

FOOD SAFETY

State and Federal Standards and Regulations

Georgia

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GEORGIA

The Georgia Food Act defines food as “articles used for food or drink for human consumption, chewing gum, and articles used for components of any such article.” A food product is “contaminated with filth” if the food is not securely protected from dust, dirt, and all foreign or injurious contamination.⁶³³ 633 GA. CODE ANN. § 26-2-21 (1982 & Supp. 1998).

A “label” means a display of written, printed or graphic matter upon the immediate container of any food article. The food product is properly labeled if every weight, statement or other information appears on the outside wrapper or container of a retail package, or is easily legible through the outside container or wrapper.

“Labeling” means all labels and other written, printed or graphic matter upon an article or any of its containers or wrappers or accompanying such article. Georgia law prohibits the following acts:

- (1) the manufacture, sell or delivery, holding, storage or offering for sale any food that is adulterated or misbranded;
- (2) the adulteration or misbranding of any food;
- (3) the receipt of commerce of any food that is adulterated or misbranded in the delivery or proffered delivery thereof for pay or otherwise;
- (4) the sale, delivery for sale, holding for sale, or offering for sale of any article in violation of GA. CODE ANN. § 26-2-37;
- (5) the dissemination of any false advertisement;
- (6) the refusal to permit entry or inspection, or to permit the taking of a sample, as authorized by Ga. Code § 26-2-36.
- (7) the giving of a guaranty or undertaking, which guaranty or undertaking is false, except by the person who relied on the guaranty or undertaking to the same effect signed by, and containing the name and address of, the person residing in the State of Georgia from whom he received in good faith the food;
- (8) the removal or disposal of a detained or embargoed article in violation of GA. CODE ANN. § 26-2-38;

- (9) the adulteration, mutilation, destruction, obliteration or removal of the whole or any part of the labeling of or the doing of any other act with respect to a food, if such act is done while the article is for sale and results in such article being adulterated or misbranded;
- (10) forging, counterfeiting, simulating, or falsely representing or without proper authority using, any mark, stamp, tag, label or other identification device authorized or required by regulation promulgated in this act; and
- (11) the operation of a food sales establishment in violation of GA. CODE ANN. § 26-2-25.⁶³⁴ § 26-2-22.

Adulteration

A food shall be deemed to be adulterated if:

- (1) 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 food shall not be considered adulterated if the quantity of such substance in such food does not ordinarily render it injurious to health;

- (2) it bears or contains any added poisonous or added deleterious substance, which is unsafe shall be deemed to be adulterated and unsafe if it bears a pesticide residue in excess of a tolerance established by the United States Environmental Protection Agency under the Federal Food, Drug and Cosmetic Act, or if it bears a residue of a pesticide that no tolerance level has been established or is currently in effect for that food, if such residue appears at a level that is readily quantifiable by methods of assay for pesticide residues employed by the Commissioner on the date of the assay;

- (3) it consists in whole or in part of a diseased or contaminated, filthy, putrid or decomposed substance, or if it is otherwise unfit for food;

- (4) it has been produced, prepared, packed or held under unsanitary conditions whereby it may have become contaminated with filth or whereby it may have been rendered diseased, unwholesome or injurious to health;

(5) it is the product of a diseased animal or an animal that has died otherwise than by slaughter or an animal that has been fed upon the uncooked offal from a slaughterhouse;

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

(7) any valuable constituent has been in whole or in part omitted or abstracted therefrom;

(8) any substance has been substituted wholly or in part therefor;

(9) damage or inferiority has been concealed in any manner;

(10) 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;

(11) it is confectionary and it bears or contains any alcohol or non-nutritive article or substance except harmless coloring, harmless flavoring, harmless resinous glaze not in excess of four-tenths of one percent, harmless natural wax not in excess of four-tenths of one percent, harmless natural gum, and pectin, provided this paragraph shall not apply to any confection containing less than one-half of one-percent by volume of alcohol derived solely from the use of flavoring extracts or to any chewing gum by reason of its containing harmless non-nutritive masticatory substances, or;

(12) it bears or contains a coal-tar color other than one from a batch that has been certified under the authority of the federal act.⁶³⁵ 635 § 26-2-26.

