspector of the Inspection Service, receive such treatment as that provided in § 81.92.

§ 81.64 *Segregation of suspects on antemortem inspection.* All birds which on antemortem inspection do not plainly show, but are suspected of being affected with any disease or condition that under §§ 81.79 to 81.91, inclusive, may cause condemnation in whole or in part on post-mortem inspection, shall be segregated from the other poultry and held for separate slaughter, evisceration, and post-mortem inspection. The inspector shall be notified when such segregated lots are presented for post-mortem inspection and inspection of such birds shall be conducted separately. Such procedure for the correlation of antemortem and post-mortem findings by the inspector, as may be prescribed or approved by the Administrator, shall be carried out.

§ 81.65 *Quarantine of diseased poultry.* If live poultry, which is affected by any contagious disease which is transmissible to man, is brought into an official establishment, such poultry shall be segregated. The slaughtering of such poultry shall be deferred and the poultry shall be dealt with in one of the following ways:

(a) If it is determined by a veterinary inspector that further handling of the poultry will not create a health hazard, the lot shall be subject to antemortem and post-mortem inspection pursuant to the regulations in this part.

(b) If it is determined by a veterinary inspector that further handling of the poultry will create a health hazard, such poultry may be released for treatment under the control of an appropriate State or Federal agency. If the circumstances are such that release for treatment is impracticable, a careful bird-by-bird ante mortem inspection shall be made, and all birds found to be, or which are suspected of being, affected with the contagious disease transmissible to man shall be condemned.

post-mortem inspection

§ 81.71 *Evisceration.* No viscera or any part thereof shall be removed from any dressed poultry which is to be processed under inspection in any official establishment, except at the time of evisceration and inspection. Each carcass to be eviscerated shall be opened so as to expose the organs and the body cavity for proper examination by the inspector and shall be prepared immediately after inspection as ready-to-cook poultry. If a carcass is frozen, it shall be thoroughly thawed before being opened for examination by the inspector. Each carcass, or all parts comprising such carcass, shall be examined by the inspector.

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

§ 81.73 *Condemnation of carcasses.* At the time of evisceration under inspection service each carcass, or any part thereof, which is found to be unsound, unwholesome, or otherwise unfit for human food, shall be condemned.

§ 81.74 *Passing of carcasses.* Each carcass and all parts and organs thereof which are found to be sound, wholesome, unadulterated, and fit for human food, shall be passed.

disposition of diseased poultry carcasses and parts

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

§ 81.80 *Tuberculosis.* Carcasses of poultry affected with tuberculosis shall be condemned.

§ 81.81 *Diseases of the leukosis complex.* Carcasses of poultry affected with any one or more of the several forms of the avian leukosis complex shall be condemned, except that carcasses affected with the ocular form only may be passed.

§ 81.82 *Septicemia or toxemia.* Carcasses of poultry showing evidence of any septicemic or toxemic disease, or showing evidence of an abnormal physiologic state, shall be condemned.

§ 81.83 *Special diseases.* Carcasses of poultry showing evidence of any disease which is characterized by the presence, in the meat, of organisms or toxins dangerous to the consumer, shall be condemned.

§ 81.84 *Inflammatory processes.* Any organ or part of a carcass which is affected by an inflammatory process shall be condemned and, if there is evidence of general systemic disturbance, the whole carcass shall be condemned.

§ 81.85 *Tumors.* Any organ or part of a carcass which is affected by a tumor shall be condemned and when there is evidence of metastasis or that the general condition of the bird has been affected by the size, position, or nature of

the tumor, the whole carcass shall be condemned.

§ 81.86 *Parasites.* Edible organs or parts of carcasses which are found to be infested with parasites, or which show lesions of such infestation shall be condemned and, if the whole carcass is affected, the whole carcass shall be condemned.

§ 81.87 *Bruises.* Any part of a carcass which is badly bruised shall be condemned and, if the whole carcass is affected as a result of the bruise, the whole carcass shall be condemned. Parts of a carcass, which show only slight reddening from a bruise, may be passed for food.

§ 81.88 *Cadavers.* Carcasses of poultry showing evidence of having died from causes other than slaughter shall be condemned.

§ 81.89 *Contamination.* Carcasses of poultry contaminated by volatile oils, paints, poisons, gases, or other substances which affect the wholesomeness of the carcasses, shall be condemned. Any organ or part of a carcass which has been contaminated following mutilation shall be condemned, and if the whole carcass is affected, the whole carcass shall be condemned.

§ 81.90 *Overscald.* Carcasses of poultry which have been overscalded resulting in a cooked appearance of the flesh shall be condemned.

§ 81.91 *Decomposition.* Carcasses of poultry deleteriously affected by postmortem changes shall be disposed of as follows:

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

(b) Any part of a carcass which is green struck shall be condemned and, if the carcass is so extensively affected that removal of affected parts is impracticable, the whole carcass shall be condemned.

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

§ 81.92 *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 supervision of an inspector of the Inspection Service: (Facilities and materials for carrying out the requirements in this section shall be furnished by the official establishment.)

(a) Steam sterilization which shall be accomplished by processing the condemned product in a pressure tank under at least 40 pounds of steam pressure maintained for a sufficient time to effectively destroy it 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 connection, by means of pipes, or otherwise, between tanks, rooms, or compartments containing inedible products and those containing edible products.

(b) Incineration or complete destruction by burning.

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

(1) Crude carbolic acid

(2) Kerosene or fuel oil, or

(3) Any phenolic disinfectant conforming to commercial standards CS 70–41 or CS 71–41 which shall be used in at least 2 percent emulsion or solution.

(4) Any other substance that the Administrator approves which will decharacterize the carcasses or parts to the extent necessary to accomplish the purposes of this section.

