

Poultry Postmortem Inspection

Objectives

1. Explain the purpose of postmortem inspection.
2. List the sources of regulatory authority used in postmortem inspection.
3. List the six (6) inspection systems listed in 9 CFR 381.76.
4. List the four (4) responsibilities of the establishment to ensure production of a safe and wholesome product
5. List five (5) facility requirements plant management must provide at the postmortem inspection station.
6. List four (4) duties of the inspector's helper or trimmer required at the postmortem inspection station
7. List the three (3) disposition options for carcasses at postmortem.
8. Identify the two (2) conditions at postmortem that are considered of public health significance.
9. Explain the procedure an on-line inspector should take when encountering a cadaver bird or DOA at post mortem inspection.
10. List two (2) disposition actions a food inspector may take when a carcass is presented with no viscera
11. List seven (7) causes for liver condemnation.
12. List four (4) causes for kidney condemnation.
13. List the criteria needed for condemnation of a carcass part related to fractures and luxations.
14. List four (4) methods for disposing of condemned poultry product.
15. List five (5) factors that justify FSIS adjusting line speed.

Introduction

Postmortem inspection covers the inspection of the carcasses and parts of poultry used for human food. It takes place after ante mortem inspection and after the poultry has been slaughtered, thus the term “Postmortem,” meaning “after death” in Latin.

Postmortem inspection covers the steps in the slaughter process that begin at stunning and ends at the step where the poultry is packaged and is ready to be transported from the establishment.

The purpose of postmortem inspection is to protect the public health by ensuring that the carcasses and parts that enter commerce are wholesome, not adulterated and properly marked, labeled, and packaged. This means that any carcasses or parts that are unwholesome or adulterated and thereby unfit for human food do not enter commerce.

In performing postmortem inspection, making regulatory decisions, documenting findings, and taking enforcement actions when appropriate, we are guided by the following statutes, regulations, directives, and notices.

The statutory authority for postmortem inspection is listed in the Poultry Products Inspection Act (PPIA). The authority is as follows.

PPIA Sec. 455(b). “Postmortem inspection: quarantine, segregation, and reinspection. The Secretary, whenever processing operations are being conducted, shall cause to be made by inspectors, postmortem inspection of the carcass of each bird processed, and at any time such quarantine, segregation, and reinspection as he deems necessary of poultry and poultry products capable of use as human food in each official establishment processing such poultry or poultry products for commerce or otherwise subject to inspection under this chapter.”

Regulations covering postmortem inspection

Some of the key regulations that cover postmortem inspection for poultry are as follows.

- **9 CFR 381.1(b)** – Defines the term “poultry” to include any domesticated bird (chickens, turkeys, ducks, geese, guineas, ratites, or squabs).
- **9 CFR 381.65(b)** – States that poultry must be slaughtered in accordance with good commercial practices in a manner that will result in thorough bleeding of the carcasses and ensure that breathing has stopped prior to scalding. Blood from killing operation must be confined to a relatively small area.

- **9 CFR 381.76** – Covers postmortem inspection procedures for six systems: traditional systems, Streamlined Inspection System (SIS), New Line Speed (NELS) Inspection System, the New Poultry Slaughter Inspection System (NPIS), the New Turkey Inspection (NTI) System, and the Ratite Inspection System. 381.76(a) states that a postmortem inspection shall be made on a bird-by-bird basis on all poultry eviscerated in an official establishment. 381.76(b) outlines the inspection procedures for each of these five inspection systems. It includes responsibilities of the plant helper and trimmers, and requirements of establishment facilities. It also defines the maximum inspection rate, which is the line speed that is allowed for each inspection system. Inspection procedures and actions are outlined, as well as reinspection duties.
- **9 CFR 381.77** – Covers carcasses held for further examination. It indicates that each carcass or any parts in which there is a lesion of disease or other condition which might render it adulterated and with respect to which a final decision cannot be made upon first examination by the inspector shall be held for further examination. The identity of the carcass and all parts must be maintained until a final examination has been completed.
- **9 CFR 381.78** – Covers condemnation of carcasses and parts; and separation of poultry suspected of containing biological residues. 9 CFR 381.78(a) states that at any time during inspection a carcass or part is found to be adulterated, it shall be condemned, except any articles that may be made not adulterated by reprocessing if reprocessed under the supervision of an inspector and then found to be not adulterated. 9 CFR 381.78(b) states that when a lot of poultry is suspected of containing biological residues is inspected in an official establishment; all carcasses and any parts of the carcasses in the lot are condemned and kept separate from all other condemned carcasses or parts.
- **9 CFR 381.79** – States that each carcass and all organs and other parts of carcasses that are found to be not adulterated shall be passed for human food.
- **9 CFR 381.80** – States that all carcasses, organs, and parts shall be condemned if it is determined on the basis of a sound statistical sample that they are adulterated because of the presence of any biological residue.
- **9 CFR 381.81** – States that carcasses of poultry affected with tuberculosis shall be condemned.
- **9 CFR 381.82** – States that carcasses of poultry affected with any one or more of several diseases of the leukosis complex shall be condemned.

- **9 CFR 381.83** – States that carcasses of poultry showing evidence of septicemia or toxemia, or evidence of an abnormal physiologic state shall be condemned.
- **9 CFR 381.84** – States that carcasses with evidence of extensive airsacculitis or airsacculitis along with systemic changes shall be condemned. Less affected carcasses may be passed for human food after complete removal and condemnation of all affected tissues including the exudates.
- **9 CFR 381.85** – States that carcasses of poultry showing evidence of any disease which is characterized by the presence in the meat or other edible parts of the carcass or organisms or toxins dangerous to the consumer shall be condemned.
- **9 CFR 381.86** – States that any organ or other 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.
- **9 CFR 381.87** – States that any organ or other part of a carcass which is affected by a tumor shall be condemned when there is evidence of metastasis, or that when the general condition of the bird is found to have been affected by the size, position, or nature of the tumor the whole carcass shall be condemned.
- **9 CFR 381.88** – States that organs or other 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.
- **9 CFR 381.89** – States that 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 which show only a slight reddening from a bruise may be passed for food.
- **9 CFR 381.90** – States that carcasses of poultry showing evidence of having died from causes other than slaughter, known as cadavers, shall be condemned.

- **9 CFR 381.91** – 9 CFR 381.91(a) states that carcasses of poultry contaminated by volatile oils, poisons, gasses, scald vat water in the air sac system, or other substances which render the carcasses adulterated shall be condemned. 381.91(b)(1) states that any carcass accidentally contaminated during slaughter with the contents of the digestive tract shall not be condemned if promptly reprocessed under the supervision of an inspector and subsequently found not to be adulterated. The final rule amended 9 CFR 381.91 to permit poultry slaughter establishments except for ratite establishments to use approved online reprocessing or offline reprocessing antimicrobial intervention systems to clean carcasses accidentally contaminated with digestive tract contents. The list of approved OLR and approved OFLR antimicrobial intervention systems and parameters of use for each system are located in tables 1 and 2 of FSIS Notice 50-14, Modernization of Poultry Slaughter Inspection: Verification of Online Reprocessing and Offline Reprocessing Antimicrobial Intervention Systems, published 10-10-14.
- **9 CFR 381.91(b)(2)** states the conditions under which FSIS will approve a reprocessing station.
- **9 CFR 381.92** – States that carcasses of poultry that have been overscalded, resulting in a cooked appearance, shall be condemned.
- **9 CFR 381.93** – 9 CFR 381.93(a) states that putrefied or stinking carcasses shall be condemned. 381.93(b) states that any part of a carcass which is green struck shall be condemned, and if the whole carcass is affected it shall be condemned. 381.93(c) states that carcasses affected by postmortem changes that are superficial can be passed for human food after removal and condemnation of affected parts.
- **9 CFR 381.94** – Covers contamination with microorganisms; process control verification criteria and testing; and pathogen reduction standards.
- **9 CFR 381.95** – Covers the disposal of condemned poultry products.

Directives related to postmortem inspection

The Directives that cover the procedures for poultry postmortem inspection are found in the 6000 Directive series.

- FSIS Directive 6100.3, Ante-Mortem and Post-Mortem Poultry Inspection
- FSIS Directive 6170.1 Ratite Ante-mortem and Post mortem Inspection
- FSIS Directive 6420.5 Verifying Poultry Slaughter Establishments

Maintain Adequate Procedures for Preventing Contamination with Feces
and Enteric Pathogens

The regulations and directives provide the instructions for performing inspection procedures, making regulatory determinations, documenting noncompliance when appropriate, and taking regulatory action

Establishment Responsibilities

The primary responsibility of the establishment is to ensure that its production processes result in the safe and wholesome product. In addition, FSIS regulations outline some responsibilities of the establishment that are specifically related to postmortem inspection. These responsibilities include:

- Slaughtering poultry in accordance with good commercial practices
- Sanitary practices in preparing the carcass for postmortem inspection,
- Presenting carcasses and parts for inspection in a specified manner (called presentation)
- Facility requirements at the inspection stations.

Good Commercial Practices

In poultry operations, methods of handling and slaughtering that are consistent with good commercial practices increase the likelihood of producing unadulterated product. FSIS regulations describe the operating procedures that poultry processors must follow to ensure sanitary processing, proper inspection, and the production of poultry products that are not adulterated.

As an on-line inspector, it will be critical to notify the PHV when you observe increased numbers of cadaver birds at the post-mortem inspection station. The evidence of bright red cadaver birds means that the birds were breathing prior to entering the scald vat. Also notify the off line inspection personnel, if there is an increase in the number of broken or bruised legs or wings at the postmortem inspection station.

These situations may indicate that the establishment is not adhering to good commercial practices and may result in the PHV documenting the noncompliance.

You play a critical role in verifying good commercial practices by communicating your findings at the post-mortem inspection station to the PHV.

Prevention of Contamination

As an on line inspector, you will communicate to the off line personnel if there is an increase in incidents or frequency of carcass contamination. The offline personnel will verify the poultry slaughter establishment is performing procedures in a manner that will prevent the creation of insanitary conditions and the adulteration of product. FSIS verifies that establishments implement procedures to prevent contamination, rather than relying only on reconditioning and reprocessing procedures at the end of the line to remove contamination that could have been prevented earlier.

9 CFR 381.65(f) requires all establishments that slaughter poultry other than ratites to develop, implement and maintain written procedures to ensure that poultry carcasses contaminated with visible fecal material do not enter the chiller.

9 CFR 381.65(g) requires that establishments that slaughter poultry other than ratites to develop, implement, and maintain written procedures to prevent contamination with enteric pathogens and feces throughout the slaughter process.

Presentation

The establishment must ensure that the carcasses are presented for inspection in a specified manner (9 CFR 381.76). The proper presentation of carcasses for postmortem inspection involves uniform and consistent feather removal, feet removal, opening of carcasses, evisceration, and shackling.

For example, each carcass must be opened to expose the organs and body cavity for proper examination by the inspector. They must also be hung on the line in a specified manner and spaced appropriately. The organs must be displayed in a specified order so that the inspector does not have to spend time locating them before he or she performs inspection procedures. Proper presentation helps to ensure consistent and accurate inspection.

There are variations in the ways in which an establishment will present carcasses and parts for inspection. You will learn the specifics about presentation at the establishment where you are assigned. .

Feathers: The presence of feathers on carcasses at postmortem inspection is not significant. A carcass that has been scalded and passed through a picking machine will have sufficient feather removal for postmortem inspection.

Inspectors should not direct carcasses to be hung back or the line speed to be reduced because of feathers. Pre-chill testing conducted by off-line inspectors

will take into account and score feathers as a defect accordingly on the sheet. If test scores exceed the allowable numbers, then re-tests will be performed and product may be retained and reworked.

Feet removal: Generally, the feet are removed at the hock joints. Washing the cut surface of hocks is not allowed until postmortem inspection is complete. Otherwise pathological exudate could be removed or obscured and prevent detection of synovitis.

Opening Cut: Plant management must minimize contaminating the opening cut of the carcass.

Evisceration and Shackling: Sanitation and consistency are important for a properly drawn carcass. Traditionally, viscera must be completely withdrawn, left suspended by natural attachments, and arranged consistently on the left or right side.

With increasing frequency poultry slaughter plants are using automatic equipment on the eviscerating line. Often, the equipment is complex and requires careful and regular adjustment for proper function. It is the responsibility of plant management to maintain the machinery so that it works properly.

The plant may use one of several methods available for suspending carcasses in the shackles. The plant may use a two-point or a three-point suspension depending on the facilities and local preference. Carcasses must be presented at the postmortem inspection station in a consistent manner.

The shackles must be identified on lines that have more than one inspector. They may be either color coded or mechanically separated (as in the case of selecting devices which “kick out” carcasses automatically).

Inspection Stations

The establishment is responsible for providing appropriate inspection stations that meet regulatory requirements (9 CFR 381.76). The requirements may vary depending on the size of the plant and volume of operations.

For example, in large poultry slaughter establishments, there may be separate inspection stations for carcasses and for carcasses that are salvaged and reprocessed. However, if you are assigned to a very small plant, inspection for all of the regulatory requirements may take place in one location.