Beef

The Commissioner of Agriculture is authorized to promulgate and adopt rules and

regulations for the labeling of beef, and for the purpose of certifying beef as having been produced without feeding, injecting, or implanting antibiotics or growth hormones from the animal in which such beef was produced. The Commissioner is authorized to promulgate and adopt rules and regulations, and to establish standards for the labeling and certification of beef as “Georgia Lean.”⁶³⁶ § 26-2-30.1.

Meat Inspection - Legislative Intent

Under the Georgia Meat Inspection Act, it is essential to the public interest that the health and welfare of consumers be protected by assuring that meat and meat food products distributed to them are wholesome, not adulterated, and properly marked, labeled and packaged.⁶³⁷ § 26-2-61.

Definitions of Meat Inspection Terms

A meat or meat food product is adulterated under one or more of the following circumstances:

1. if it bears or contains any poisonous or deleterious substance that 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 act;
2. if the quantity of such substance in or on such article does not ordinarily render it injurious to health;
3. if it bears or contains by reason of administration of any substance to the live animal or any added poisonous or deleterious substance other than one that is a pesticide chemical in or on a raw agricultural commodity, a food additive or a color additive that may, in the judgement of the Commissioner, make such article unfit for human food;
4. if it consists in whole or in part of any filthy, putrid or decomposed substance or is for any other reason unsound, unhealthy, unwholesome or otherwise unfit for

human food;

5. if it has been prepared, packed or held under unsanitary conditions whereby it may have become contaminated with filth or it may have been rendered injurious to health;

6. if it is in whole or in part the product of a animal that has died other than by slaughter;

7. if its container is composed in whole or in part of any poisonous or deleterious substance that may render the contents injurious to health;

8. if it has been intentionally subjected to radiation, unless the use of radiation was in conformity with the regulation or exemption in effect pursuant to Section 409 of the Federal Food, Drug and Cosmetic Act;

9. if any valuable constituent has been in whole or in part omitted or abstracted from the product, or if any substance has been substituted wholly or in part therefore; or if damage or an inferiority has been concealed in any manner; or if any substance has been added thereto, mixed or packed therewith, so as to increase its bulk or weight or reduce its quality or strength or make it appear a better or greater value than it is;

10. if it is margarine containing animal fat and any other raw material used therein consisted in whole or in part of any filthy, putrid or decomposed substance.⁶³⁸
⁶³⁸ § 26-2-62.)

Dairy Products

“Raw whole milk for manufacturing purposes” means fluid whole milk in its natural state from healthy cows, which milk has not produced and handled in compliance with the requirements for Grade A milk.⁶³⁹ The standards and requirements of the “Grade A Pasteurized

Milk Ordinance,” 1978 Recommendations of the United States Public Health Service – Food and Drug Administration and supplements thereto, except as otherwise provided, are expressly
The standards and requirements of the “Grade A Pasteurized Milk Ordinance,” 1978 Recommendations of the United States Public Health Service – Food and Drug Administration and supplements thereto, except as otherwise provided, are expressly adopted as the standards and requirements for Georgia.⁶⁴⁰ § 26-2-238.

Ice Cream or Adulterated Ice Cream

Ice cream shall be deemed adulterated if:

1. it contains any preservative, mineral or other substance or compound deleterious to health; provided, however, that the law shall not be construed to prohibit the use of harmless coloring matter when not used for fraudulent purposes;
2. it contains any fats other than milk fat or any oil or paraffin added to, blended with or compounded with it, provided, however, that chocolate ice cream and the chocolate coating of coated ice cream may contain cocoa butter; or
3. it is made in whole or in part from any milk product that is unfit for consumption as food.⁶⁴¹ § 26-2-240.

It is unlawful for any person to manufacture, sell, offer or expose for sale, or have in possession with intent to sell, or offer or expose for sale under the name of “ice cream,” any product or substance deemed adulterated.⁶⁴² § 26-2-240.