REINSPECTION

§ 81.95 *Reinspection of poultry products.* (a) Any inspected and passed poultry product may be brought into an official establishment only if the container of such product is marked for identification in the manner prescribed in § 81.130 and the product is reinspected by an inspector at the time it is brought into such plant. Upon reinspection, if any such product or portion thereof is found to be unsound, unwholesome, adulterated or otherwise unfit for human food, such product, or portion thereof, shall be condemned and shall receive such treatment as that provided in § 81.92.

(b) Any product which is prepared under inspection in an official establishment shall be inspected in such establishment as often as the inspector deems it necessary in order to ascertain whether the product is sound, wholesome, and fit for human food at the time it leaves the establishment. Upon any such inspection, if any product or portion thereof is found to be unsound, unwholesome, or otherwise unfit for human food, such product or portion thereof shall be condemned and shall receive such treatment as that provided in § 81.92.

(c) All substances and ingredients used in the manufacture or preparation of any poultry product shall be clean, sound, wholesome, and fit for human food.

§ 81.96 *Retention tags.* An inspector may use such retention tags or other devices and methods as may be approved by the Administrator, for the identification of (a) products which are held for further examination, and (b) any equipment, utensils, rooms, or compartments which are found to be unclean and in violation of any of the regulations. No poultry product, equipment, utensil, room, or compartment so identified shall be released for use until it has been made acceptable. Such identification shall not be removed by anyone other than an inspector.

APPEALS

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

CANNING REQUIREMENTS

§ 81.100 *Manner in which canned products shall be processed and handled.* Canned poultry products which are heat treated after closing or sealing shall be processed and handled in accordance with the following requirements:

(a) Immediate containers (whether of metal, glass, or other material) shall be cleaned thoroughly by washing in an inverted position with running water of a temperature of at least 180° F., or by other means acceptable to the Administrator, immediately prior to filling with poultry products; and precautions shall be taken to avoid any subsequent soilage of the inner surfaces of such containers.

(b) Only perfect closure is acceptable for hermetically sealed containers; and heat processing of the products in such containers shall follow immediately after closing.

(1) Except as provided in paragraph (e) of this section, such products shall be so processed at such temperature and for such period of time as will insure preservation of the products under usual conditions of storage and transportation.

(2) Immediately after closing, and again after the containers have cooled sufficiently for handling after heat processing, careful examination shall be made by competent plant employees to ascertain whether the containers are perfectly sealed. The poultry products in such containers as are defectively closed or sealed shall, as promptly as practicable, be filled into other containers, hermetically sealed, and heat processed unless the containers are promptly placed in a cooler at a temperature not exceeding 36° F. under conditions that will promptly and effectively chill them. Such chilled containers of products shall be opened and the contents removed and reprocessed immediately after removal from the cooler: *Provided*, That if such containers remained in the cooler for a period of 24 hours or longer, the contents shall be inspected by an inspector prior to the reprocessing thereof. Failure to comply with the provisions of this paragraph shall subject the poultry products to condemnation.

(c) After heat processing, and after the containers have cooled sufficiently for handling, the containers shall be examined by competent plant employees and shall not be passed unless showing the external characteristics of sound containers.

(d) After heat processing, any containers of poultry products showing characteristics of short vacuum or over-

stuffed containers shall, when an inspector deems it necessary in order to determine whether spoilage of the product has taken place, be incubated under the supervision of an inspector, after which the containers shall be opened and sound products passed for food and spoiled products condemned.

(e) Poultry products may, when authorized by the Administrator, and under such conditions as he may prescribe and approve, be canned without steam-pressure cooking, and such products, if frozen, shall be labeled "keep frozen," and if they are not frozen, they shall be labeled "perishable, keep under refrigeration."

(f) Each lot of canned poultry products shall be identified, during the handling preparatory to heat processing, by tagging the baskets, cases, or containers with a tag which will change color on going through the heat processing or by other effective means which will positively prevent failure to heat process.

(g) Facilities shall be provided to incubate at least representative samples of fully processed canned poultry products. The incubation shall consist of holding the samples for at least 10 days at about 98° F. The extent to which incubation tests shall be required will depend on conditions such as the efficiency of the plant in conducting canning operations, the kind of equipment used, and the degree of efficiency at which such equipment is maintained.

(1) In the event the official establishment fails to provide suitable facilities for incubation of test samples of any lot of fully processed canned poultry products, the inspector in charge may require holding of the entire lot under such conditions and for such period of time as will, in his discretion, be necessary to ascertain the stability of the product.

(2) The inspector in charge may, prior to completion of any required incubation of a representative sample, permit lots of fully processed canned poultry products to be shipped from the official plant when he has no reason to suspect unsoundness of such products; however, such shipments shall be made under circumstances which will assure the return of the products to the plant for reinspection should such action be indicated by the incubation results.

(h) All canned products shall be plainly and permanently marked, by code or otherwise, on the containers, with the identity of the contents and date of canning, except that canned products packed in glass containers are not required to be marked with the date of canning if such information appears on the shipping container. If the marking is by code, its meaning shall be furnished to the inspector in charge.

FROZEN FOODS

§ 81.104 *Processing requirements.* Processing procedures with respect to frozen ready-to-heat-and-eat poultry products or stuffed ready-to-roast poultry shall be in accordance with sound operating practices and carried out in a manner which will assure wholesomeness of the products. Products to be frozen shall be moved into the freezer promptly under such supervision as will assure preservation of the products by prompt and efficient freezing. Adequate freezing facilities shall be provided within the official establishment where products to be frozen are prepared, except that, upon written request, and under such conditions as may be prescribed by the Administrator, such products may be moved from the official establishment prior to freezing: *Provided*, That the official establishment and freezer are so located and the necessary arrangements are made so that the Inspection Service will have access to the freezing room and adequate opportunity to determine that the products are being properly handled and frozen.