The requirements also vary with the type of inspection system being used by the establishment. There are **six** inspection systems recognized in 9 CFR 381.76 of the regulations and they are as follows:

1. Traditional
2. Streamlined Inspection System (SIS)

3. New Line Speed Inspection System (NELS)
4. New Poultry Slaughter Inspection System (NPIS)
5. New Turkey Inspection System (NTI)
6. Ratite

Establishment management must provide the following facilities at the postmortem inspection station.

Space:

The amount of space required for the inspector and helper varies, depending upon the inspection method. Regulations require a minimum of 4' x 2' for each. If enough space is not available for the inspector and helper, then the IIC, FLS, and establishment management need to implement corrections. The recommended space for inspector and helper is not always adequate. Some plants need more.

Lighting

Lighting requirements also vary between inspection methods. Regulatory minimum lighting requirements at the postmortem station are:

Traditional Inspection.....	50 foot-candles
Streamlined Inspection System (SIS).....	200 foot-candles
New Line Speed Inspection System (NELS).....	200 foot-candles
New Poultry Slaughter Inspection System (NPIS)	200 foot-candles
New Turkey Inspection System (NTIS).....	200 foot-candles

Other factors as important as the quantity of foot candles are the quality and direction of light. Light should not cause color changes on the inspected carcasses and should be shadow-free. Light with a minimum color-rendering index of 85 is mandatory with SIS, NTIS, NPIS, and NELLS.

Hand-rinsing facilities

Water for hand washing with both hot and cold running water available, delivered through a suitable mixing device controlled by the inspector, or, alternatively, water at a minimum temperature of 65° F., must be available at the postmortem inspection station.

Condemned containers

Generally there are two types of condemned containers at the postmortem inspection station. One type is for parts and one is for the whole carcass. These containers must meet the sanitation requirements in 9 CFR 416.3(c).

Hangback racks

The primary purpose of the hangback rack is to retain questionable carcasses for veterinary review and disposition. It is very important that you use your hang back racks to retain cadaver birds for the PHV. The racks can also be used for carcasses designated as salvage, improper presentation, etc.

Start/stop switch

A start/stop switch within easy reach of each inspector is required.

Establishment Personnel

The establishment is required to provide plant employees who act as presenters and helpers.

With the SIS inspection system, the regulations require that each inspector be flanked with an establishment employee assigned to be the inspector's helper (9 CFR 381.76(b)(3)(iii)(b)).

For the NELS inspection system, each inspector is to be flanked by two establishment employees, the presenter and the helper (9 CFR 381.76.(b)(4)(i)(a)).

The presenter must ensure that the bird is properly eviscerated and presented for inspection.

The helper, as directed by the on line inspector, may

- Remove carcasses from the line.
- Mark FSIS form 6000-16 with condemnation/ disposition as directed by IPP
- Identify carcasses for salvage hang back or trim
- Trim defects and abnormalities if time allows

Trimmers may be positioned down the line, after the giblet harvest, to trim defects and abnormalities prior to pre chill inspection.

Inspection Responsibilities

In this section, we will cover the inspection responsibilities related to postmortem inspection.

Personal Hygiene

You and all other inspection personnel must always maintain proper employee hygiene when conducting inspection procedures. This is required by 9 CFR 416.5. In most cases, the establishment will have a set of requirements, such as Good Manufacturing Practices, that are required for plant employees.

For example, the establishment may include requirements for employee hygiene such as hand washing, wearing hair and beard nets, and using foot washes when moving between edible and inedible areas of the establishment. You must meet or exceed those standards.

General Methods of Postmortem Inspection

The general methods you will use to conduct on line poultry slaughter inspection to detect diseases, abnormalities, and contamination will involve your senses. (organoleptic inspection) These senses include:

- Sight – observing a disease lesion (inflammatory process, airsacculitis or tumor).
- Feel – palpating (feeling an abnormal lump in tissues, feeling abnormal firmness in an organ).
- Smell – smelling a decomposed carcass

Diseases, abnormalities, and contamination can occur at any place on the carcass or its parts. Signs of diseases, abnormalities, and contamination will include variations in size, position, color, shape, odor, consistency, or a combination of these factors. Some of the diseases and abnormalities will produce visible or palpable lesions in specific locations.

The best way to learn what is “normal” is to look at birds under the direction of your supervisor and experienced inspectors who will explain what you see.

Here are some general characteristics of normal poultry carcasses. Remember that normal poultry carcasses will vary as a result of age, breed, sex, nutrition, management, and killing/scalding/picking practices.

The firmness of the flesh and the color and sheen of the tissues will depend on the age of the bird. The flesh and organ color tones are generally brighter in younger birds. Color tones tend to fade and decrease in intensity with advancing age.

The comb and wattles of normal commercially slaughtered birds may vary from bright red to pale red and even yellowish in color.

Fowl which have been in heavy production may have pale, shrunken combs, and the normal yellow coloration of beaks and shanks may be faded or completely depleted.

Breeds of birds that have white, slate-colored, or black shanks generally have skin that is lighter in color than the skin of birds that have yellow shanks.

A common characteristic of the Cornish breed is a greenish cast of the skin to the drumstick and thigh, sometimes extending to the abdomen.

Most of the commercial broiler birds in the U.S. are a cross between a Cornish chicken and another breed of chicken. As a result of this cross breeding, broiler or frying chicken carcasses will often show some degree of pigmentation of the skin on the legs and also in the abdominal fat reservoirs.

Postmortem Dispositions

The purpose of postmortem inspection is to make a decision about the wholesomeness of each poultry carcass inspected.

One of the following outcomes will result from postmortem inspection.

- If the carcass is wholesome and normal without any localized disease condition, it is **passed** and allowed to continue down the line (9 CFR 381.79).
- If it does have a localized condition, the carcass would be trimmed by the inspector's helper or a trimmer further down the line. These removed tissues are considered to be inedible and are condemned.
- The remainder of the carcass which is now wholesome or free of disease is allowed to continue after removal of the affected area. Carcasses may be passed subject to salvage or reprocessing at an offline station.
- If a final decision cannot be made by the inspector the carcass will be **retained** for further examination (381.77). When the inspector is undecided about the proper disposition of a carcass, the helper is notified to place the carcass on the hang back or retain rack. The Public Health Veterinarian reviews all such carcasses and makes a final disposition of whether to pass, trim, or condemn the bird.
- If there are systemic signs that indicate the carcass is unwholesome or diseased, the entire carcass is **condemned** (9 CFR 381.78(a)).

The Regulations specifically tell us what to do in the case of some disease conditions. The conditions are listed on FSIS Form 6000-16 (Lot Tally Sheet) The criteria for condemnation in each category are as follows.

Diseases and Conditions of Public Health Significance

Let's review the diseases and conditions of public health significance along with the inspection dispositions that you will make.

9 CFR 381.83 - Septicemia/toxemia

Septicemia is a disease state caused by pathogenic (disease producing) microorganisms in the blood that have produced systemic change within the bird. Systemic change affects the body as a whole rather than a localized portion of it.

In septicemia the normal functions of the bird's organ systems are disrupted. The cells of the body deteriorate. This deterioration may be very rapid when highly virulent microorganisms are the cause, or it may be more gradual if less virulent ones are involved.

In some cases, the changes produced by septicemia overwhelm the bird and result in death. In other cases, the bird's immune system overcomes the causative organism before irreversible damage occurs and it subsequently recovers.

Septicemia is manifested by a group of clinical signs, not all of which will be present in a single carcass.

Therefore, judgment plays an important part in correct dispositions for this condemnation category. Septicemic carcasses frequently have:

- petechial (pinpoint) hemorrhages on the heart, liver, kidneys, muscles, and serous membranes
- blood-tinged exudate in the body cavity (this can also be seen when birds are improperly stunned, so other changes must also be evident)
- swollen and hyperemic (contain an excess of blood) liver and spleen (remove most of the bacteria from the circulating blood)
- swollen and congested kidneys
- hyperemic skin (must be differentiated from changes seen in cadavers)
- muscle wasting (Some of this is caused by loss of appetite but most skeletal muscle breakdown is the result of changes in muscle metabolism that triggers protein degradation.)

Depending upon the cause and duration of septicemia, carcasses might be hyperemic, cyanotic, anemic, dehydrated, edematous, or exhibit a combination of these signs. It is important to remember that no single carcass will show all of these signs.

Toxemia is poisoning caused by the absorption of toxins produced by infective organisms and shows signs similar to septicemia. Both conditions often exist simultaneously. It is not necessary for the food inspector to differentiate between these two conditions.

The Agency considers both conditions under the general category of septicemia/toxemia, commonly referred to as sep/tox. If a carcass shows systemic change, as described above, it is condemned for sep/tox.

9 CFR 381.65(f) – Fecal Contamination

In slaughter establishments, fecal contamination of carcasses is the primary avenue for contamination by pathogens. Pathogens may reside in fecal material, both in the gastrointestinal tract and on the exterior surfaces of the bird going to slaughter. Without care being taken in handling and sanitary dressing procedures during slaughter and processing, the edible portions of the carcass can become contaminated with bacteria capable of causing illness in humans. Once introduced into the establishment environment, the organisms may be spread from carcass to carcass or by other means. Therefore, FSIS enforces a “zero tolerance” standard for visible fecal material on poultry carcasses entering the chiller.

Carcasses that are contaminated with fecal material may be reconditioned by either trimming or a combination of trimming and washing offline. The

establishment may also have on line reprocessing using an antimicrobial intervention. If a carcass is so contaminated it cannot be inspected or if it is contaminated to the extent that it cannot be made wholesome the carcass would be condemned.

Diseases and Conditions Not of Public Health Significance

- **9 CFR 381.81 - Tuberculosis**

Avian tuberculosis (TB) is caused by the bacterium *Mycobacterium avium* and usually is a chronic, slowly developing disease. This disease has largely been eradicated in domestic poultry in the U.S. but is still found occasionally in mature birds.

Birds with TB develop a wasting condition characterized by loss of weight and diarrhea. At postmortem examination their carcasses are typically emaciated. Gray to yellow, firm nodules (tubercles) are often scattered along the intestines and may be found in various organs, especially the liver and spleen. Lungs generally have no gross lesions although, in advanced cases, any organ or tissue can be involved.

Avian tuberculosis can infect humans but is not considered to be a serious threat to people with healthy immune systems.

One definitive lesion is all that is required to condemn a poultry carcass for tuberculosis.

- **9 CFR 381.82 – Leukosis Complex**

This category includes several neoplastic diseases caused by various viruses. All produce tumors in domestic poultry and present similar gross lesions. The age and species of bird affected by leukotic tumors suggests which viral agent is involved.

The most common manifestations of the leukosis complex are:

- *Marek's disease*, which is an important disease only in young chickens less than six months of age
- *Lymphoid leukosis*, which is most common in semi-mature and mature chickens
- *Reticuloendotheliosis*, which occasionally produces liver and spleen tumors in turkeys and, rarely, runting disease in chickens
- *Lymphoproliferative disease*, which affects turkeys, producing a greatly enlarged spleen as well as tumors in other organs.

There is no evidence that viruses of the leukosis complex are pathogenic for humans.

One definitive lesion justifies condemnation of the carcass. Definitive means a lesion that can be defended grossly as a lesion of leukosis.

9 CFR 381.86 - Inflammatory Process

Any organ or other 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.

Synovitis is caused by a number of organisms, most often members of the genus *Mycoplasma*. Injury and nutritional deficiencies also lead to synovitis. The result is acute or chronic inflammation of the membranes lining one or more joints and tendon sheaths.

Joints are often noticeably swollen and might contain varying amounts of exudate. The liver, kidneys, and spleen may be swollen. In addition, the liver is sometimes stained green from bile stasis because the bird was too painful to move, and therefore did not eat. Lesions vary depending upon whether or not the condition is confined to the joints or has overwhelmed the bird's defense mechanisms and caused systemic changes.

A carcass with synovitis is not condemned *unless* it also shows systemic or sep/tox changes.

Inflammatory Process (IP) is an inflammation in or under the skin caused by bacteria. This inflammation causes an immune response by the bird. IP can occur anywhere on the bird but is most often seen around the vent, abdominal flaps or side of the bird. IP appears as bright yellow cheesy material under the skin. On the skin, areas indicating the presence of IP will have a yellow color and sometimes, in severe cases, have a burnt waffle appearance. These localized changes in skin color are an indication of infection.

Due to the insidious nature of IP and its ability to spread under the skin, carcasses showing these localized signs should be further examined on or off line to assure the unsafe and unfit portions are removed.

A carcass with inflammatory process is not condemned *unless* it also shows systemic or sep/tox changes.

Woody Breast or "White Striping" in broiler chickens is a condition that affects breast muscle tissues causing swelling and inflammation. Abnormalities can present as: scattered, small, pinpoint hemorrhages, blood spots or patches on the surface of the breast file. Thick, gelatinous, blood stained fluid and deteriorated muscle may be present on one or both sides.

Inflammatory tissues are considered adulterated since they are unwholesome and unfit for human consumption. Establishments must trim lesions with active inflammation, but lesions that do not exhibit active inflammatory signs such as “White Striping” only, are considered a quality issue and do not need to be trimmed.

9 CFR 381.87 - Tumors

This category refers to tumors other than those of the leukosis complex. Some of the more common tumors include keratoacanthomas, adenocarcinomas, melanomas, hemangiomas and fibromas.