It is the intent and purpose of Georgia law to prohibit the intermingling of Grade A milk and Grade A milk products with milk and milk products other than Grade A.⁶⁴³ § 26-2-243(A).

The following acts are deemed unlawful under Georgia law:

1. to handle milk, cream, butter, ice cream or other dairy products in unclean or unsanitary places or in an unsanitary manner;

2. to keep, store or prepare for market any milk, cream or other dairy products in the same building or enclosure where any hide or fur or any cow, horse, nontraditional livestock, hog or other livestock is kept;

3. to handle or ship milk, cream, ice cream or other dairy products in unclean or unsanitary vessels;

4. to expose milk, cream, ice cream or other dairy products to flies or to any contaminating influence likely to convey pathogenic or other injurious bacteria;

5. for any common carrier, railway or express company to neglect or fail to remove or ship from its depot, on the day of its arrival, therefore shipment,, any milk, cream or other dairy products left at the depot for transportation;

6. for any common carrier, railway or express company to allow merchandise of a contaminating nature to be stored on, or with, dairy products;

7. to use any branded or registered cream can or milk can or ice cream container for any purposes other than the handling, storing or shipping of milk, cream or ice cream provided that no person other than the rightful owner thereof, shall use any can, bottle or other receptacle, if such receptacles shall be marked with a brand or trademark of the owner;

8. to sell or offer for sale ice cream from a container or compartment of a cabinet or fountain that contains any article of food other than ice cream or dairy products.

9. to offer for sale milk, cream, butter, cheese, ice cream or other dairy products that are not pure and fresh and handled with clean utensils;

10. to sell or offer for sale milk or cream from diseased or unhealthy animals or which

was handled by any person suffering from, or coming in contact with persons affected with any contagious disease;

11. to sell or offer for sale any milk or cream that shall have been exposed to contamination or into which shall have fallen any unsanitary articles or any foreign substance that would render the milk or cream, or the product manufactured therefrom, unfit for human consumption;

12. to sell or offer for sale milk, cream, butter, cheese, ice cream or other dairy

products that do not comply with the standards and requirements of this article,

the rules and regulations promulgated here under.⁶⁴⁴ ⁶⁴⁴ § 26-2-249.

Eggs

Storage eggs are eggs that have been in cold storage for a period of 31 days or longer.⁶⁴⁵ ⁶⁴⁵ § 26-2-261(a)(1). Fresh eggs shall be construed to mean eggs that have been held in cold storage not longer than 30 days from the date they were packed.

⁶⁴⁶ ⁶⁴⁶ § 26-2-261(a)(2). Each container of eggs must be labeled to show size or weight, class and standard of quality.⁶⁴⁷ ⁶⁴⁷ § 26-2-261(b). All eggs sold or offered for sale by dealers as designated by this article shall be graded as to weight and standards of quality.⁶⁴⁸ ⁶⁴⁸ § 26-2-261(c). All eggs offered for sale at retail shall be properly classified in accordance with the following specifications:

1. heavy cardboard or placard, not less than 8" x 11", shall be conspicuously displayed at all times or over each receptacle containing eggs offered for sale, setting forth in letters not less than 1" in height, plainly and legibly, the classification as to quality and weight;

2. name of the state of origin of eggs may appear on the placard;

3. the placard shall not be required when eggs are packed in properly labeled cartons.

The eggs therein shall be required to come up to the standard as placarded;

4. restaurants, hotels or other eating places shall be required to display a placard where it can be easily seen by customers or in lieu thereof to place this information on the menu. All egg producers shall refrigerate eggs upon gathering such eggs. Each shall be graded and packed within a reasonable period of time from gathering.⁶⁴⁹ ⁶⁴⁹ § 26-2-273(a). After washing, processing and packaging, eggs shall be transported, stored and displayed at an ambient temperature not to exceed 45 degrees Fahrenheit until sold at retail or used by any commercial establishment or public institution.⁶⁵⁰ ⁶⁵⁰ § 26-2-273(b).