POULTRY PRODUCTS CONTAMINATED BY POLLUTED WATER

§ 81.107 *Procedure for handling.* (a) In the event there is polluted water (including, but not being limited to, flood water) in an official establishment, all poultry and poultry products and ingredients used in the preparation of such products that have been or may have been contaminated by the water shall be condemned.

(b) After the polluted water has receded, all walls, ceilings, posts and floors of the rooms and compartments involved, including the equipment therein, shall, under the supervision of an inspector, be cleaned thoroughly. An adequate supply of hot water, under pressure, is essential for effective cleaning. After cleansing, a solution of sodium hypochlorite containing approximately ½ of 1 per cent of available chlorine (5,000 parts per million), or other disinfectant approved by the Administrator, shall be applied; and all metal surfaces shall be rinsed thoroughly with water to prevent corrosion. Any equipment that will afterwards be used in connection with any poultry product shall be rinsed thoroughly with clean water before being used.

(c) Hermetically sealed containers of poultry products which have been submerged in, or otherwise contaminated by, the polluted water shall be rehandled promptly under supervision of an inspector as follows:

(1) Such containers as are swollen or leaky or otherwise do not show the external characteristics of sound containers shall be segregated and the contents thereof condemned.

(2) Any labels, attached or affixed to the remaining containers shall be removed and the containers washed in warm soapy water; and, if necessary to remove rust and other foreign material, a brush shall be used.

(3) Thereafter, such containers shall be immersed in a solution of sodium hypochlorite containing not less than 100 parts per million of available chlorine, or other disinfectant approved specifically for this purpose by the Administrator and rinsed in clean fresh water and dried thoroughly. Any such containers which show extensive rusting or corrosion, such as might materially weaken the container, shall be opened under the supervision of an inspector. The poultry products from such containers that are found by the inspector to be sound and wholesome shall be passed for human food.

(4) The remaining containers may be relacquered, if necessary, and then relabeled with approved labels applicable to the poultry products therein.

(5) The identity of the canned poultry products shall be maintained throughout all stages of the rehandling operation to insure correct labeling of the containers.

PREPARATION OF ARTICLES OTHER THAN FOR HUMAN FOOD

§ 81.110 *Preparation of animal food or other articles in an official establishment*—(a) *Requirements applicable when prepared in an edible products department.* When an article (including, but not being limited to, animal food) that is not for use as human food is prepared in any room or compartment in an official establishment where poultry products are prepared or handled (such room or compartment being herein referred to as "edible products departments"), sufficient space and equipment shall be provided to assure that the preparation of the article in no way interferes with the preparation or handling of the poultry products. Where necessary, separate equipment shall be provided for the preparation of the article. To assure the maintenance of the requisite sanitary conditions in the edible products department, the operations incident to the preparation of the article shall be subject to the same sanitary requirements as apply to the edible products department. Preparation of the article shall be limited to those hours during which the official establishment operates under the supervision of an inspector. The ingredients used in the preparation of the article shall, unless otherwise approved by the Administrator, be such as may be used in the preparation of a poultry product. The article may be stored in, and distributed from, the edible products department if the article is properly identified.

(b) *Requirements applicable when prepared in an inedible products department.* When any article (including, but not being limited to, animal food) that is not for use as human food, is prepared in any part of an official establishment other than an edible products department (such part of the establishment being herein referred to as "inedible products department"), the area in which such article is prepared shall be distinctly separated from all edible products departments. Poultry products and inedible products may be brought from any edible products department into any inedible products department, but no poultry product or inedible product from an inedible products department may be brought into an edible products department except under such conditions as may be prescribed or approved by the Administrator. Any such articles as are in sealed containers or are handled in the manner prescribed or approved by the Administrator may be brought into an edible products department. Diseased carcasses or diseased parts of any carcass shall not be used in the preparation of any animal food unless it has been

treated in the manner prescribed in § 81.92 (a). Trucks or containers used for the transportation of poultry products or inedible products into an inedible products department shall be cleaned before being returned to or brought into an edible products department. Sufficient space shall be allotted and adequate equipment and facilities provided so that the preparation of the article does not interfere with the preparation of poultry products in the plant or the maintenance of the requisite sanitary conditions in the official establishment. The preparation of any article shall be subject to supervision by an inspector.

(c) *Containers to be labeled.* The immediate container of any such article that is prepared in an official establishment shall be conspicuously labeled so as to distinguish it from human food.

REPORTS

§ 81.113 *Report of inspection work.* Reports of the inspection work carried on within official establishments shall be forwarded to the Administrator by the inspector in such a manner as may be specified by the Administrator.

§ 81.114 *Information to be furnished to inspectors.* When inspection service is performed within an official establishment, the applicant for such inspection service shall furnish the inspector rendering such service such information and assistance as may be required for the purpose of preparing certificates, reports, and the performance of other official duties.

§ 81.115 *Reports of violations.* Each inspector, agent, representative, or employee of the Inspection Service shall report, in the manner prescribed by the Administrator, all violations of the Poultry Products Inspection Act and noncompliance with the regulations in this part of which he has knowledge.

CERTIFICATES

§ 81.118 *Export certificates; issuance and disposition.* (a) Upon the request of an exporter, any inspector is authorized to issue an export certificate with respect to the shipment to any foreign country of any inspected and passed poultry product, or of any poultry slaughtered in an official establishment, after suitable examination of the product has been made by the inspector.

(b) Each export certificate shall be issued in quintuplicate; the original and duplicate shall be delivered to the shipper who requested such certificate and the duplicate copy shall be delivered by him to the agent of the railroad or other carrier transporting such products from the United States otherwise than by water, or to the Chief Officer of the vessel on which the export shipment is made. The triplicate copy of such export certificate shall be forwarded to the Area Supervisor and by him to the Administrator; the quadruplicate copy shall be filed in the office of the Area Supervisor serving the area in which such export certificate was issued; and the memorandum copy shall be retained by the inspector for filing. The inspector issuing an export certificate is authorized to furnish additional copies of such certificate upon the request of an interested party.