- *Keratoacanthomas*, previously known as squamous cell carcinomas are skin tumors that arise from the feather follicle epithelium found in young chickens. These tumors are multicentric in nature, which means they can arise in different areas on the bird but are still considered to be benign.
- *Adenocarcinomas* generally are located on abdominal organs and are common in older birds.
- *Melanomas* are composed of melanin (black) pigmented cells.
- *Hemangiomas* are benign tumors made of newly formed blood vessels
- *Fibromas* may develop in any connective tissue. They are more common in older birds.
- *Teratomas* are composed of different types of tissue none of it native to the area it occurs.

Numerous other types of tumors occur in domestic poultry but at a low frequency. There is no evidence that any of these types of tumors are a health threat to humans.

Condemn a carcass for tumors if there is gross evidence of metastasis (more than one tumor of the same kind indicating spread), or if one large tumor causes a systemic disruption.

Condemn young chickens showing *generalized* signs of avian keratoacanthoma with large coalescing (joining together) lesions. Trim all tumors and pass chickens with localized or only a few small keratoacanthoma lesions.

9 CFR 381.89 - Bruises

If bruises cause systemic change in a carcass, or if there is *no* part of the carcass that can be salvaged, the carcass is condemned and recorded under this category. Otherwise, if *any* part *can* be salvaged from the carcass, the bruises are trimmed and the remainder of the carcass is passed. If you encounter increased numbers or clusters of severely bruised carcasses at the inspection station, notify the PHV as this may be an indication the establishment is not following good commercial practices.

9 CFR 381.90 – Cadavers

Poultry that die from causes other than slaughter are condemned under the cadaver category. These birds are not physiologically dead and are still breathing when they enter the scald vat. Carcasses of poultry that die from drowning may exhibit signs of incomplete exsanguination (bleed-out), resulting in an

unwholesome carcass. When submerged in the hot water, they drown, and the physiological reaction to the heat is for the blood vessels to expand or dilate causing the remaining blood to flow to the surface of the skin in an attempt to cool the bird. This is what causes the skin of the carcass or neck to become cherry red to purple. .

9 CFR 381.92 - Overscald

Carcasses that are cooked are condemned. The muscle must be cooked through the level of the *deep pectoral* muscle in order to be classified as an overscald.

Simply having a superficial cooked appearance does not make a carcass overscalded. It is important for inspection program personnel to differentiate an overscald carcass from a hardscald carcass.

Cooking of the most superficial surface of the superficial pectoral (breast) muscle occurs in a hardscald carcass. This produces a whitening of that surface.

Many times overscalded carcasses will also be mutilated by picking machines.

However, carcasses that are not cooked to the level of the deep pectoral muscle may also be mutilated by the picking machines. These carcasses should not be condemned for overscald, but should either be salvaged or condemned for contamination, depending upon the extent of the damage.

If a carcass is to be condemned for overscald, the deep pectoral muscle must have a cooked appearance.

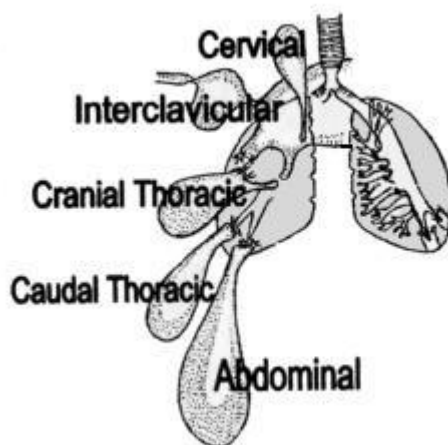
9 CFR 381.84 – Airsacculitis

To better understand airsacculitis, which is inflammation of the air sacs, you should understand what air sacs are and where they are in the live bird.

There are nine air sacs in the chicken: unpaired clavicular and paired cervical, cranial thoracic, caudal thoracic and abdominal air sacs. The cervical and interclavicular air sacs connect to bone and the anterior deep pectoral muscle.

Air sacs are normally thin clear membrane pouches. The air sacs occupy all space in the thoraco-abdominal cavity not occupied by other organs. The air sacs are disrupted during evisceration and you will only see the remains.

To better understand air sac anatomy and structure see the following diagram.



Numerous microorganisms cause airsacculitis, which is inflammation of air sacs. Many times there is more than one infectious agent identified in an outbreak. Bacteria of the genus *Mycoplasma* are frequently involved in cases of airsacculitis. Birds are more susceptible to infections of the air sacs when they are under stress. Vaccination, other disease, poor nutrition, insanitary conditions, and poor ventilation are contributing factors.

The lesions of airsacculitis can be acute or chronic. Their appearance ranges from slight clouding of air sac membranes and small amounts of watery exudates (which is generally an acute lesion) to thickened, opaque membranes and large amounts of thick, white-to-cream colored and/or cheesy exudates (which is generally a chronic lesion).

The exudates can be confined to the air sacs and their diverticuli, or they may be found in other areas of the body if the air sac membranes are ruptured.

Pneumonia, pericarditis, and perihepatitis might be present. In some cases all portions of the respiratory tract (nasal passages, sinuses, trachea, bronchi, lungs, and air sacs and their diverticuli) are affected. In other cases little involvement beyond the air sacs is evident. Systemic change can occur with airsacculitis.

Carcasses are condemned if there is evidence of extensive involvement of the air sacs. If the exudate cannot be effectively removed, the carcass is condemned.

Carcasses are also condemned if airsacculitis occurs in conjunction with systemic change.

Establishments may have procedures in place to salvage carcasses by ensuring the removal of all affected tissues and exudates in a sanitary manner. Salvaged carcasses are subject to reinspection by off line personnel.

- 1) When establishments do NOT have airsacculitis programs, the on-line inspectors are to condemn the airsacculitis affected carcass and instruct the helper to record condemned birds under the airsacculitis category.
- 2) When establishments have airsacculitis salvage programs but choose not to salvage all affected carcasses, the on-line inspector is to continue to identify birds eligible for salvage. Establishments may regulate the flow of product by sending the affected carcasses to salvage or by disposing of salvageable carcasses and marking those carcasses as “plant rejects” on the lot sheet.
- 3) When specific production is extensively affected with airsacculitis, establishments with a salvage program may elect to suspend salvage for the entire specific production. The IIC is to instruct the on-line inspection team to condemn salvageable birds and instruct the helper to record the condemned birds under the airsacculitis category on the lot sheet.

Note: As per FSIS Notice 05-19, IPP are to condemn kidneys (9 CFR 381.78(a)) when either renal (kidney) pathology is present or if airsacculitis is present specifically in the abdominal air sac membranes making the kidneys an affected tissue, and the posterior (back) part of the carcass is salvaged for airsacculitis per 9 CFR 381.84.

9 CFR 381.83 Abnormal Physiologic States– Ascites

Ascites is an abnormal physiological condition in which fluid accumulates in the body cavities. It occurs in young, rapidly growing chickens due to genetic and nutritional improvements. The rapid growth of the birds leads to an increase in the oxygen demands of the chicken. When the birds are under stress, this can lead to right sided heart failure and the subsequent accumulation of fluid around the heart. The right sided heart failure may force the fluid into the abdominal cavity.

If the carcass shows evidence of ascites and is characterized by the presence of septicemia and/or toxemia or any other disease condition, the carcass must be condemned under the septicemia/toxemia category.

If the amount of fluid in the body cavity is such that it interferes with proper inspection the carcass must be condemned under the “other” category on the lot sheet.

If there is no evidence of any other disease condition and the fluid does not interfere with inspection, the carcass may be passed after removal of the fluid.

Other conditions

- **No Viscera** - Carcasses condemned because there are no viscera to inspect. Carcasses are classified as no viscera if none of the three major organs- heart, liver, and spleen - are present for inspection. Disposition of no-viscera carcasses are determined by the veterinarian in charge and are based upon flock incidence of disease. Carcasses should be hung back and the veterinarian in charge notified.
- **Plant rejects** - When the establishment rejects a carcass before inspection, condemn as plant reject on the lot tally sheet.
- Carcasses rejected by the establishment at salvage should also be recorded as a plant reject on the lot tally sheet.

Parts Disposition

When conditions are localized, the appropriate inspection decision may be to condemn the carcass part. If there is an unwholesome portion or part that can be effectively removed, the remainder of the carcass is considered wholesome. Some organs or parts that may be condemned because of localized conditions without condemning the whole carcass are:

- **Livers**

Condemn livers with:

- fatty degeneration
- extensive petechiae or hemorrhages
- inflammation or necrosis cysts
- or cirrhosis
- discoloration due to a biliary system disorder or postmortem changes
- contamination from intestinal content or noxious materials

- **Kidneys**

Condemn kidneys when:

- the carcass has renal pathology,
- there are pathological conditions requiring condemnation of all viscera, or
- airsacculitis is present specifically in the abdominal air sac membranes making the kidneys an affected tissue, and the posterior (back) part of the carcass is salvaged for airsacculitis per 9 CFR 381.84 (vacuum the kidneys from carcass or salvaged posterior portion).

Note: Hepatic (liver) or splenic (spleen) pathology which is determined by IPP to be **localized and visibly limited to the affected organ** require only the affected visceral organ to be condemned. **Localized pathology of the liver or spleen**

does not require simultaneous condemnation of the kidneys unless the kidneys are also affected by visible pathological changes.

Fractures

A fracture with no associated hemorrhage is passed.

A fracture with hemorrhage in the affected part is trimmed and the remainder of the carcass is passed.

A compound fracture, one in which the bone goes through skin, is trimmed whether or not there is hemorrhage present.

—

Luxations

Luxation is a simple disjointment without breaking the skin and without hemorrhage.

It does not have to be trimmed.

If hemorrhage does not extend into the musculature, trim or slit/wash out the hemorrhage. Do not trim simple redness of skin.

9 CFR 381.91 Contamination other than Fecal

(a) Carcasses contaminated by volatile oils, paints, poisons, gases, scald vat water in air sacs shall be condemned. Carcasses mutilated shall be condemned if whole carcass is affected.

Carcasses contaminated with digestive contents shall not be condemned if properly and promptly reprocessed using an approved method and parameters of use. The establishment must incorporate procedures for online reprocessing or offline reprocessing into its Hazard Analysis Critical Control Points (HACCP) plan or Sanitation standard operating procedures (Sanitation SOP) or other prerequisite program (9 CFR 381.91(b)(1) and (2)). Under the final rule, establishments are permitted to use online reprocessing and offline reprocessing if it uses approved parameters for use of its antimicrobial intervention system.

9 CFR 381.78 allows adulterated carcasses to be reprocessed under FSIS supervision such that it is rendered unadulterated and fit for human consumption. Establishments that demonstrate effective sanitary dressing and process control procedures can propose corrective actions that will render the product wholesome and, at the discretion of the Inspector in Charge (IIC), be allowed to reprocess adulterated carcasses in order to render them fit for human consumption.

Carcasses that are accidentally contaminated with the contents of the digestive tract during slaughter are not to be condemned if they can be reprocessed in a manner so that they can be found to be unadulterated. Contamination on the external surfaces that are cut must be trimmed. Contamination of the inner surfaces may be trimmed or vacuumed.

All visible contamination must be removed, and if inner surfaces are reprocessed, all surfaces of the carcass must be treated with an approved antimicrobial intervention system

Reprocessing of contaminated carcasses can be done either off line or on line.

Off-line reprocessing is the point in the evisceration process where internally contaminated carcasses are reprocessed off-line according to 9 CFR 381.91(b) (1) and (b)(2).

Carcasses that have their body cavities contaminated with digestive tract contents may be rendered unadulterated by prompt washing, trimming, and/or vacuuming, If the procedure is performed off line, there must be adequate facilities, trained personnel, and the procedure must be accomplished in a sanitary manner in order to maintain product flow and prevent cross contamination.

Facilities at the off line reprocessing station usually will include:

- a trough or table that is sloped and properly drained
- a retain rack designed to prevent cross contamination
- adequate space in the eviscerating room or suitable adjacent area
- conveniently located hand washing facilities
- a knife rack or stand
- containers for chilling product
- at least 50 foot candles of light
- a spray nozzle with proper fitting for cleaning carcasses
- approved antimicrobial intervention system

On-Line Reprocessing (OLR), is the point in the slaughter process where contaminated eviscerated carcasses are reprocessed on-line following the provisions of FSIS Notice 50-14 Verification of Online Reprocessing (OLR) and Offline Reprocessing (OFLR) Antimicrobial Intervention Systems.

Establishments need to have incorporated written procedures into their HACCP system for reprocessing. Since the final rule has become effective, establishments no longer need waivers to use approved OLR and OFLR antimicrobial intervention systems. A list of approved antimicrobial intervention systems can be found in tables 1 and 2 of FSIS Notice 50-14.

Salvage at Offline Locations:

The establishment must have a procedure for each type of salvage. The procedures must be done under sanitary conditions, with adequate facilities, and personnel must be available. There should be a continuous product flow without pileup or delay.

