

Chapter 619

Purity of Meat and Meat Food Products

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CROSS REFERENCES

Fish, 509.070, 509.075, 513.020, 513.030, 513.040, 513.100
Fixing grades and standards, 616.405 to 616.475
Horse meat, Ch. 620
Rules and regulations, making and filing, Ch. 183
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Sanitary regulations generally, 616.705 to 616.760
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Unclean slaughterhouses, penalty, 433.710, 433.990
619.040
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Animals, disease control, Chs. 596, 597 and 598
Diseased, exposed, quarantined or dead animals, disposition and sale, 596.340, 598.090, Ch. 601
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Revocation of meat dealer's license for violation, 603.030

619.010 Definitions. As used in this chapter:

(1) "City of the first class" includes all cities within Oregon having at the time of the last federal census a population of 250,000 or more.

(2) "City of the second class" includes all cities within Oregon having a population of less than 250,000.

(3) "Department" means the State Department of Agriculture.

(4) "Director" means the Director of Agriculture.

(5) "Equipment" includes all machinery, fixtures, containers, vessels, tools, implements and apparatus used in and about an establishment.

(6) "Establishment" includes:

(a) Any building or structure in which slaughtering, butchering, meat canning, meat packing, meat manufacturing or rendering is carried on;

(b) The ground upon which such building or structure is erected, and so much ground adjacent thereto as is used in carrying on the business of such establishment; and

(c) Any place or any vehicle where meat or meat food products are prepared, manufactured, stored, sold, offered for sale, exposed for sale or transported by land or by water.

(7) "Meat" and "meat food products" include the carcasses or parts of carcasses of cattle, sheep, other ruminants, swine, rabbits and poultry, and the meat and meat food products of such animals. This subsection does not apply to ORS 619.100.

(8) "Unwholesome" includes all meats or meat food products which are diseased, contaminated, putrid, unsound, unhealthful or unfit for food.

619.020 Establishments and equipment to be kept clean. Every establishment, including all equipment therein or thereon, shall be kept in a clean and sanitary condition.

619.030 Slaughterhouse sanitation. All animals kept or fed in the vicinity of any slaughterhouse shall not be kept or fed nearer than 150 feet from such slaughterhouse. All yards, fences, pens, chutes, alleys, and all appurtenances belonging to any slaughterhouse, shall, whether they are used or not, be maintained in a sanitary condition.

619.040 Restrictions on hog feeding. (1) No person shall feed offal, blood or slaughterhouse refuse to swine within 200 feet of an establishment other than a vehicle.

(2) Hogs shall not be fattened on uncooked offal or refuse of any slaughterhouse.

(3) No person shall sell, offer for sale, or expose for sale, any meat or meat food product from swine to which have been fed any carrion.

619.050 Unwholesome meat or meat products; manufacture; sale; possession. No person shall manufacture for food, prepare for food, sell, offer for sale, expose for sale, or have in his possession for the purpose of sale, any unwholesome meat or unwholesome meat food product.

619.060 Animals used for medical or laboratory experimentation. No person shall sell or offer for sale as food for human consumption any carcass or part of carcass of any animal that has been used for medical or laboratory experimentation. Every such carcass or part thereof sold or offered for sale as food for human consumption shall be deemed adulterated.

619.070 Sale of carcass of pregnant animal. No person shall sell, or offer or expose for sale, any carcass of an animal killed after the three-fourths stage of the period of pregnancy or any carcass of an animal which has within 10 days given birth to young; except that, in the latter case, if the carcass has no evidence of septic infection, it may be rendered into tallow, but otherwise the person owning or possessing the carcass shall destroy it.

619.080 Regulations as to sale of goat carcass. No person shall sell or trade or offer to sell or trade for the purpose of human consumption any carcass of a buck goat, a ridgling goat or any male goat which has not been altered or castrated prior to three months of age.