§ 81.119 *Form of export certificates.* Each export certificate issued pursuant to the regulations in this part shall be approved by the Administrator as to form and shall show the respective names of the exporter and the consignee, the destination, the shipping marks, the names of such products, the total net weight thereof, and such other information as the Administrator may prescribe or approve.

§ 81.120 *Special procedure or requirements as to certification of poultry products for export to certain countries.* When export certificates are required by any foreign country for poultry products exported to such country, the Administrator shall prescribe or approve the form of export certificate to be used and the methods and procedures as he deems appropriate with respect to the preparation and transportation of such poultry products, in order to comply with requirements specified by the foreign country regarding the exported products.

§ 81.121 *Poultry inspection certificates; issuance and disposition.* (a) Upon the request of an interested party, any veterinary inspector is authorized to issue a poultry inspection certificate with respect to any lot of dressed poultry inspected by him. Each certificate shall be signed by the inspector who made the inspection covered by the certificate, and if more than one inspector participated in the inspection of the lot of poultry, each such inspector shall sign the certificate with respect to such lot. If the inspection of a lot covered by a certificate was made by a lay inspector, such certificate shall also be signed by the station supervisor or by the inspector in charge of the substation when such inspection was made.

(b) The original and one copy of each poultry inspection certificate shall be issued to the applicant who requested such certificate, and two copies shall be forwarded to the Area Supervisor, one of which will be forwarded by him to the Administrator. One copy shall be retained by the inspector for filing. The inspector who issues any poultry inspection certificate is authorized to furnish additional copies of such certificate upon the request of an interested party.

§ 81.122 *Form of poultry inspection certificate.* Each poultry inspection certificate issued pursuant to the regulations in this part shall be approved by the Administrator as to form, and shall show the names of the poultry products covered by such certificate, the quantity of each such product, such shipping marks as are necessary to identify such products, and all pertinent information concerning the wholesomeness thereof.

§ 81.123 *No erasures or alterations to be made on certificates.* No erasures or alterations shall be permitted on a certificate. All certificates rendered useless through clerical error or otherwise and all certificates cancelled for whatever cause shall be voided, initialed, and one copy shall be retained in the inspector's file; and the original and balance of the copies shall be forwarded to the Area Supervisor.

§ 81.124 *Data to be entered in proper spaces.* All certificates shall be so executed that the data entered thereon will appear in the proper spaces on each copy of the certificate.

LABELING

§ 81.125 *Containers of poultry required to be labeled.* Except as provided in § 81.154, each shipping container and each immediate container of any product shall at the time it leaves the official establishment bear approved labels containing information in accordance with the provisions set forth in §§ 81.126 to 81.146, inclusive, and the act.

§ 81.126 *Preparation of marking devices bearing the official inspection mark without advance approval prohibited; exception.* Except for the purposes of preparing and submitting a sample or samples of marking devices, or imprints prepared therefrom, to the Administrator for approval, no person shall procure, make, or prepare, or cause to be procured, made, or prepared, any stencil, or other marking device bearing official identification or any abbreviation, copy or representation thereof, for use on any product without the written authority therefor of the Administrator. However, when any sample stencil, or other marking device or an imprint prepared therefrom is approved by the Administrator for a particular applicant, additional supplies of such stencil, or other marking device of a character identical to such approved sample may be procured, made, or prepared by such applicant, for use in accordance with the regulations, without further approval by the Administrator.

§ 81.127 *Labels to be approved by the Administrator.* No label, except printer's proofs bearing official identification shall be printed until the printer's proof or a photostatic copy has been found by the Administrator to be acceptable; and no label or imprint bearing official identification shall be used until finished copies or samples thereof have been approved by the Administrator, except that approval may be given to printer's final proofs or photostatic copies of labels or samples of stenciled and rubber stamped imprints for shipping containers or containers for institutional packs, and no such labels or imprints shall be used until such proofs or copies have been approved by the Administrator.

§ 81.128 *Unauthorized use or disposition of approved labels.* Labels or imprints approved for use pursuant to §§ 81.126 and 81.127 shall be used only for the purpose for which approved, and shall not be disposed of from the plant for which approved except with written approval of the Administrator. Any unauthorized use or disposition of approved labels or labels bearing official identification may result in cancellation of the approval.

§ 81.129 *Wording and form of the inspection mark.* Except as otherwise

authorized, the inspection mark required to be used with respect to inspected poultry products shall include wording as follows: "Inspected for wholesomeness by U. S. Department of Agriculture." This wording shall be contained within a circle. The form and arrangement of such wording shall be exactly as indicated in the example in Figure 1, except that the appropriate plant number shall be shown, and if the plant number appears elsewhere on the same label in the manner prescribed in § 81.130 (a) (6), it may be omitted from the inspection mark. The Administrator may approve the use of abbreviations of such inspection mark; and such approved abbreviations shall have the same force and effect as the inspection mark. The inspection mark, or the approved abbreviation thereof, shall be printed on consumer packages, or on a label to be securely affixed to such packages. The inspection mark, or approved abbreviation thereof, shall be applied to shipping containers and may be printed or stenciled thereon, but shall not be applied by rubber stamping.



FIGURE 1.

§ 81.130 *Wording on labels.* (a) Each label approved for use on an immediate container for poultry products shall bear in distinctly legible form the following information:

(1) The common or usual name of the poultry product.

(2) A statement of ingredients if fabricated from two or more ingredients, including a declaration as to artificial flavors, colors, or preservatives, if any. Such ingredients shall be listed by their common or usual names in the order of their descending proportions. For the purpose of this paragraph, the term "chicken meat," unless modified by an appropriate adjective, is construed to mean deboned white and dark meat; whereas, the term "chicken" may include other edible parts such as skin and fat not in excess of their natural proportions, in addition to the chicken meat. If the term "chicken meat" is listed and the product also contains skin, giblets, or fat, it is necessary to list each such ingredient. This terminology shall apply to poultry products prepared from other kinds of poultry where applicable.