Facilities at salvage stations should include:

- adequate space located in the eviscerating area
- a retain rack designed to prevent cross-contamination
- a trough or table sloped and properly drained
- a singer, if there is not one in the picking room
- containers for chilling the product
- a spray nozzle with proper fittings to clean carcasses
- a facility for washing hands, tools, etc., such as a gooseneck
- a minimum of 50 foot-candles of light at contamination salvage

Contamination- Knife Salvage

When a carcass is designated for knife salvage because of body cavity contamination, most plants follow a salvage technique similar to the following:

- remove the viscera
- hang the carcass by the neck in a designated area on the retain rack
- transfer the carcass to the salvage station and rehang it by the neck
- wash external carcass surfaces thoroughly before any cutting
- properly trim the carcass without cutting into the body cavity or opening cut surfaces

- usually save both wings, both legs, and the breast muscle, including the deep and superficial pectoral muscles

Airsacculitis - Knife Salvage

Special attention must be given to salvaging carcasses with airsacculitis because of the complexity of the interclavicular air sac and the associated diverticuli. If the visible part of the interclavicular air sac is inflamed, assume all of it is inflamed and salvage the carcass accordingly. All exudates and the kidneys must be removed.

When a carcass is designated for knife salvage because of airsacculitis, most plants follow a salvage technique similar to the following:

- The salvaged carcass with airsacculitis is usually hung by the legs to distinguish it from a salvageable contaminated carcass.
- Other steps, such as removing the viscera, transferring the carcass to the salvage station, etc. are also followed for carcasses with airsacculitis.
- The following portions of the carcasses are usually salvageable: the wings (minus the portion containing the humeral bones), the legs, and the breast muscle. The area of the breast muscle, that area around the first wing joint is condemned and the deep pectoral muscle anterior to breastbone bursa is condemned. All the rest is eligible for salvage.

Airsacculitis Salvage - Vacuuming

When the interclavicular air sacs are not involved in airsacculitis, knife salvage is not required. The requirement for this type of salvage is removal of all exudates and the kidneys. This can be accomplished by vacuuming the carcass with a vacuuming device, or by removing all exudates and kidneys by hand. This type of salvage is appropriate when there is involvement of the abdominal and/or thoracic air sacs without involvement of the interclavicular air sacs, because the thoracic and abdominal air sacs do not have diverticuli that extend into bone.

When a carcass is designated for reprocessing because of body-cavity contamination, the plant usually will:

- remove the viscera and hang the carcass in a designated area on the rack or line
- transfer the carcass to the reprocessing station and suspend it to prevent contamination during reprocessing
- remove the crop
- wash the external surface thoroughly
- remove contaminants by trimming, vacuuming, and/or washing. Any contamination of cut surfaces must be removed by trimming

- thoroughly rinse with water containing at least 20 ppm available chlorine
- measure and record the chlorine concentration at least once a day
- monitor reprocessed birds
- make birds available for reinspection by the FSIS inspector

If retain racks at the USDA inspection station or reprocessing station are filled, the inspector in charge (IIC) should allow the plants the option of disposing of contaminated carcasses or adjusting the production rate. Carcasses disposed of by the plant because of reprocessing pileups should be recorded as plant rejects.

Condemned and Inedible Product

Condemned product is product that has been determined through inspection to be diseased or condition that renders it unfit for human consumption. It is prohibited from entering commerce for use as human food (318.95).

Inedible product is any product that is adulterated, uninspected, or not intended for use as human food. The term inedible refers to product that by its nature is not handled as human food. Examples include bones, intestines, lungs, reproductive organs, feet, etc. If inedible product is diseased or has the appearance of edible product, it must be handled as condemned.

Both condemned and inedible products are not fit for human consumption. Due to the edible appearance of condemned product, its control is most crucial and the requirements found in the regulations are very specific. Edible product may have a similar appearance to condemned product and some inedible product. Inspectors must maintain control over condemned products. There are three ways to do this:

- sight – under direct supervision of inspection personnel
- lock or seal – place a government lock or seal on the container
- denaturing

The regulations related to the handling and disposal of condemned or other inedible poultry products are similar to the meat regulations. They are found in 9 CFR 381.95. Here's a brief summary of this regulation. FSIS inspectors must verify that the establishment disposes of condemned and inedible products using one of the appropriate methods outlined in the regulation.

Condemned and inedible poultry products may be disposed of by one of the following.

Steam (381.95(a))
Burying (381.95(e))

Incineration (burning) (381.95(b))
Chemical denaturing (381.95(c))
Dye denaturing (381.95(c)(3))

Only burying and burning may be used for products condemned for biological residues.

Line Speeds

Maximum line speeds established by FSIS are permitted on the eviscerating line when optimum conditions exist (9 CFR 381.76). When there are less than optimum conditions, line speed adjustment is required.

The IIC is responsible for directing plant management to reduce the line speed to permit adequate inspection. When the IIC is satisfied that the situation that necessitated the line speed reduction has been corrected, he or she will allow the line speed to be increased.

FSIS may require the establishment to adjust line speed to a slower rate than the maximum for the following reasons (FSIS Directive 6550.1).

- poultry class and the size of the birds in the class
- if the weight of the bird interferes with inspection
- presentation errors, such as viscera on the wrong side or not presented in a consistent manner
- high level of disease incidence in birds
- plant personnel's inability to accomplish eviscerating procedures in a sanitary manner with a minimum of contamination
- plant facilities

Marks of Inspection

Once the carcass and parts have been inspected and pass, it is eligible to bear the mark of inspection. The marks of inspection for poultry products are shown in 9 CFR 381.98.

Postmortem Inspection Reports

During the shift, the "inspector's helper" records condemnations on the FSIS Form 6000-16, Lot Tally Sheet. The slaughter report is an accurate record of the incidence of diseases encountered by on-line inspection program personnel performing post-mortem inspection.

At the end of the shift, the on-line inspection program personnel are to ensure that off-line inspection program personnel receive the lot tally sheets.

At the end of the shift, the Lot Tally Sheets from all on-line inspectors are collected and condemnations for each lot are totaled on a separate FSIS Form 6000-16 by the off line IPP.

Plant management is also responsible for collecting data. Plant management must supply the total number of birds and their live weight per lot, and the total pounds condemned on antemortem, which includes the dead-on-arrival carcasses. Plant management must also supply inspection with the total weight in pounds of carcasses and of parts condemned on postmortem, and with the total weight in pounds of chilled and frozen product from that lot. Plant management supplies inspection with this data on FSIS Form 6510-7, Poultry Lot Information Sheet.

In addition to the Lot Tally Sheets, a Condemnation Certificate, FSIS Form 9061-2, is completed for each lot of poultry slaughtered. The Condemnation Certificate contains both antemortem and postmortem information and is completed and signed by the IIC. The data for the Condemnation Certificate is taken from the Lot Tally Summary Sheet and from the FSIS Form 6510-7, Poultry Lot Information Sheet, which is supplied by the plant.

All of the above information will be entered by the Off-line IPP into the Animal Disposition section of PHIS.

WORKSHOP

1. What is the purpose of poultry postmortem inspection?
2. List the 4 responsibilities of the establishment to ensure production of a safe and wholesome product.
3. List facility requirements establishment management must provide at the postmortem inspection station.
4. List the duties of the inspector's helper required at the postmortem inspection station.
5. Identify the two conditions at postmortem that are considered of public health significance.
6. For each of the following conditions, give the disposition criteria.

Tuberculosis –

Leukosis –

Sep/tox –

Synovitis-

Tumors –

Keratoacanthoma -

Bruises-

Cadaver –

Contamination –

Overscald –

Airsacculitis –

IP –

Ascites –

7. List 7 causes for liver condemnation.

8. List the criteria needed for condemnation of a **carcass part** related to fractures and luxations.

9. List several factors that justify FSIS adjusting line speed.

10. List three methods to maintain positive control over condemned poultry product.

11. List methods for disposing of condemned poultry product.

Review the slides for each case study and answer the following questions.

1. Case Study 1

What is the condition?

What is the regulatory citation?

What is your disposition?

2. Case Study 2

What is the condition?

What is the regulatory citation?

What is your disposition?

3. Case Study 3

What is the condition?

What is the regulatory citation?

What is your disposition?

4. Case Study 4

What is the condition?

What is the regulatory citation?

What is your disposition?

5. Case Study 5

What is the condition?

What is the regulatory citation?

What is your disposition?

APPENDIX

Postmortem Inspection Procedures

Traditional inspection procedures for young chickens

The following procedure is used when the chicken carcass is presented on a two point suspension with viscera suspended on the inspector's right. If the viscera is suspended on the left, the right and left hand functions become reversed. All other steps remain the same. If the carcass is suspended on a three point suspension, the inspection procedures are basically the same. The only exception is that there is a need to elevate the point of the keel upward (with the thumb) for complete viewing of the internal structure.

Major steps	Key points	Reason for this step
1. Reach for the carcass; make a general observation.	Observe hock joints and skin surfaces as the carcass approaches; outside leading leg and inside trailing leg.	To detect improper presentation (improper removal of shank and foot). To detect abnormalities of the hock joints. To detect dehydration and other evidence of systemic disturbance.
2. Grasp carcass.	Left thumb will elevate the flap of the abdominal fat and skin from inspector's line of vision (open body cavity). Little finger and ring finger will palpate the back of the carcass. Left hand will slightly tilt and manipulate the entire carcass as needed.	To make it possible to observe all internal organs, tissues, and body walls. To assure unobstructed view of all internal areas.
3. View of interior of carcass.	Observe interclavicular air sacs, lungs, sex organs, kidneys, thoracic and abdominal air sacs, and body walls.	To detect any pathological lesions, exudates, contaminating substances, or processing defects.
4. Viscera inspection	Right hand will manipulate the suspended visceral organs so that the spleen, heart, and liver may be observed and palpated. Spleen should be rolled and must be crushed on	To detect any pathological lesions, exudates, contaminating substances, or processing defects.

	adult poultry. Liver must be palpated and all surfaces and lobes viewed.	
Major steps	Key points	Reason for this step
5. Tibia palpation with rotation of carcass. (Note: If tibia palpation is not required, the leg can still be used to turn the carcass to allow observation of pectoral surfaces.	If carcass approaches from the inspector's right, the left hand will cross over and grasp the trailing tibia between thumb and forefinger. Carcass will be rotated clockwise so that the breast, wings, and front of legs may be observed. If the carcass approaches from the inspector's left, the right hand will cross over, grasp the trailing tibia, and rotate the carcass counterclockwise.	To detect bone enlargement (due primarily to osteoporosis). Also to aid in joint observation. To observe presence of skin tumors, bruises, fractures, or processing defects involving the breast, wing, and leg areas.
6. Final position of carcass.	If no action is required on the carcass, it will be rotated back to the normal position. As this is being done, the opposite hand (whether right or left) will simultaneously reach for the next carcass and bring it into position. If further action is required (trimming, retaining, condemning), the carcass will be left in a position (turned backward, leg out of shackle, etc.), that will help identify the desired action.	To achieve a smooth, rhythmic motion that allows the inspector to perform postmortem inspection procedures.

Streamlined inspection procedure for inspection of broilers and Cornish game hens

The streamlined inspection procedure allows one inspector to conduct whole-bird inspection without the aid of a mirror or carcass tilt or turn, and with minimal viscera manipulation. Identification and removal of trimmable lesions and conditions after carcass inspection is the responsibility of the plant. The birds

arrive at the inspection station positioned in the kick-out near the edge of the trough, with the membranes removed to allow viewing the inside of the carcass, and the viscera reflecting one abdominal flap. The viscera are left near the body opening. The viscera must be consistently reflected on the right or left of the abdominal flap of the carcass.

In the following inspection procedure descriptions, when the birds are moving into the inspection state from the left, the left hand will be referred to as the upstream hand, and the right hand will be referred to as the downstream hand. If the birds were moving into the station from the right, then the hand descriptions would be reversed.

When the viscera is leading with birds entering the inspection station, the inspection procedures are as follows.

1. Grasp the trailing thigh of the carcass with the upstream hand, reflecting the flap with the thumb.
2. Grasp the leading viscera with the downstream hand and observe the inside surfaces of the carcass.
3. Release the thigh and observe the viscera with minimal viscera manipulation.
4. Release the viscera. Observe the exposed trailing outside surfaces of the carcass without tilting or turning the bird. Orally communicate the disposition of the bird to the helper, and begin the inspection cycle on the next bird entering the inspection station.

When the viscera is trailing with birds entering the inspection station, the inspection procedures are as follows.