619.090 Handling and exposure of meat. It is unlawful in an establishment to permit any meat or meat food product to be touched or handled by any person other than the owner, lessee or manager of an establishment, or other than the agent or employe of such owner, lessee or manager, or to permit any meat or meat food products to be exposed to insects, animals or fowls.

619.100 Covering meat during transit. No person shall carry or transport through any street, alley or thoroughfare the carcass or meat of any cattle, sheep, swine, fish, game, fowl or poultry intended for sale or distribution as food, unless it is entirely covered with a clean cover so as to be thoroughly protected from dust, dirt and flies.

619.110 Coloring of sausage and sausage casings. No person shall manufacture, sell, offer or expose for sale any fresh, smoked or cooked sausage, sausage casings or other casings of any nature that contain dye or artificial coloring matter.

619.120 Condemnation of animals, meat and meat products. (1) If, upon examination of any establishment, any diseased animal or any unwholesome meat, or any unwholesome meat food product is found, such animal or meat or product shall be condemned, properly marked or designated, and treated in such a way that it cannot thereafter be used for food.

(2) The department has the right to enter any abattoir or slaughterhouse within Oregon and condemn such meats that are diseased, unhealthful, putrid or unfit for human consumption in accordance with the rules and regulations for meat inspection established by the department, except as otherwise provided in ORS 619.220.

619.130 Protection against trichinae in pork and pork products. (1) Inasmuch as it cannot certainly be determined by any present known method of inspection whether the muscle tissue of pork contains trichinae, and inasmuch as live trichinae are dangerous to human health, no article of food consisting wholly or in part of pork muscle tissue, such as bologna style sausage, Vienna style sausage, frankfurt style sausage, summer sausage, and all other sausages or pork products which are of a kind customarily prepared in meat handling establishments to be eaten by customers without cooking, shall be kept, offered or exposed for sale as food for human consumption, unless the pork muscle tissue entering into the product has been subjected to heat either before or after its inclusion in the finished product so that all portions of the pork muscle tissue attain a temperature not lower than 137 degrees Fahrenheit, or, as an alternative of this heating method, unless the article of which the pork muscle tissue is an ingredient has been subjected to refrigeration for a continuous

period of not less than 20 days at a temperature not higher than five degrees Fahrenheit.

(2) If the heating method is adopted, sufficient time must be given so that all portions of the product shall reach a temperature of not lower than 137 degrees Fahrenheit. Only those methods shall be employed which are known to insure a temperature not lower than 137 degrees Fahrenheit in all portions of the product or article which contains pork muscle tissue as an ingredient.

(3) The refrigerating process shall be conducted as prescribed in this subsection. The pork or product containing pork muscle tissue, after chilling or preliminary freezing, shall be stored in freezers which shall be maintained during the 20-day period at a temperature not higher than five degrees Fahrenheit. If the meat or pork muscle tissue product is stored in tierces, sufficient time must be allowed for the temperature of the meat in the center of the tierces to drop to the required temperature, and in such cases the refrigeration shall be extended for an additional period of 10 days, being 30 days in all. If the meat or product containing pork muscle tissue is arranged on racks in layers not exceeding six inches in thickness, or hung in separate pieces, or packed in containers, such as boxes, not exceeding six inches in depth, or stored as frozen solid blocks after removal from such containers, the 20-day period of refrigeration shall be deemed sufficient, but in all such cases such meat or product containing pork muscle tissue must be stored in such manner as to provide a free circulation of air among the layers, pieces, blocks or boxes of meat in order that the temperature of the meat may be reduced promptly to the air temperature of the freezer. In no case shall a shorter time than 20 days be allowed, even if the temperature is made lower than five degrees Fahrenheit.

(4) Dry curing and other methods may be adopted for destroying trichinae but no such method shall be adopted or used unless it is first submitted to the inspection of the department and found by the officials of the department to be equally or more efficient than the method described in this section and permit for its use is issued. Any method of treatment of pork or pork products to destroy trichinae accepted by the Meat Inspection Division of the United States Bureau of Animal Industry shall likewise be accepted by the department.