(3) The net weight or other appropriate measure of the contents, except that the Administrator is authorized to approve the use of labels for certain types of immediate containers which do not bear the net weight: *Provided*, That the distributor of such labeled product agrees in writing to the Administrator, to mark the true net weight on the product prior to display and sale thereof: *And provided further*, That the shipping container bears a statement "Net weight to be marked on consumer packages prior to display and sale": *And provided further*, That the total net weight of the contents of the shipping container shall be marked on such container.

(4) The name and address of the packer or distributor and when the name of the distributor is shown, it shall be qualified by such term as "packed for," "distributed by," or "distributors."

(5) The official inspection mark.

(6) The plant number of the official establishment in which the product was inspected, either within the official inspection mark or clearly visible and in close proximity elsewhere on the exterior of the container, or in the case of canned products the establishment number may be embossed on the lid of each can. In the case of nontransparent consumer packages, such as cartons, the plant number may be shown on an insert label placed on top of the product within the package. In the case of transparent wrappers the plant number may be shown on an insert label and so placed under the transparent covering that it will be clearly visible and legible.

(b) Each label approved for use on a shipping container shall bear in distinctly legible form the following information:

(1) The official inspection mark.

(2) The plant number of the official establishment in which the product was inspected, either within the official inspection mark, or elsewhere on the container clearly visible and in close proximity to the official inspection mark.

(c) Any label which bears the official inspection mark or any written, printed or graphic matter upon or accompanying any poultry product inspected or required to be inspected pursuant to the provisions of the regulations shall not bear any statement that is false or misleading. If the Administrator has reason to believe that any label in use or prepared for use is false or misleading in any particular, he may direct that the use of the label be withheld unless it is modified in such manner as the Administrator may prescribe so that it will not be false or misleading. If the person using or proposing to use the label does not accept the determination of the Administrator, he may request a hearing, but the use of the label shall, if the Administrator so directs, be withheld pending hearing and final determination by the Administrator. Any person so denied the approval of any label shall be notified promptly of the reasons for the denial. A written application for a hearing with respect to the denial may be filed by said person with the Administrator within 10 days after notice of the denial. Such petition shall state specifically the errors alleged to have been made by the Administrator in denying approval of the label. After consideration of the facts adduced at the hearing, any determination with respect to the matter by the Administrator shall be conclusive unless, within 30 days after the receipt of notice of such final determination, the person adversely affected thereby appeals to the United States Court of Appeals for the Circuit in which he has his principal place of business, or to the United States Court of Appeals for the District of Columbia Circuit. The provisions of section 204 of the Packers and Stockyards Act of 1921, as amended, shall be applicable to appeals taken under this section.

§ 81.131 *False or deceptive terms or devices; and other labeling requirements.* (a) No product, and no container thereof, shall be labeled with any false or deceptive name, but established trade names which are usual to such articles and are not false or deceptive and which have been approved by the Administrator may be used.

(b) No statement, word, picture, design, or device, which is false or misleading in any particular or conveys any false impression or gives any false indication of origin, identity, or quality, shall appear on any label. For example:

(1) Official grade designations such as the letter grades A, B, and C may be used in labeling individual carcasses of poultry and consumer packages of poultry and poultry products only if such poultry has been graded by a licensed grader of the Federal or Federal-State poultry grading service.

(2) Terms having geographical significance with reference to a particular locality may be used only when the product was produced in that locality.

(3) Terms, such as "baby," may be used to indicate immaturity of poultry which is marketed earlier than the usual marketing age: *Provided*, That such terms are printed in a style and size of type no larger than is used to indicate the name of the product.

(c) Poultry products which have been treated with compounds to retard spoilage shall be labeled to indicate such treatment.

(d) The terminology specified in subparagraphs (1) through (10) of this paragraph are applicable to parts of poultry cut in the manner described therein.

(1) "Breasts" shall be separated from the back at the shoulder joint and by a cut running backward and downward from that point along the junction of the vertebral and sternal ribs. The ribs may be removed from the breasts, and the breasts may be cut along the breast bone to make two approximately equal halves; or the wishbone portion, as described in subparagraph (3) of this paragraph, may be removed before cutting the remainder along the breast bone to make three parts. Pieces cut in this manner may be substituted for lighter or heavier pieces for exact weight-making purposes and the package may contain

two or more of such parts without affecting the appropriateness of the labeling as "chicken breasts." Neck skin shall not be included with the breasts.

(2) *Breasts with ribs* shall be separated from the back at the junction of the vertebral ribs and back. Breasts with ribs may be cut along the breast bone to make two approximately equal halves; or the wishbone portion, as described in subparagraph (3) of this paragraph, may be removed before cutting the remainder along the breast bone to make three parts. Pieces cut in this manner may be substituted for lighter or heavier pieces for exact weight-making purposes and the package may contain two or more of such parts without affecting the appropriateness of the labeling as "breasts with ribs." Neck skin shall not be included.

(3) "Wishbones" (Pulley Bones), with covering muscle and skin tissue, shall be severed from the breast approximately halfway between the end of the wishbone (hypocledium) and front point of the breast bone (cranial process of the sternal crest) to a point where the wishbone joins the shoulder. Neck skin shall not be included with the wishbone.

(4) "Drumsticks" shall be separated from the thigh by a cut through the knee joint (femorotibial and patellar joint) and from the hock joint (tarsal joint).

(5) "Thighs" shall be disjointed at the hip joint and may include the pelvic meat, but shall not include the pelvic bones. Back skin shall not be included.