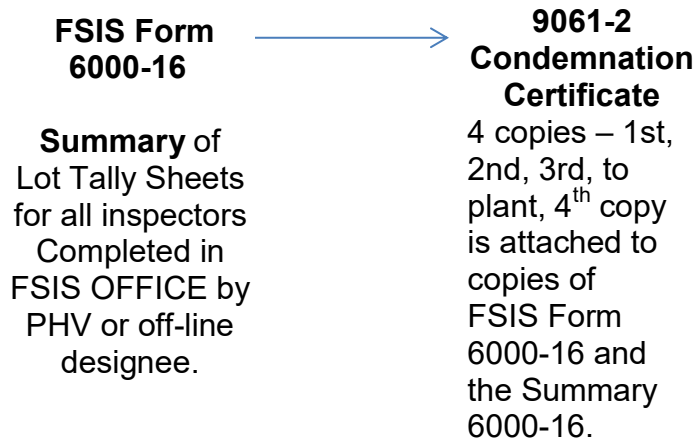
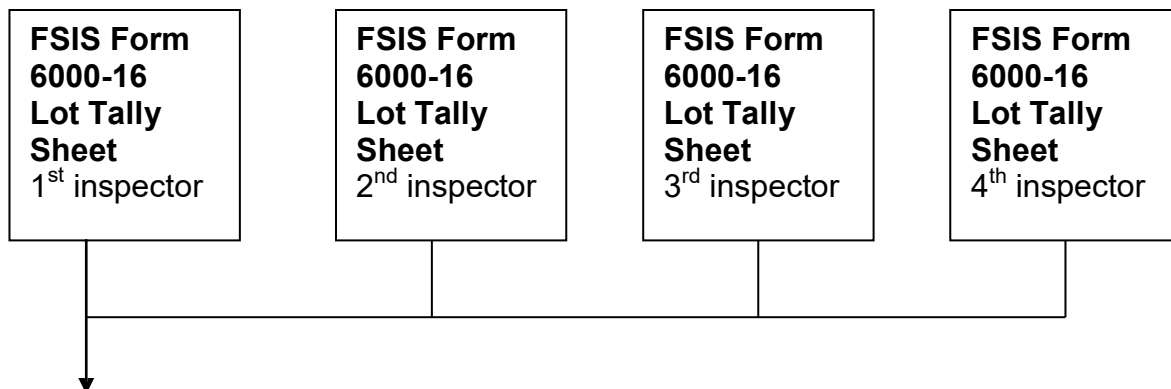
1. Grasp the trailing viscera of the carcass with the upstream hand, observing the exposed leading outside surfaces of the carcass without tilting or turning the bird.
2. Grasp the leading thigh with the downstream hand, reflecting the flap with the thumb, and observing the viscera with minimal visceral manipulation.
3. Observe the inside surface of the carcass and release the viscera.
4. Release the thigh. Orally communicate the disposition of the bird to the helper, and begin the inspection cycle on the next bird entering the inspection station.

The inspector must communicate inside carcass disposition (trim, salvage, vacuum, or reprocess) to the helper for proper marking of the identified condition. He or she must also communicate viscera dispositions to the helper, because the viscera will be harvested prior to the trim station. Note: The plant assistant at the inspection station is referred to as a helper and not a trimmer. The primary purpose of a helper is to assist the inspector, mark birds with proper local signals, remove condemned birds, mark condemned sheets, and remove questionable birds for veterinary disposition. Helpers may trim if it does not interfere with their primary task of assisting the inspector.

The inspector confines his or her observations to the outside of the carcass to those that affect the disposition of the whole carcass. Trimmable lesions or conditions (such as bruises, scabs, breast blisters, inflammatory process) under the streamlined inspection procedure are the responsibility of the plant at the trim station, prior to the final wash on the evisceration line. If an inspector notices a trimmable condition that might not be detected at the trim station (such as synovitis or inflammatory process), he or she will point it out to the helper for marking to signal the trimmer. If the disposition of the whole bird is in question, then the trimming will take place at the inspection station. The inspector usually hangs these birds back for veterinary disposition.

FLOW CHART FOR POSTMORTEM REPORTS

Example for a Plant with 4 line Inspectors



FSIS Form 6510-7

Lot
Information
supplied by
plant mgmt.
and attached
to FSIS office
copy of all
above
FSIS Form

POULTRY INSPECTION - LOT TALLY SHEET						DATE INSPECTED	PLANT NO.	LOT NO.			
CLASS OF POULTRY <div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"><input type="checkbox"/> Fryer-Roaster Turkeys (03)</div> <div style="width: 50%;"><input type="checkbox"/> Ducks (06)</div> <div style="width: 50%;"><input type="checkbox"/> Other (Guineas, Squabs, Pigeons, etc.) (09)</div> <div style="width: 50%;"><input type="checkbox"/> Heavy Fowl (12)</div> <div style="width: 50%;"><input type="checkbox"/> Young Chickens (01)</div> <div style="width: 50%;"><input type="checkbox"/> Young Turkeys (04)</div> <div style="width: 50%;"><input type="checkbox"/> Geese (07)</div> <div style="width: 50%;"><input type="checkbox"/> Light Fowl (02)</div> <div style="width: 50%;"><input type="checkbox"/> Old Breeder Turkeys (05)</div> <div style="width: 50%;"><input type="checkbox"/> Rabbits (08)</div> <div style="width: 50%;"><input type="checkbox"/> Capons (11)</div> <div style="width: 50%;"><input type="checkbox"/> Young Breeder Turkeys (14)</div> </div>											
POST-MORTEM INSPECTION						CONDEMNED ON POST-MORTEM INSPECTION					
						CARCASSES (NYD)		PARTS			
						Lb.		Lb.			
CONDEMNATION CAUSE	10	20	30	40	50	60	70	80	90	100	TOTAL
Tuberculosis											
Leukosis											
Septicaemia and Toxemia											
Synovitis											
Tumors											
Bruises											
Cadaver											
Contamination											
Overscald											
Airsacculitis											
OTHER: Inflammatory Process (IP)											
No Viscera (NV)											
Plant Reject (PR)											
SPECIAL SURVEYS CODES											
REMARKS											
NAME OF INSPECTOR											

Poultry Products Inspection Act

Title 21 - Food and Drugs

Chapter 10 - Poultry and Poultry Products Inspection

§451. Congressional statement of findings

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

Sec. 452. Congressional declaration of policy

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

Sec. 453. Definitions

For purposes of this chapter -

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

- (b) Except as otherwise provided in this chapter, the term "State" means any State of the United States and the Commonwealth of Puerto Rico.
- (c) The term "territory" means Guam, the Virgin Islands of the United States, American Samoa, and any other territory or possession of the United States, excluding the Canal Zone.
- (d) The term "United States" means the States, the District of Columbia, and the territories of the United States.
- (e) The term "poultry" means any domesticated bird, whether live or dead.
- (f) The term "poultry product" means any poultry carcass, or part thereof; or any product which is made wholly or in part from any poultry carcass or part thereof, excepting products which contain poultry ingredients only in a relatively small proportion or historically have not been considered by consumers as products of the poultry food industry, and which are exempted by the Secretary from definition as a poultry product under such conditions as the Secretary may prescribe to assure that the poultry ingredients in such products are not adulterated and that such products are not represented as poultry products.
- (g) The term "adulterated" shall apply to any poultry product under one or more of the following circumstances:
 - (1) if it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;
 - (2)
 - (A) if it bears or contains (by reason of administration of any substance to the live poultry or otherwise) any added poisonous or added deleterious substance (other than one which is
 - (i) a pesticide chemical in or on a raw agricultural commodity;
 - (ii) a food additive; or
 - (iii) a color additive) which may, in the judgment of the Secretary, make such article unfit for human food;
 - (B) if it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical

which is unsafe within the meaning of section 346a of this title;

- (C) if it bears or contains any food additive which is unsafe within the meaning of section 348 of this title;
 - (D) if it bears or contains any color additive which is unsafe within the meaning of section 379e of this title: Provided, That an article which is not otherwise deemed adulterated under clause
 - if it bears or contains any color additive which is unsafe of the pesticide chemical, food additive, or color additive in or on such article is prohibited by regulations of the Secretary in official establishments;
 - (3) if it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;
 - (4) if it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;
 - (5) if it is, in whole or in part, the product of any poultry which has died otherwise than by slaughter;
 - (6) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;
 - (7) if it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 348 of this title;
 - (8) if any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.
- (h) The term "misbranded" shall apply to any poultry product under one or more of the following circumstances:
 - (1) if its labeling is false or misleading in any particular;

- (2) if it is offered for sale under the name of another food;
- (3) if it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated;
- (4) if its container is so made, formed, or filled as to be misleading;
- (5) unless it bears a label showing (A) the name and the place of business of the manufacturer, packer, or distributor; and (B) an accurate statement of the quantity of the product in terms of weight, measure, or numerical count: Provided, That under clause (B) of this subparagraph (5), reasonable variations may be permitted, and exemptions as to small packages or articles not in packages or other containers may be established by regulations prescribed by the Secretary;
- (6) if any word, statement, or other information required by or under authority of this chapter to appear on the label or other labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;
- (7) if it purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by regulations of the Secretary under section 457 of this title unless (A) it conforms to such definition and standard, and (B) its label bears the name of the food specified in the definition and standard and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food;
- (8) if it purports to be or is represented as a food for which a standard or standards of fill of container have been prescribed by regulations of the Secretary under section 457 of this title, and it falls below the standard to fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard;
- (9) if it is not subject to the provisions of subparagraph (7), unless its label bears (A) the common or usual name of the food, if any there be, and (B) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings may, when authorized by the Secretary, be designated as spices, flavorings, and colorings without naming each: Provided, That to the extent that compliance with the requirements of clause (B) of this subparagraph (9) is impracticable or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the Secretary;

- (10) if it purports to be or is represented for special dietary uses unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the Secretary, after consultation with the Secretary of Health and Human Services, determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers as to its value for such uses;
 - (11) if it bears or contains any artificial flavoring, artificial coloring, or chemical preservative unless it bears labeling stating that fact: Provided, That, to the extent that compliance with the requirements of this subparagraph (11) is impracticable, exemptions shall be established by regulations promulgated by the Secretary; or
 - (12) if it fails to bear on its containers, and in the case of nonconsumer packaged carcasses (if the Secretary so requires) directly thereon, as the Secretary may by regulations prescribe, the official inspection legend and official establishment number of the establishment where the article was processed, and, unrestricted by any of the foregoing, such other information as the Secretary may require in such regulations to assure that it will not have false or misleading labeling and that the public will be informed of the manner of handling required to maintain the article in a wholesome condition.
- (i) The term "Secretary" means the Secretary of Agriculture or his delegate.
 - (j) The term "person" means any individual, partnership, corporation, association, or other business unit.
 - (k) The term "inspector" means: (1) an employee or official of the United States Government authorized by the Secretary to inspect poultry and poultry products under the authority of this chapter, or (2) any employee or official of the government of any State or territory or the District of Columbia authorized by the Secretary to inspect poultry and poultry products under authority of this chapter, under an agreement entered into between the Secretary and the appropriate State or other agency.
 - (l) The term "official mark" means the official inspection legend or any other symbol prescribed by regulation of the Secretary to identify the status of any article or poultry under this chapter.
 - (m) The term "official inspection legend" means any symbol prescribed by regulations of the Secretary showing that an article was inspected for wholesomeness in accordance with this chapter.

- (n) The term "official certificate" means any certificate prescribed by regulations of the Secretary for issuance by an inspector or other person performing official functions under this chapter.
- (o) The term "official device" means any device prescribed or authorized by the Secretary for use in applying any official mark.
- (p) The term "official establishment" means any establishment as determined by the Secretary at which inspection of the slaughter of poultry, or the processing of poultry products, is maintained under the authority of this chapter.
- (q) The term "inspection service" means the official Government service within the Department of Agriculture designated by the Secretary as having the responsibility for carrying out the provisions of this chapter.
- (r) The term "container" or "package" includes any box, can, tin, cloth, plastic, or other receptacle, wrapper, or cover.
- (s) The term "label" means a display of written, printed, or graphic matter upon any article or the immediate container (not including packaged liners) of any article; and the term "labeling" means all labels and other written, printed, or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying such article.
- (t) The term "shipping container" means any container used or intended for use in packaging the product packed in an immediate container.
- (u) The term "immediate container" includes any consumer package; or any other container in which poultry products, not consumer packaged, are packed.
- (v) The term "capable of use as human food" shall apply to any carcass, or part or product of a carcass, of any poultry, unless it is denatured or otherwise identified as required by regulations prescribed by the Secretary to deter its use as human foods, or it is naturally inedible by humans.
- (w) The term "processed" means slaughtered, canned, salted, stuffed, rendered, boned, cut up, or otherwise manufactured or processed.
- (x) The term "Federal Food, Drug, and Cosmetic Act" means the Act so entitled, approved June 25, 1938 (52 Stat. 1040) (21 U.S.C. 301 et seq.), and Acts amendatory thereof or supplementary thereto.
- (y) The terms "pesticide chemical," "food additive", "color additive", and "raw agricultural commodity" shall have the same meanings for purposes

of this chapter as under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

- (z) The term "poultry products broker" means any person engaged in the business of buying or selling poultry products on commission, or otherwise negotiating purchases or sales of such articles other than for his own account or as an employee of another person.
- (aa) The term "renderer" means any person engaged in the business of rendering carcasses, or parts or products of the carcasses, of poultry, except rendering conducted under inspection or exemption under this chapter.
- (bb) The term "animal food manufacturer" means any person engaged in the business of manufacturing or processing animal food derived wholly or in part from carcasses, or parts or products of the carcasses, of poultry.

Sec. 454. Federal and State cooperation in development and administration of State poultry product inspection programs

- **(a) State laws; planning, technical and financial assistance; advisory committees**

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

- (1) The Secretary is authorized, whenever he determines that it would effectuate the purposes of this chapter, to cooperate with the appropriate State agency in developing and administering a State poultry product inspection program in any State which has enacted a mandatory State poultry product inspection law that imposes ante mortem and postmortem inspection, reinspection and sanitation requirements that are at least equal to those under this chapter, with respect to all or certain classes of persons engaged in the State in slaughtering poultry or processing poultry products for use as human food solely for distribution within such State.
- (2) The Secretary is further authorized, whenever he determines that it would effectuate the purposes of this chapter, to cooperate with appropriate State agencies in developing and administering State programs under State laws containing authorities at least equal to those provided in section [460](#) of this title; and to cooperate with other agencies of the United States in carrying out any provisions of this chapter. In carrying out the provisions of this chapter, the Secretary may conduct such examinations,

investigations, and inspections as he determines practicable through any officer or employee of any State or Territory or the District of Columbia commissioned by the Secretary for such purpose.