619.140 Procedure where insanitary conditions exist. (1) If, upon examination, it is found that any establishment, or any part of an establishment, or any equipment, is in an unclean or insanitary condition, or is being conducted or used in such a manner as to make it probable that the meat or meat food products therein or produced therein may be rendered unwholesome, or is being conducted or used in violation of ORS 619.010, 619.020, subsections (1) and (3) of ORS 619.040, ORS 619.050, 619.090, or 619.120 to 619.250, the agent making such examination, if not a regularly employed officer or employe of the department, shall report the unlawful condition to the department, and shall at the same time notify, in writing, the owner, lessee or manager of the establishment.

(2) Any regularly employed officer or employe of the department upon making such inspection, or the department upon receipt of such report, shall notify the proper owner, lessee or manager of the result of the examination, and direct that the unlawful condition be remedied within the time specified in the notice. The time so specified shall be not less than 24 hours, unless the unlawful condition mentioned in the notice is of such character and nature as, in the opinion of the department, or its officer or employe giving the notice, can be removed immediately. If, upon the expiration of the time specified in the notice, the condition so reported to exist has not been remedied, the department, acting through its authorized officers and employes, may order the establishment closed.

(3) No person shall operate an establishment, or any part thereof, which has been closed by order of the department, until the unlawful condition reported to exist has been remedied to the satisfaction of the department. The closing of an establishment, or any part thereof, shall not preclude prosecution for violation of the statutes listed in this section.

619.150 Marking or stamping of unwholesome meat and meat products. Any officer, employe or agent of the department authorized under this chapter to examine, may, under the rules and regulations prescribed by the department, mark, stamp or otherwise designate any animal or meat or meat food product found on examination to be wholesome and fit for food.

619.160 Reporting name and address of owner of diseased animal. It is unlawful to fail to report the name and address of the owner of any diseased animal, if known.

619.170 Enforcement; rules and regulations. This chapter shall be enforced by the department. To that end the department may adopt and promulgate such rules and regulations as it deems necessary. So far as practicable the regulations of the meat hygiene service of the United States Department of Agriculture shall be included in the rules and regulations of the department. The provisions of ORS 561.190 in reference to the making and publication of rules and regulations apply to this section.

619.180 Standing and special orders. Any duty imposed upon, or power given to the department by this chapter may be done or exercised as the department may, by standing or special order, direct.

619.190 Enforcing agents. The director, in enforcing ORS 619.010, 619.020, subsections (1) and (3) of ORS 619.040, ORS 619.050, 619.090 and 619.120 to 619.250, may appoint employes of the United States Department of Agriculture, engaged in the examination of animals, meats or meat food products, county veterinarians, veterinarians or employes engaged in the examination of animals, meats or meat food products, for any city or municipality within Oregon, regularly licensed graduate veterinarians, regularly licensed practitioners of human medicine, or any experienced handler of meats, or meat food products, other than the owner or party in charge of any abattoir or meat-killing establishment, as agents under the provisions of this section, who shall receive no compensation as such agents from the State of Oregon. The department may enter into cooperative agreements with the several regularly appointed county agricultural agents of the State of Oregon whereby such agents shall be empowered to perform the duties as agents under the statutes listed in this section without additional expense to the state, county or the owner of the butchering or meat-packing establishment with which they perform their duties as specified in this section. Each employe assigned to serve as agent under the statutes listed in this section shall have knowledge of the diseases of meat-producing animals, and shall be versed in the conditions that affect the wholesomeness of animal food products. An

appropriate standard of fitness for such agents shall be maintained by the department. The appointment, qualifications, powers and duties of each agent shall be governed by the statutes listed in this section and by such rules and regulations for the enforcement of those sections as may be adopted and promulgated by the department. Each such agent may be dismissed at any time by the director.

619.200 Entering and examining establishments. Any authorized officer, agent or employe of the department may at any time enter any establishment and examine it to ascertain whether the provisions of the statutes listed in ORS 619.190 are being observed.