(6) "Legs" shall include the whole leg, i. e., the thigh and the drumstick, whether jointed or disjointed. Back skin shall not be included.

(7) "Wings" shall include the entire wing with all muscle and skin tissue intact, except that the wing tip may be removed.

(8) "Backs" shall include the pelvic bones and all the vertebrae posterior to the shoulder joint. The meat shall not be peeled from the pelvic bones. The vertebral ribs and/or scapula may be removed or included without affecting the appropriateness of the title. Skin shall be substantially intact.

(9) "Stripped backs" shall include the vertebrae from the shoulder joint to the tail, and include the pelvic bones. The meat may be stripped off of the pelvic bones.

(10) "Necks", with or without neck skin, shall be separated from the carcass at the shoulder joint.

(11) Parts of poultry may be cut in any manner the processor desires as long as the labeling appropriately reflects the contents of the container of such poultry.

§ 81.132 *Formulas required.* Copies of each label submitted for approval shall, when the Administrator requires, be accompanied by a statement showing the kinds and percentages of the ingredients by their common or usual names comprising the poultry product and by a statement indicating the method of preparation of the product with respect to which the label is to be used. Approximate percentages may be given in cases where the percentages of ingredients may vary from time to time, if the limits of variation are stated.

§ 81.133 *Wording permitted on food products containing poultry products.* Any label which is to be affixed to a container of any food product containing poultry product which is packed under the supervision of an inspector in any official establishment may bear the phrase: "The poultry product contained herein has been inspected at an establishment where Federal inspection is maintained." Each such trade label shall also be subject to the applicable provisions of §§ 81.126 and 81.127. Such food products containing poultry products or any container thereof shall not bear the official inspection mark, or any abbreviation or representation thereof.

§ 81.134 *Product specifications for labeling purposes.* The Administrator is authorized to establish specifications covering the principal constituents of any poultry food product with respect to which a specified name of the product or other labeling terminology may be used.

(a) *Meat content of poultry pies.* Poultry pies, or pot pies, which are prepared from cooked meat shall contain a minimum of 14 percent (1⅛ ounces per 8-ounce pie) of cooked deboned poultry meat. Poultry pies, or pot pies, prepared with raw meat shall contain a minimum of 25 percent (2 ounces per 8-ounce pie) of raw deboned poultry meat. Both percentages shall be exclusive of any skin, giblets, or fat which may be included in the product.

(b) *Canned boned chicken or turkey.* Canned boned chicken or turkey which is prepared from cooked deboned meat shall not contain more than 10 percent added moisture. The product shall consist of deboned white and dark meat in natural proportions and may contain skin and fat not in excess of natural proportions.

(1) Canned boned poultry meat which is prepared from raw boned meat in combination with cooked boned meat may have moisture added not to exceed 10 percent of the weight of cooked meat used in the product.

(2) Boned chicken or turkey prepared from raw boned meat shall have no moisture added during the preparation and canning processes.

(3) If moisture is added in excess of amounts specified in this paragraph, the ingredient statement on the label shall contain a statement indicating the addition of moisture, and the name of the product shall be qualified to indicate the added moisture.

§ 81.135 *Labels in foreign languages.* Any label to be affixed to a container of any dressed poultry or poultry product for foreign commerce may be printed in a foreign language. However, the official identification shall appear on the label in English, but in addition, may be literally translated into such foreign language. Each such label shall be subject to the applicable provisions of §§ 81.126 to 81.130, inclusive. Deviations from the form of labeling required under the regulations in this part may be approved by the Administrator: *Provided,* (a) That the proposed labeling accords to the specifications of the foreign purchaser, (b) that it is not in conflict with the laws of the country to which it is intended for export, and (c) that the outside of the shipping container is labeled to show that it is intended for export; but if such product is sold or offered for sale in domestic commerce, all the requirements of the regulations in this part shall apply.

§ 81.136 *Wording and form of the dressed poultry identification mark.* The dressed poultry identification mark required by § 81.137 (a) to be used with respect to dressed poultry which is shipped from an official establishment shall include wording as follows: "Dressed Poultry—Eligible for Further Processing in Official Establishments under USDA Inspection." Such labels shall also set forth the applicable plant number and shall be marked with a lot number which shall be the number of the day of the year the poultry was slaughtered or a coded number, the meaning of which shall be made known to the Inspection Service. This wording shall be contained within a rectangle not less than 1½" x 3" in size. The form and arrangement of such wording shall be as indicated in the example in Figure 2.

DRESSED POULTRY

ELIGIBLE FOR FURTHER PROCESSING

In Official Establishments Under USDA Inspection

Plant No. 000. Lot 000

FIGURE 2.

§ 81.137 *Labeling of dressed poultry—*(a) *Wording on labels for dressed poultry.* The provisions of § 81.127 shall apply to labels for dressed poultry to be shipped in commerce or to another official establishment, except that the dressed poultry identification mark shall be shown, but the official inspection mark shall not be shown on such labels.

(b) *Approval of labels for dressed poultry.* Any label which bears the dressed poultry identification mark shall be subject to the provisions of §§ 81.126 to 81.128. Only labels which have been approved by the Administrator may be used on containers for dressed poultry which is to be shipped in foreign commerce or to another official establishment.

§ 81.138 *Evidence of label approval.* No inspector shall authorize the use of official identification for any inspected product unless he has on file evidence that such official identification or packaging material bearing such official identification has been approved in accordance with the provisions of § 81.127.

§ 81.139 *Modifications of approved labels.* (a) The inspector in charge may permit the use of approved labels or other markings which have been modified as follows: *Provided,* That the label-

ing or marking as modified is so used as not to be false or deceptive:

(1) All features of the label or marking are proportionately enlarged with the color scheme remaining the same.