- (3) Cooperation with State agencies under this section may include furnishing to the appropriate State agency (i) advisory assistance in planning and otherwise developing an adequate State program under the State law; and (ii) technical and laboratory assistance and training (including necessary curricular and instructional materials and equipment), and financial and other aid for administration of such a program. The amount to be contributed to any State by the Secretary under this section from Federal funds for any year shall not exceed 50 per centum of the estimated total cost of the cooperative program; and the Federal funds shall be allocated among the States desiring to cooperate on an equitable basis. Such cooperation and payment shall be contingent at all times upon the administration of the State program in a manner which the Secretary, in consultation with the appropriate advisory committee appointed under subparagraph (4), deems adequate to effectuate the purposes of this section.
- (4) The Secretary may appoint advisory committees consisting of such representatives of appropriate State agencies as the Secretary and the State agencies may designate to consult with him concerning State and Federal programs with respect to poultry product inspection and other matters within the scope of this chapter, including evaluating State programs for purposes of this chapter, and obtaining better coordination and more uniformity among the State programs and between the Federal and State programs and adequate protection of consumers.
- **(b) Appropriate State agency; performance of functions by subordinate governmental unit**

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

- **(c) Intrastate activities; designation of State for regulation; publication of designation; exempted operations; termination of designation; review of operations in nondesignated States; annual report**
 - (1) If the Secretary has reason to believe, by thirty days prior to the expiration of two years after August 18, 1968, that a State has failed to develop or is not enforcing, with respect to all

establishments within its jurisdiction (except those that would be exempted from Federal inspection under subparagraph (2) of this paragraph (c)) at which poultry are slaughtered, or poultry products are processed for use as human food, solely for distribution within such State, and the products of such establishments, requirements at least equal to those imposed under sections 451 to 453, 455 to 459, 461 to 467d of this title, he shall promptly notify the Governor of the State of this fact. If the Secretary determines, after consultation with the Governor of the State, or representative selected by him, that such requirements have not been developed and activated, he shall promptly after the expiration of such two-year period designate such State as one in which the provisions of said sections of this chapter shall apply to operations and transactions wholly within such State: Provided, That if the Secretary has reason to believe that the State will activate such requirements within one additional year, he may delay such designation for said period, and not designate the State, if he determines at the end of the year that the State then has such requirements in effective operation. The Secretary shall publish any such designation in the Federal Register and, upon the expiration of thirty days after such publication, the provisions of said sections of this chapter shall apply to operations and transactions and to persons engaged therein in the State to the same extent and in the same manner as if such operations and transactions were conducted in or for commerce. However, notwithstanding any other provision of this section, if the Secretary determines that any establishment within a State is producing adulterated poultry products for distribution within such State which would clearly endanger the public health he shall notify the Governor of the State and the appropriate advisory committee provided for by subparagraph (a)(4) of this section of such fact for effective action under State or local law. If the State does not take action to prevent such endangering of the public health within a reasonable time after such notice, as determined by the Secretary, in light of the risk to public health, the Secretary may forthwith designate any such establishment as subject to the provisions of said sections of this chapter, and thereupon the establishment and operator thereof shall be subject to such provisions as though engaged in commerce until such time as the Secretary determines that such State has developed and will enforce requirements at least equal to those imposed under said sections.

- (2) The provisions of this chapter requiring inspection of the slaughter of poultry and the processing of poultry products shall not apply to operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar retail-type establishment for sale in normal

retail quantities or service of such articles to consumers at such establishments if such establishment are subject to such inspection provisions only under this paragraph (c). For the purposes of this subparagraph, operations conducted at a restaurant central kitchen facility shall be considered as being conducted at a restaurant if the restaurant central kitchen prepares poultry products that are ready to eat when they leave such facility and are served in meals or as entrees only to customers at restaurants owned or operated by the same person owning or operating such facility: Provided, That such facility shall be subject to the provisions of section [460\(b\)](#) of this title: Provided further, That the facility may be subject to the inspection requirements of this chapter for as long as the Secretary deems necessary, if the Secretary determines that the sanitary conditions or practices of the facility or the processing procedures or methods at the facility are such that any of its poultry products are rendered adulterated.

- (3) Whenever the Secretary determines that any State designated under this paragraph (c) has developed and will enforce State poultry products inspection requirements at least equal to those imposed under the aforesaid sections of this chapter, with respect to the operations and transactions within such State which are regulated under subparagraph (1) of this paragraph (c), he shall terminate the designation of such State under this paragraph (c), but this shall not preclude the subsequent redesignation of the State at any time upon thirty days' notice to the Governor and publication in the Federal Register in accordance with this paragraph, and any State may be designated upon such notice and publication, at any time after the period specified in this paragraph whether or not the State has theretofore been designated, upon the Secretary determining that it is not effectively enforcing requirements at least equal to those imposed under said sections.
- (4) The Secretary shall promptly upon August 18, 1968, and periodically thereafter, but at least annually, review the requirements, including the enforcement thereof, of the several States not designated under this paragraph (c), with respect to the slaughter, and the processing, storage, handling, and distribution of poultry products, and inspection of such operations, and annually report thereon to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate in the report required in section [470](#) of this title.

- **(d) "State" defined**

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

Sec. 455. Inspection in official establishments

- **(a) Ante mortem inspection**

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

- **(b) Postmortem inspection; quarantine, segregation, and reinspection**

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

- **(c) Condemnation; appeal; reprocessing**

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

Sec. 456. Operation of premises, facilities and equipment

- **(a) Sanitary practices**

Each official establishment slaughtering poultry or processing poultry products for commerce or otherwise subject to inspection under this chapter shall have such premises, facilities, and equipment, and be operated in accordance with such sanitary practices, as are required by regulations promulgated by the Secretary

for the purpose of preventing the entry into or flow or movement in commerce or burdensome effect upon commerce, of poultry products which are adulterated.

- **(b) Refusal of inspection**

The Secretary shall refuse to render inspection to any establishment whose premises, facilities, or equipment, or the operation thereof, fail to meet the requirements of this section.

Sec. 457. Labeling and container standards

- **(a) Requirements for shipping containers and immediate containers; nonconsumer packaged carcasses**

All poultry products inspected at any official establishment under the authority of this chapter and found to be not adulterated, shall at the time they leave the establishment bear, in distinctly legible form, on their shipping containers and immediate containers as the Secretary may require, the information required under paragraph (h) of section [453](#) of this title. In addition, the Secretary whenever he determines such action is practicable and necessary for the protection of the public, may require nonconsumer packaged carcasses at the time they leave the establishment to bear directly thereon in distinctly legible form any information required under such paragraph (h).

- **(b) Labeling requirements; definitions and standards of identity or composition or articles and standards of fill of container; standards consistent with Federal Food, Drug, and Cosmetic Act; consistency between Federal and State standards**

The Secretary, whenever he determines such action is necessary for the protection of the public, may prescribe:

- (1) the styles and sizes of type to be used with respect to material required to be incorporated in labeling to avoid false or misleading labeling in marketing and labeling any articles or poultry subject to this chapter;
- (2) definitions and standards of identity or composition or articles subject to this chapter and standards of fill of container for such articles not inconsistent with any such standards established under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), and there shall be consultation between the Secretary and the Secretary of Health and Human Services prior to the issuance of such standards under either Act relating to articles subject to this chapter to avoid inconsistency in such standards and possible impairment of the coordinated effective administration of this

chapter and the Federal Food, Drug, and Cosmetic Act. There shall also be consultation between the Secretary and an appropriate advisory committee provided for in section [454](#) of this title, prior to the issuance of such standards under this chapter, to avoid, insofar as feasible, inconsistency between Federal and State standards.

- **(c) Use of trade names; false or misleading marking or labeling; misleading form or size of container**

No article subject to this chapter shall be sold or offered for sale by any person in commerce, under any name or other marking or labeling which is false or misleading, or in any container of a misleading form or size, but established trade names and other marking and labeling and containers which are not false or misleading and which are approved by the Secretary are permitted.

- **(d) Withholding use of false or misleading mark, label, or container size or form; modification; hearing; conclusiveness of determination; appeal**

If the Secretary has reason to believe that any marking or labeling or the size or form of any container in use or proposed for use with respect to any article subject to this chapter is false or misleading in any particular, he may direct that such use be withheld unless the marking, labeling, or container is modified in such manner as he may prescribe so that it will not be false or misleading. If the person using or proposing to use the marketing, labeling, or container does not accept the determination of the Secretary, such person may request a hearing, but the use of the marking, labeling, or container shall, if the Secretary so directs, be withheld pending hearing and final determination by the Secretary. Any such determination by the Secretary shall be conclusive unless, within thirty days after receipt of notice of such final determination, the person adversely affected thereby appeals to the United States Court of Appeals for the circuit in which such person has its principal place of business or to the United States Court of Appeals for the District of Columbia Circuit. The provisions of section 194 of title 7 shall be applicable to appeals taken under this section.

Sec. 458. Prohibited acts

- (a) No person shall -
 - (1) slaughter any poultry or process any poultry products which are capable of use as human food at any establishment processing any such articles for commerce, except in compliance with the requirements of this chapter;
 - (2) sell, transport, offer for sale or transportation, or receive for transportation, in commerce, (A) any poultry products which are capable of use as human food and are adulterated or misbranded at the time of such sale, transportation, offer for sale or

- transportation, or receipt for transportation; or (B) any poultry products required to be inspected under this chapter unless they have been so inspected and passed;
- (3) do, with respect to any poultry products which are capable of use as human food, any act while they are being transported in commerce or held for sale after such transportation, which is intended to cause or has the effect of causing such products to be adulterated or misbranded;
 - (4) sell, transport, offer for sale or transportation, or receive for transportation, in commerce or from an official establishment, any slaughtered poultry from which the blood, feathers, feet, head, or viscera have not been removed in accordance with regulations promulgated by the Secretary, except as may be authorized by regulations of the Secretary;
 - (5) use to his own advantage, or reveal other than to the authorized representatives of the United States Government or any State or other government in their official capacity, or as ordered by a court in any judicial proceedings, any information acquired under the authority of this chapter concerning any matter which is entitled to protection as a trade secret.
- (b) No brand manufacturer, printer, or other person shall cast, print, lithograph, or otherwise make any device containing any official mark or simulation thereof, or any label bearing any such mark or simulation, or any form of official certificate or simulation thereof, except as authorized by the Secretary.
 - (c) No person shall -
 - (1) forge any official device, mark, or certificate;
 - (2) without authorization from the Secretary use any official device, mark, or certificate, or simulation thereof, or alter, detach, deface, or destroy any official device, mark, or certificate;
 - (3) contrary to the regulations prescribed by the Secretary, fail to use, or to detach, deface, or destroy any official device, mark, or certificate;
 - (4) knowingly possess, without promptly notifying the Secretary or his representative, any official device or any counterfeit, simulated, forged, or improperly altered official certificate or any device or label or any carcass of any poultry, or part or product thereof, bearing any counterfeit, simulated, forged, or improperly altered official mark;
 - (5) knowingly make any false statement in any shipper's certificate or other nonofficial or official certificate provided for in the regulations prescribed by the Secretary; or

- (6) knowingly represent that any article has been inspected and passed, or exempted, under this chapter when, in fact, it has respectively, not been so inspected and passed, or exempted.

Sec. 459. Compliance by all establishments

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

Sec. 460. Miscellaneous activities subject to regulation

- **(a) Prohibition of inspection of articles not intended for use as human food; denaturation or other identification prior to distribution in commerce; inedible articles**

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

- **(b) Recordkeeping requirements; persons liable; scope of disclosure; access to places of business; examination of records, facilities, and inventories; copies; samples**

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

- (1) Any person that engages in the business of slaughtering any poultry or processing, freezing, packaging, or labeling any carcasses, or parts or

products of carcasses, of any poultry, for commerce, for use as human food or animal food;

- (2) Any person that engages in the business of buying or selling (as poultry products brokers, wholesalers or otherwise), or transporting, in commerce, or storing in or for commerce, or importing, any carcasses, or parts or products of carcasses, of any poultry;
- (3) Any person that engages in business, in or for commerce, as a renderer, or engages in the business of buying, selling, or transporting, in commerce, or importing, any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter.
- **(c) Registration of business, name of person, and trade names**

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

- **(d) Regulation of transactions, transportation, or importation of dead, dying, disabled or diseased poultry or carcasses to prevent use as human food**

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

- **(e) Federal provisions applicable to State or Territorial business transactions of a local nature and not subject to local authority**

The authority conferred on the Secretary by paragraph (b), (c), or (d) of this section with respect to persons engaged in the specified kinds of business in or for commerce may be exercised with respect to persons engaged, in any State or organized territory, in such kinds of business but not in or for commerce, whenever the Secretary determines, after consultation with an appropriate advisory committee provided for in section [454](#) of this title, that the State or territory does not have at least equal authority under its laws or such authority is not exercised in a manner to effectuate the purposes of this chapter, including the State or territory providing for the Secretary or his representative being afforded access to such places of business and the facilities, inventories, and records thereof, and the taking of reasonable samples, where he determines necessary in carrying out his responsibilities under this chapter; and in such case the provisions of paragraph (b), (c), or (d) of this section, respectively, shall apply to such persons to the same extent and in the same manner as if they were engaged in such business in or for commerce and the transactions involved were in commerce.