(2) Changes in the figures denoting the quantity of contents or when there is substitution of such abbreviations as "lb." for "pound," "oz." for "ounce," or the "pound" or "ounce" is substituted for the abbreviation.

(3) The name and address of the distributor have been included in the blank space following the words "prepared for" or a similar statement, on a master or stock label which was approved with the understanding that such information would be added later.

(4) Addition during Christmas and other holiday seasons of wrappers or overprints in floral or foliage designs, or illustrations of rabbits, chicks, fire works, or other emblematic holiday designs to approved labels or markings. The use of such designs shall not obscure any mandatory information.

(5) A slight change in arrangement of directions pertaining to the opening of cans or the serving of the product.

(6) The appropriate name or class of the poultry has been added to a master or stock label which was approved without this information appearing on the label.

(b) The inspector in charge shall send a copy of all such modified labels to the Chief of the Inspection Branch.

§ 81.140 *Approvals made by inspectors in charge.* The inspector in charge may approve labels for containers of product sold under a contract specification to governmental agencies when such product is not offered for resale to the general public: *Provided,* That the contract specifications include complete specific requirements with respect to labeling, and are made available to the inspector in charge.

§ 81.141 *Affixing of official identification.* No official identification or any abbreviation, copy or representation thereof may be affixed to or placed on or caused to be affixed to or placed on any product or container thereof except by an inspector or under the supervision of an inspector or other person authorized by the Administrator. All such products shall have been inspected as required by the regulations in this part.

§ 81.142 *Removal of official identification.* Official establishments which receive dressed poultry or ready-to-cook poultry in containers which bear official identification shall remove or deface such identification upon removal of such poultry from the containers.

§ 81.143 *Packaging.* No container which bears or may bear an inspection mark or any abbreviation or copy or representation thereof may be filled in whole or in part except with poultry products which were inspected and passed and are, at the time of such filling, sound, wholesome and fit for human food. All such filling of containers shall be under the supervision of an inspector.

§ 81.144 *Relabeling product.* When it is claimed by an official establishment that some of its labeled poultry product, which has been transported to a location other than an official establishment, is in need of relabeling on account of the labels having become mutilated or damaged, or for some other reason needs relabeling, the requests for relabeling the poultry product shall be sent to the Administrator and accompanied with a statement of the reasons therefor and the number of labels required. Labeling material intended for relabeling inspected and passed product shall not be transported from an official establishment until permission has been received from the Administrator. The relabeling of inspected and passed product with official labels shall be done under the supervision of an inspector. The establishment shall reimburse the Inspection Service for any cost involved in supervising the relabeling of such product.

§ 81.145 *Rescindment of label approvals.* Once a year, or more often if necessary, each official establishment shall submit to the Administrator a list in triplicate of approved labels that have become obsolete, accompanied with a statement that such labels are no longer desired. The labels shall be identified by the date of approval, and the name of product or other designation showing the class of material.

§ 81.146 *Use of previously approved labels.* Any supply of labels on hand at the time of inauguration of service under the regulations in this part, which were approved under the regulations issued pursuant to the Agricultural Marketing Act of 1946, as amended, may be used until the supply is exhausted: *Provided, however,* That such labels are not in conflict with the act. Such previously approved labels shall not be used after July 1, 1960. At the time of inauguration of service under the act an inventory of such previously approved labels shall be furnished to the Inspection Service.

Shipment of Products in Commerce

§ 81.151 *Violation of the Poultry Products Inspection Act.* It is a misdemeanor, punishable by fine and imprisonment, for any person to violate the provisions of sections 9, 10, 11 or 17 of the Poultry Products Inspection Act. Poultry Law Investigators shall be appointed and assigned to the Inspection Service to investigate complaints, irregularities, and apparent and alleged violations of the Poultry Products Inspection Act, and of the regulations, and to report their findings in the manner prescribed or approved by the Administrator.

§ 81.152 *Records of interstate shipments.* [Reserved].

§ 81.153 *Shipment of dressed poultry in commerce.* During 1958, dressed poultry prepared in official establishments may be transported and sold in commerce. Effective January 1, 1959, dressed poultry or any poultry slaughtered for human food or any part thereof, separately or in combination with other ingredients (other than poultry products), may not be transported or sold in commerce except as provided in the regulations in this part: *Provided,* That such poultry may be transported from one official establishment to another official establishment or between an official establishment and a foreign country: *And provided further,* That upon application by a processor of dressed poultry to the Administrator accompanied by evidence showing that there has been insufficient time between the passage of the Poultry Products Inspection Act and the aforementioned effective date to permit the change-over of his plant and operations to the processing of poultry products, the Administrator may authorize the shipment of dressed poultry in commerce under such conditions as he may prescribe or approve, but in no event shall such authorization be extended beyond July 1, 1959.

§ 81.154 *Inventories of dressed poultry and poultry products on hand January 1, 1959.* Unless expressly exempted by regulations of the Secretary, an inventory of all noninspected dressed poultry and poultry products which were processed prior to January 1, 1959, and which are intended for transportation or sale in commerce shall be made by the owner of such products. Such products shall not be transported or sold in commerce unless they have been identified by an inspector or other authorized representative of the Inspection Service and the containers marked in a manner prescribed by the Administrator prior to that time. Application to have such products so identified and marked shall be made to the Administrator on a form furnished by the Inspection Service for that purpose. Any noninspected products which have been identified as prescribed in this section prior to January 1, 1959, may thereafter be transported or sold in commerce.

§ 81.155 *Products inspected pursuant to Agricultural Marketing Act.* Poultry and poultry products which, prior to January 1, 1959, have been inspected pursuant to the Agricultural Marketing Act of 1946, as amended, may move in commerce and into official establishments receiving inspection under the regulations in this part.

§ 81.156 *Distribution of inspected products to small lot buyers.* For the purpose of effecting the distribution in commerce of inspected poultry products to small lot buyers, such as small restaurants, distributors or jobbers may remove inspected poultry products from immediate containers, other than consumer packages, and place them into other shipping containers which do not bear the inspection mark: *Provided,* That the individual carcasses of the poultry product bear the inspection mark and the plant number of the establishment that processed such products.

Inspection Personnel and Administration

Performance of Services

§ 81.161 *Licensed inspectors.* (a) Any person who is a Federal or State employee possessing proper qualifications

may be authorized by the Secretary to inspect poultry and poultry products pursuant to the regulations in this part. A license shall be issued to each such authorized Federal or State employee who is not an employee of the Poultry Inspection Service.

(b) All licenses issued by the Secretary shall be countersigned by the officer in charge of the poultry inspection service of the Agricultural Marketing Service or any other designated officer of such service.

§ 81.162 *Suspension of license; revocation.* Pending final action by the Secretary, the officer in charge of the inspection service may, whenever he deems such action necessary, suspend any license effective pursuant to the regulations in this part, by giving notice of such suspension to the respective individual involved, accompanied by a statement of the reasons therefor. Within seven days after the receipt of the aforesaid notice and statement of reasons by such individual, he may file an appeal, in writing, with the Secretary, supported by any argument or evidence that he may wish to offer as to why his license or authority should not be suspended or revoked. After the expiration of the aforesaid seven-day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed seven days the license is revoked.

§ 81.163 *Surrender of license.* Each license which is suspended, or revoked, or has expired shall promptly be surrendered by the licensee to his immediate superior. Upon termination of the services of a licensed inspector the licensee shall promptly surrender his license to his immediate superior.

§ 81.164 *Identification.* Each inspector shall have in his possession at all times, and present upon request while on duty, the means of identification furnished by the Department to such person.

§ 81.165 *Access to establishments.* Any duly authorized representative of the Secretary shall have access at all reasonable times, by day or night, whether the establishment is in operation or not, to the premises or any part thereof of an establishment engaged in processing poultry or poultry products for commerce, or in or for marketing in a designated major consuming area, upon presentation of appropriate credentials.

§ 81.166 *Financial interest of inspectors.* No inspector shall inspect any product in which he is financially interested.

§ 81.167 *Political activity.* All inspectors who are employees of the Department are forbidden during the period of their respective appointments, to take an active part in political management or in political campaigns. Political activity in city, county, state, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, is prohibited. This applies to all appointees, including, but not being limited to, temporary and cooperative employees and employees on leave of absence with or without pay. Willful violation of §§ 81.166 and 81.167 will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

§ 81.168 *Time of inspection.* The inspector who is to perform the inspection in an official establishment shall be informed, in advance, of the hours when such inspection will be required.

§ 81.169 *Schedule of operation of official establishment.* All hours of operation of an official establishment shall be subject to approval of the Administrator, and for the purpose of this regulation the normal operating schedule shall consist of a continuous 8 hour period per day (excluding not to exceed 1 hour for lunch), 5 days per week within the period of Monday through Saturday, for each full shift required. Any variation from such schedule of operation must be fully justified and approved in advance.

§ 81.170 *Overtime inspection service.* When official establishments require inspection service beyond the established normal operating schedule, such service is considered as overtime work. The official establishment shall give reasonable advance notice to the inspector in charge for any overtime service necessary and shall pay the Secretary for such overtime at a rate of $5.00 per hour to cover the cost thereof.

§ 81.171 *Holiday inspection service.* When an official establishment requires inspection service on a holiday, falling within the established normal operating schedule, such service is considered holiday work. The official establishment shall, in advance of such holiday work, request the inspector in charge to furnish inspection service during such period and shall pay the Secretary therefor at the rate of $5.00 per hour to cover the cost of such holiday service. Service in excess of the 8 hours for that day is considered overtime and shall be paid for at the rate of $5.00 per hour. Holidays shall be the 1st day of January, 22d day of February, 30th day of May, 4th day of July, 1st Monday of September, 11th day of November, 4th Thursday of November, 25th day of December, or any other calendar day designated as a holiday by Federal statute or executive order.

§ 81.172 *Supervisor overtime or holiday service.* When, because an establishment requires overtime service as provided in § 81.170 or requires holiday service as provided in § 81.171 or because of the type of operation of an establishment, a station supervisor (veterinarian) is required to work overtime or on a holiday, in the establishment in order to supervise the service or to make final condemnation, the establishment shall pay the Secretary for such overtime or holiday work at the established hourly rate.

§ 81.173 *Basis of billing establishments.* Overtime and/or holiday services shall be billed to the official establishments on the basis of each 15 minutes of overtime and/or holiday service performed by each inspector including supervisor providing such service to the establishment, except that when an official establishment requires the services of an inspector after he has completed his day's assignment and left the establishment or when he is called back to duty on a day outside of the established normal operating schedule or on a holiday, the official establishment shall pay for a minimum of two hours' service at the applicable established rate.

§ 81.174 *Application for inspection under the Poultry Products Inspection Act.*

Application is hereby made for poultry inspection, in accordance with the applicable provisions of the Regulations Governing the Inspection of Poultry and Poultry Products (7 CFR Part 81), at the following-designated plant:

(Name of plant)

(Street Address) (City and State)

Type of Poultry Processing Operations

☐ Eviscerating ☐ Canning
☐ Dressing ☐ Other (Explain)

In making this application the applicant agrees to comply with the terms and conditions of the aforesaid regulations (including but not being limited to such instructions governing inspection of products as may be issued, from time to time, by the Administrator).

(Date)

(Applicant)

By ---

(Signature)

(Title)

(Street Address)

--- ---

(City) (State)

Application granted:

AGRICULTURAL MARKETING SERVICE,

By ---

(Signature)

(Title)

(Date)

[F. R. Doc. 58-875; Filed, Feb. 4, 1958; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 216]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.