Sec. 461. Offenses and punishment

- **(a) Violations; liability of agents, employees, and employers**

Any person who violates the provisions of section [458](#), [459](#), 460, 463, or 466 of this title shall be fined not more than \$1,000 or imprisoned not more than one year, or both; but if such violation involves intent to defraud, or any distribution or attempted distribution of an article that is adulterated (except as defined in section [453\(g\)\(8\)](#) of this title), such person shall be fined not more than \$10,000 or imprisoned not more than three years, or both. When construing or enforcing the provisions of said sections the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, or association within the scope of his employment or office shall in every case be deemed the act, omission, or failure of such individual, partnership, corporation, or association, as well as of such person.

- **(b) Liability of carrier**

No carrier shall be subject to the penalties of this chapter, other than the penalties for violation of section [460](#) of this title, by reason of his receipt, carriage, holding, or delivery, in the usual course of business, as a carrier, of poultry or poultry products, owned by another person unless the carrier has knowledge, or is in possession of facts which would cause a reasonable person to believe that such poultry or poultry products were not inspected or marked in accordance with the provisions of this chapter or were otherwise not eligible for transportation under this chapter or unless the carrier refuses to furnish on request of a representative of the Secretary the name and address of the person

from whom he received such poultry or poultry products, and copies of all documents, if any there be, pertaining to the delivery of the poultry or poultry products to such carrier.

- **(c) Assaulting, resisting, or impeding certain persons; murder; punishments**

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

Sec. 462. Reporting of violations; notice; opportunity to present views

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

Sec. 463. Rules and regulations

- **(a) Storage and handling of poultry products; violation of regulations**

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

- **(b) Other necessary rules and regulations**

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

- **(c) Oral presentation of views**

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

Sec. 464. Exemptions

- **(a) Persons exempted**

The Secretary shall, by regulation and under such conditions as to sanitary standards, practices, and procedures as he may prescribe, exempt from specific provisions of this chapter -

- (1) retail dealers with respect to poultry products sold directly to consumers in individual retail stores, if the only processing operation performed by such retail dealers is the cutting up of poultry products on the premises where such sales to consumers are made;
- (2) for such period of time as the Secretary determines that it would be impracticable to provide inspection and the exemption will aid in the effective administration of this chapter, any person engaged in the processing of poultry or poultry products for commerce and the poultry or poultry products processed by such person: Provided, however, That no such exemption shall continue in effect on and after January 1, 1970; and
- (3) persons slaughtering, processing, or otherwise handling poultry or poultry products which have been or are to be processed as required by recognized religious dietary laws, to the extent that the Secretary determines necessary to avoid conflict with such requirements while still effectuating the purposes of this chapter.

- **(b) Territorial exemption**

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

- **(c) Personal slaughtering; custom slaughtering; name and address of the poultry producer or processor in lieu of other labeling requirements; small enterprises; slaughterers or processors of**

specified number of turkeys; poultry producers raising poultry on own farms

- (1) The Secretary shall, by regulation and under such conditions, including sanitary standards, practices, and procedures, as he may prescribe, exempt from specific provisions of this chapter -
 - (A) the slaughtering by any person of poultry of his own raising, and the processing by him and transportation in commerce of the poultry products exclusively for use by him and members of his household and his nonpaying guests and employees;
 - (B) the custom slaughter by any person of poultry delivered by the owner thereof for such slaughter, and the processing by such slaughterer and transportation in commerce of the poultry products exclusively for use, in the household of such owner, by him and members of his household and his nonpaying guests and employees: Provided, That such custom slaughterer does not engage in the business of buying or selling any poultry products capable of use as human food;
 - (C) the slaughtering and processing of poultry products in any State or Territory or the District of Columbia by any poultry producer on his own premises with respect to sound and healthy poultry raised on his premises and the distribution by any person solely within such jurisdiction of the poultry products derived from such operations, if, in lieu of other labeling requirements, such poultry products are identified with the name and address of such poultry producer, and if they are not otherwise misbranded, and are sound, clean, and fit for human food when so distributed; and
 - (D) the slaughtering of sound and healthy poultry or the processing of poultry products of such poultry in any State or territory or the District of Columbia by any poultry producer or other person for distribution by him solely within such jurisdiction directly to household consumers, restaurants, hotels, and boarding houses, for use in their own dining rooms, or in the preparation of meals for sales direct to consumers, if, in lieu of other labeling requirements, such poultry products are identified with the name and address of the processor, and if they are not otherwise misbranded and are sound, clean, and fit for human food when distributed by such processor. The exemptions provided for in clauses (C) and (D) above shall not apply if the poultry producer or other person engages in the current calendar year in the business

of buying or selling any poultry or poultry products other than as specified in such clauses.

- (2) In addition to the specific exemptions provided herein, the Secretary shall, when he determines that the protection of consumers from adulterated or misbranded poultry products will not be impaired by such action, provide by regulation, consistent with subparagraph (3), for the exemption of the operation and products of small enterprises (including poultry producers), not exempted under subparagraph (1), which are engaged in any State or Territory or the District of Columbia in slaughtering and/or cutting up poultry for distribution as carcasses or parts thereof solely for distribution within such jurisdiction, from such provisions of this chapter as he deems appropriate, while still protecting the public from adulterated or misbranded products, under such conditions, including sanitary requirements, as he shall prescribe to effectuate the purposes of this chapter.
- (3) No exemption under subparagraph (1)(C) or (D) or subparagraph (2) shall apply to any poultry producer or other person who, in the current calendar year -
 - (A) slaughters or processes the products of more than 20,000 poultry; or
 - (B) slaughters or processes the products of poultry at a facility used for slaughtering or processing of the products of poultry by any other poultry producer or person.Notwithstanding clause (B), the Secretary may grant such exemption to any poultry producer or other person if the Secretary determines, upon application of such poultry producer or other person, that granting such exemption will not impair effectuating the purposes of this chapter.
- (4) The provisions of this chapter shall not apply to poultry producers with respect to poultry of their own raising on their own farms if (i) such producers slaughter not more than 1,000 poultry during the calendar year for which this exemption is being determined; (ii) such poultry producers do not engage in buying or selling poultry products other than those produced from poultry raised on their own farms; and (iii) none of such poultry moves in commerce (as defined in section [453](#)(a) of this title).
- **(d) Pizzas containing poultry products**
 - (1) Under such terms and conditions as the Secretary shall prescribe through rules and regulations issued under this section that may be necessary to ensure food safety and protect public health such as special handling procedures, the Secretary shall exempt pizzas containing a poultry product from the inspection requirements of this chapter if -

- (A) the poultry product components of the pizzas have been prepared, inspected, and passed in a cured or cooked form as ready-to-eat in compliance with the requirements of this chapter; and
- (B) the pizzas are to be served in public or private nonprofit institutions.
- (2) The Secretary may withdraw or modify any exemption under this subsection whenever the Secretary determines such action is necessary to ensure food safety and to protect public health. The Secretary may reinstate or further modify any exemption withdrawn or modified under this subsection.
- **(e) Applicability of adulteration and misbranding provisions to articles exempted from inspection**

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

- **(f) Suspension or termination of exemption**

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

Sec. 465. Limitations upon entry of poultry products and other materials into official establishments

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

Sec. 466. Imports

- **(a) Compliance with standards and regulations; status after importation**

No slaughtered poultry, or parts or products thereof, of any kind shall be imported into the United States unless they are healthful, wholesome, fit for human food, not adulterated, and contain no dye, chemical, preservative, or ingredient which renders them unhealthful, unwholesome, adulterated, or unfit for human food and unless they also comply with the rules and regulations made by the Secretary of Agriculture to assure that imported poultry or poultry products comply with the standards provided for in this chapter. All imported, slaughtered poultry, or parts

or products thereof, shall after entry into the United States in compliance with such rules and regulations be deemed and treated as domestic slaughtered poultry, or parts or products thereof, within the meaning and subject to the provisions of this chapter and the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), and Acts amendatory of, supplemental to, or in substitution for such chapter and Act.

- **(b) Rules and regulations; destruction and exportation of refused imports**

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

- **(c) Storage, cartage and labor charges for imports refused admission**

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

- **(d) Domestic standards and processing facilities applicable; enforcement**

- (1) Notwithstanding any other provision of law, all poultry, or parts or products of poultry, capable of use as human food offered for importation into the United States shall -
 - (A) be subject to inspection, sanitary, quality, species verification, and residue standards that achieve a level of sanitary protection equivalent to that achieved under United States standards; and
 - (B) have been processed in facilities and under conditions that achieve a level of sanitary protection equivalent to that achieved under United States standards.
- (2)
 - (A) The Secretary may treat as equivalent to a United States standard a standard of an exporting country described in paragraph (1) if the exporting country provides the Secretary with scientific evidence or other information, in accordance with risk assessment methodologies determined appropriate by the Secretary, to demonstrate that the standard of the exporting country achieves the level of sanitary protection achieved under the United States standard. For the

purposes of this subsection, the term "sanitary protection" means protection to safeguard public health.

- (B) The Secretary may -
 - (i) determine, on a scientific basis, that the standard of the exporting country does not achieve the level of protection that the Secretary considers appropriate; and
 - (ii) provide the basis for the determination in writing to the exporting country on request.
- (3) Any such imported poultry article that does not meet such standards shall not be permitted entry into the United States.
- (4) The Secretary shall enforce this subsection through -
 - (A) random inspections for such species verification and for residues; and
 - (B) random sampling and testing of internal organs and fat of carcasses for residues at the point of slaughter by the exporting country, in accordance with methods approved by the Secretary.

Sec. 467. Inspection services

- **(a) Refusal or withdrawal; hearing; business unfitness based upon certain convictions; persons responsibly connected with the business**

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

- **(b) Hearing to determine validity of withdrawal or refusal of inspection services; continuation of withdrawal or refusal**

Upon the withdrawal of inspection service from any official establishment for failure to destroy condemned poultry products as required under section [455](#) of this title, or other failure of an official establishment to comply with the requirements as to premises, facilities, or equipment, or the operation thereof, as provided in section [456](#) of this title, or the refusal of inspection service to any applicant therefor because of failure to comply with any requirements under section [456](#) of this title, the applicant for, or recipient of, the service shall, upon request, be afforded opportunity for a hearing with respect to the merits or validity of such action; but such withdrawal or refusal shall continue in effect unless otherwise ordered by the Secretary.

- **(c) Finality and conclusiveness of determination; judicial review; record**

The determination and order of the Secretary when made after opportunity for hearing, with respect to withdrawal or refusal of inspection service under this chapter shall be final and conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within thirty days after the effective date of such order in the United States Court of Appeals as provided in section [457](#) of this title. Judicial review of any such order shall be upon the record upon which the determination and order are based. The provisions of section 194 of title 7 shall be applicable to appeals taken under this section.

Sec. 467a. Administrative detention; duration; pending judicial proceedings; notification of government authorities; release; removal of official marks

Whenever any poultry product, or any product exempted from the definition of a poultry product, or any dead, dying, disabled, or diseased poultry is found by any authorized representative of the Secretary upon any premises where it is held for purposes of, or during or after distribution in, commerce or otherwise subject to this chapter, and there is reason to believe that any such article is adulterated or misbranded and is capable of use as human food, or that it has not been inspected, in violation of the provisions of this chapter or of any other Federal law or the laws of any State or Territory, or the District of Columbia, or that it has been or is intended to be, distributed in violation of any such provisions, it may be detained by such representative for a period not to exceed twenty days, pending action under section [467b](#) of this title or notification of any Federal, State, or other governmental authorities having jurisdiction over such article or poultry, and shall not be moved by any person, from the place at which it is located when so detained, until released by such representative. All official marks may be required by such representative to be removed from such article or poultry before it is released unless it appears to the satisfaction of the Secretary that the article or poultry is eligible to retain such marks.

Sec. 467b. Seizure and condemnation

- **(a) Proceedings in rem; libel of information; jurisdiction; disposal by destruction or sale; proceeds into the Treasury; sales restrictions; bonds; court costs and fees, storage, and other expenses against claimants; jury trial; United States as plaintiff**
 - (1) Any poultry product, or any dead, dying, disabled, or diseased poultry, that is being transported in commerce or otherwise subject to this chapter, or is held for sale in the United States after such transportation, and that (A) is or has been processed, sold, transported, or otherwise distributed or offered or received for distribution in violation of this chapter, or (B) is capable of use as human food and is adulterated or misbranded, or (C) in any other way is in violation of this chapter, shall be liable to be proceeded against and seized and condemned, at any time, on a libel of information in any United States district court or other proper court as provided in section [467c](#) of this title within the jurisdiction of which the article or poultry is found.
 - (2) If the article or poultry is condemned it shall, after entry of the decree, (A) be distributed in accordance with paragraph (5), or (B) be disposed of by destruction or sale as the court may direct and the proceeds, if sold, less the court costs and fees, and storage and other proper expenses, shall be paid into the Treasury of the United States, but the article or poultry shall not be sold contrary to the provisions of this chapter, or the laws of the jurisdiction in which it is sold: Provided, That upon the execution and delivery of a good and sufficient bond conditioned that the article or poultry shall not be sold or otherwise disposed of contrary to the provisions of this chapter, or the laws of the jurisdiction in which disposal is made, the court may direct that such article or poultry be delivered to the owner thereof subject to such supervision by authorized representatives of the Secretary as is necessary to insure compliance with the applicable laws.
 - (3) When a decree of condemnation is entered against the article or poultry and it is released under bond, or destroyed, court costs and fees, and storage and other proper expenses shall be awarded against the person, if any, intervening as claimant of the article or poultry.
 - (4) The proceedings in such libel cases shall conform, as nearly as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any case, and all such proceedings shall be at the suit of and in the name of the United States.
 - (5)
 - (A) An article that is condemned under paragraph (1) may as the court may direct, after entry of the decree, be distributed without charge to nonprofit, private entities or to Federal, State, or local government entities engaged in the

distribution of food without charge to individuals, if such article -

- (i) is capable of use as a human food;
- (ii) has been inspected under this chapter and found to be wholesome and not to be adulterated within the meaning of paragraphs (1) through (7) of section [453](#)(g) of this title and a determination is made at the time of the entry of the decree that such article is wholesome and not so adulterated; and (iii) is plainly marked "Not for Sale" on such article or its container.
- (B) The United States may not be held legally responsible for any article that is distributed under subparagraph (A) to a nonprofit, private entity or to a Federal, State, or local government entity, if such article -
 - (i) was found after inspection under this chapter to be wholesome and not adulterated within the meaning of paragraphs (1) through (7) of section [453](#)(g) of this title and a determination was made at the time of the entry of the decree that such article was wholesome and not so adulterated; and
 - (ii) was plainly marked "Not for Sale" on such article or its container.
- (C) The person from whom such article was seized and condemned may not be held legally responsible for such article, if such article -
 - (i) was found after inspection under this chapter to be wholesome and not adulterated within the meaning of paragraphs (1) through (7) of section [453](#)(g) of this title and a determination was made at the time of entry of the decree that such article was wholesome and not so adulterated; and
 - (ii) was plainly marked "Not for Sale" on such article or its container.

• **(b) Condemnation or seizure under other provisions unaffected**

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

Sec. 467c. Federal court jurisdiction of enforcement and injunction proceedings and other kinds of cases; limitations; United States as plaintiff; subpoenas

The United States district courts, the District Court of Guam, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of the other territories, are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of, this chapter, and shall have jurisdiction in all other kinds of cases arising under this chapter, except as provided in section [457](#)(d) or [467](#) of this title. All proceedings for the enforcement or to restrain violations of this chapter shall be by and in the name of the United States. Subpoenas for witnesses who are required to attend a court of the United States, in any district, may run into any other district in any such proceeding.

Sec. 467d. Administration and enforcement; applicability of penalty provisions; conduct of inquiries; power and jurisdiction of courts

For the efficient administration and enforcement of this chapter, the provision (including penalties) of sections 46, 48, 49 and 50 of title 15 (except paragraphs (b) through (h) of section 46 and the last paragraph of section 49 ^[1] of title 15), and the provisions of section 409(l) ^[1] (**FOOTNOTE 1**) of title 47, are made applicable to the jurisdiction, powers, and duties of the Secretary in administering and enforcing the provisions of this chapter and to any person with respect to whom such authority is exercised. The Secretary, in person or by such agents as he may designate, may prosecute any inquiry necessary to his duties under this chapter in any part of the United States, and the powers conferred by said sections 49 and 50 of title 15 on the district courts of the United States may be exercised for the purposes of this chapter by any court designated in section [467c](#) of this title.

(FOOTNOTE 1) The last paragraph of section 49 of title 15, and the provisions of section 409(l) of title 47, referred to in text, which related to immunity of witnesses, were repealed by sections 211 and 242, respectively, of Pub. L. 91-452, Oct. 15, 1970, title II, 84 Stat. 929, 930. For provisions relating to immunity of witnesses, see section 6001 et seq. of Title 18, Crimes and Criminal Procedure.

Sec. 467e. Non-Federal jurisdiction of federally regulated matters; prohibition of additional or different requirements for establishments with inspection services and as to marking, labeling, packaging, and ingredients; recordkeeping and related requirements; concurrent jurisdiction over distribution for human food purposes of adulterated or misbranded and imported articles; other matters

Requirements within the scope of this chapter with respect to premises, facilities and operations of any official establishment which are in addition to, or different than those made under this chapter may not be imposed by any State or Territory or the District of Columbia, except that any such jurisdiction may impose recordkeeping and other requirements within the scope of paragraph (b) of section [460](#) of this title, if consistent therewith, with respect to any such

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

Sec. 467f. Federal Food, Drug, and Cosmetic Act applications

- **(a) Exemptions; authorities under food, drug, and cosmetic provisions unaffected**

Poultry and poultry products shall be exempt from the provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et. seq.) to the extent of the application or extension thereto of the provisions of this chapter, except that the provisions of this chapter shall not derogate from any authority conferred by the Federal Food, Drug, and Cosmetic Act prior to August 18, 1968.

- **(b) Enforcement proceedings; detainer authority of representatives of Secretary of Health and Human Services**

The detainer authority conferred by section [467a](#) of this title shall apply to any authorized representative of the Secretary of Health and Human Services for purposes of the enforcement of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) with respect to any poultry carcass, or part or product thereof, that is outside any official establishment, and for such purposes the first reference to the Secretary in section [467a](#) of this title shall be deemed to refer to the Secretary of Health, Education, and Welfare.

Sec. 468. Cost of inspection; overtime

The cost of inspection rendered under the requirements of this chapter, shall be borne by the United States, except that the cost of overtime and holiday work performed in establishments subject to the provisions of this chapter at such rates as the Secretary may determine shall be borne by such establishments. Sums received by the Secretary in reimbursement for sums paid out by him for

such premium pay work shall be available without fiscal year limitation to carry out the purposes of this section.

Sec. 469. Authorization of appropriations

There is authorized to be appropriated such sums as are necessary to carry out the provisions of this chapter.

Sec. 470. Reports to Congress

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

Sec. 471. Safe Meat and Poultry Inspection Panel

- **(a) Review and evaluation**

The advisory panel known as the "Safe Meat and Poultry Inspection Panel" established by section 679a of this title shall review and evaluate, as the panel considers necessary, the adequacy, necessity, safety, cost-effectiveness, and scientific merit of -

- (1) inspection procedures of, and work rules and worker relations involving Federal employees employed in, plants inspected under this chapter;
- (2) informal petitions or proposals for changes in inspection procedures, processes, and techniques of plants inspected under this chapter;
- (3) formal changes in poultry inspection regulations promulgated under this chapter, whether in notice, proposed, or final form; and (4) such other matters as may be referred to the panel by the Secretary regarding the quality or effectiveness of a safe and cost-effective poultry inspection system under this chapter.

- **(b) Reports**

- (1) In general
The Safe Meat and Poultry Inspection Panel shall submit to the Secretary a report on the results of each review and evaluation carried out under paragraph (1), including such recommendations as the panel considers appropriate.
- (2) Reports on formal changes In the case of a report concerning a formal change in poultry inspection regulations, the report shall be

made within the time limits prescribed for formal comments on such changes.

Poultry Regulations 9CFR 381.76(a)(b)(1) – 381.93

Subpart K--Post Mortem Inspection; Disposition of Carcasses and Parts

Sec. 381.76 Post-mortem inspection, when required; extent; traditional, Streamlined Inspection System (SIS), New Line Speed (NELS) Inspection System and the New Turkey Inspection (NTI) System; rate of inspection.

(a) A post-mortem inspection shall be made on a bird-by-bird basis on all poultry eviscerated in an official establishment. No viscera or any part thereof shall be removed from any poultry processed in any official establishment, except at the time of post-mortem inspection, unless their identity with the rest of the carcass is maintained in a manner satisfactory to the inspector until such inspection is made. 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, except for parts that are not needed for inspection purposes and are not intended for human food and are condemned.

(b)(1) There are five systems of post-mortem inspection: Streamlined Inspection System (SIS) and the New Line Speed (NELS) Inspection System, both of which shall be used only for broilers and cornish game hens; the New Turkey Inspection (NTI) System, which shall be used only for turkeys; Traditional Inspection; and Ratite Inspection.

Sec. 381.77 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 adulterated 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.

Sec. 381.78 Condemnation of carcasses and parts: separation of poultry suspected of containing biological residues.

- (a) At the time of any inspection under this subpart each carcass, or any part thereof, which is found to be adulterated shall be condemned, except that any such articles which may be made not adulterated by reprocessing, need not be so condemned if so reprocessed under the supervision of an inspector and thereafter found to be not adulterated.
- (b) When a lot of poultry suspected of containing biological residues is inspected in an official establishment, all carcasses and any parts of carcasses in such lot which are condemned shall be kept separate from all other condemned carcasses or parts. [37 FR 9706, May 16, 1972, as amended at 48 FR 22899, May 23, 1983; 48 FR 23807, May 27, 1983]

Sec. 381.79 Passing of carcasses and parts.

Each carcass and all organs and other parts of carcasses which are found to be not adulterated shall be passed for human food. [[Page 461]]

Sec. 381.80 General; biological residues.

- (a) The carcasses or parts of carcasses of all poultry inspected at an official establishment and found at the time of postmortem inspection, or at any subsequent inspection, to be affected with any of the diseases or conditions named in other sections in this subpart, 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 conditions and to designate at just what stage a disease process results in an adulterated

article, the decision as to the disposal of all carcasses, organs or other parts 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 Inspection Service laboratory for diagnosis.

- (b) All carcasses, organs, or other parts of carcasses of poultry shall be condemned if it is determined on the basis of a sound statistical sample that they are adulterated because of the presence of any biological residues.

Sec. 381.81 Tuberculosis.

Carcasses of poultry affected with tuberculosis shall be condemned.

Sec. 381.82 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.

Sec. 381.83 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.

Sec. 381.84 Airsacculitis.

Carcasses of poultry with evidence of extensive involvement of the air sacs with airsacculitis or those showing airsacculitis along with systemic changes shall be condemned. Less affected carcasses may be passed for food after complete removal and condemnation of all affected tissues including the exudate.

Sec. 381.85 Special diseases.

Carcasses of poultry showing evidence of any disease which is characterized by the presence, in the meat or other edible parts of the carcass, or organisms or toxins dangerous to the consumer, shall be condemned.

Sec. 381.86 Inflammatory processes.

Any organ or other 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.

Sec. 381.87 Tumors.

Any organ or other 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.

Sec. 381.88 Parasites.

Organs or other 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.

Sec. 381.89 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.

Sec. 381.90 Cadavers.

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

Sec. 381.91 Contamination.

- (a) Carcasses of poultry contaminated by volatile oils, paints, poisons, gases, scald vat water in the air sac system, or other substances which [[Page 462]] render the carcasses adulterated shall be condemned. Any organ or other part of a carcass which has been accidentally mutilated in the course of processing shall be condemned, and if the whole carcass is affected, the whole carcass shall be condemned.
- (b)
 - (1) Any carcass of poultry accidentally contaminated during slaughter with digestive tract contents shall not be condemned if promptly reprocessed under the supervision of an inspector and thereafter found not to be adulterated. Contaminated surfaces that are cut shall be removed only by trimming. Contaminated inner surfaces that are not cut may be cleaned by trimming alone, or at an approved reprocessing station away from the main processing line, by any method that will remove the contamination, such as vacuuming, washing, and trimming, singly or in combination. All visible specks of contamination must be removed, and if the inner surfaces are reprocessed other than solely by trimming. The final rule amended 9 CFR 381.91 to permit poultry slaughter establishments except for ratite establishments to use approved OLR or OFLR antimicrobial intervention systems to clean carcasses accidentally contaminated with digestive tract contents.
 - (2) An area will be designated as an approved reprocessing station only if the Administrator determines that reprocessing operations can be conducted in that area in accordance with all of the requirements of this part, and that the reprocessing methods to be utilized are capable of removing all visible specks of contamination on the inner surface of a carcass. Requests for such approval shall be submitted to the inspector in charge and shall describe the proposed area, proposed methods of reprocessing, and proposed equipment to be utilized. Whenever the Administrator finds that reprocessing operations cannot be conducted in such area in accordance with all of the requirements of this part or that the reprocessing methods

utilized are not capable of removing all visible specks of contamination on the inner surface of a carcass, he may withdraw approval of such area, effective upon oral or written notification, whichever is earlier, to the operator of the establishment. In the event of oral notification, a written confirmation thereof shall be given to the operator as promptly as circumstances permit. The notification shall specify the reasons for such withdrawal and shall afford the operator of the establishment an opportunity to present his views. In any instance where there is a conflict as to the facts, a hearing shall be held to resolve such conflict.

Sec. 381.92 Overscald.

Carcasses of poultry which have been overscalded, resulting in a cooked appearance of the flesh, shall be condemned.

Sec. 381.93 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 postmortem change which are superficial in nature may be passed for human food after removal and condemnation of the affected parts.