619.210 Coordination of meat inspection work. The department shall coordinate the meat inspection work carried on in the form of municipal meat inspection, state-approved meat inspection or state meat inspection.

619.220 Establishments exempt from inspection provisions. Butchering or packing establishments supplying meat and meat food products to any city in Oregon designated as a city of the first class are exempted from the provisions of the statutes listed in ORS 619.190, so long as they and their products are inspected under a system of municipal meat inspection maintained by the city and approved by the department. All establishments operating within Oregon under federal meat inspection are exempted from the provisions of those sections. Butchering or packing establishments supplying meat and meat food products to any city within Oregon designated as a city of the second class are exempted from the provisions of the sections listed in ORS 619.190 if the establishments and their products are inspected under a system of municipal meat inspection maintained by the city and approved by the department.

619.230 Unlawful acts of officers, employes and agents. No officer, employe or agent of the department, or any special meat hygiene agent shall:

(1) Approve or pass any diseased animal intended to be slaughtered for food, or any unwholesome meat, or any unwholesome meat food product.

(2) Fail to condemn and mark, and cause to be rendered unfit for food, any diseased animal, unwholesome meat, or unwholesome meat food product, found on ex-

amination of an establishment to be unfit for food.

(3) Fail to report as required any violation of the statutes listed in ORS 619.190.

(4) Directly or indirectly accept or agree to accept anything of value, monetary or otherwise, given or offered to such officer, employe or agent to influence him in the discharge of his duties.

619.240 Gifts to influence officers, employes, agents, prohibited. No person shall give or offer to give, directly or indirectly, to an officer, employe or agent of the department, or to a special meat hygiene agent, anything of value, monetary or otherwise, with intent to influence such officer, agent or employe in the discharge of his duties under the provisions of the statutes listed in ORS 619.190.

619.250 Stamps, tags and marks; counterfeiting and use without authority prohibited. No person shall make, imitate, duplicate, reproduce or counterfeit any stamp, mark, tag, certificate or emblem, used or authorized by the department to be used for marking or designating animals or meat or meat food products that have been either approved or condemned under the provisions of the statutes listed in ORS 619.190. It is unlawful, without specific authority in writing from the department, to use for any purpose any such stamp, mark, tag, certificate or emblem.

619.990 Penalties. (1) Violation of ORS 619.020, subsection (1) or (3) of ORS 619.040, ORS 619.050, 619.090 or 619.120 to 619.250, is a misdemeanor and is punishable, upon conviction, by a fine not exceeding \$500, or by imprisonment not exceeding one year, or both. If the violation is by a corporation, partnership or association, the directors of the corporation or the members of the partnership or association, its agents or employes, with guilty knowledge of the fact, also are guilty of a misdemeanor and, upon conviction, shall be punished as provided in this subsection. Justice courts and district courts have concurrent jurisdiction with circuit courts of this state, under the provisions of those sections. The fines imposed under this subsection are for the use of the state, and shall be paid to the State Treasurer and by him placed in the General Fund of the state.

(2) Violation of ORS 619.030, subsection (2) of ORS 619.040, ORS 619.070 or 619.100

is punishable, upon conviction, by a fine of not less than \$10 nor more than \$1,000, or by imprisonment in the county jail not exceeding one year, or both, and upon a second conviction, by a fine of not less than \$50 nor more than \$1,000, or by imprisonment in the county jail for not less than 10 days nor more than one year, or both. The fines collected under this subsection shall be paid to the State Treasurer and shall become a part of the General Fund of the state. Justice courts, district courts and municipal courts sitting as justice courts have concurrent jurisdiction with the circuit courts of all prosecutions arising under ORS 619.030,

subsection (2) of ORS 619.040, ORS 619.070 or 619.100. The district attorney is authorized to institute prosecutions for violations of those sections by informations or the prosecutions may be instituted by indictment or by complaint verified before any magistrate.

(3) Violation of ORS 619.060 is a misdemeanor.

(4) Violation of ORS 619.080 is punishable, upon conviction, by a fine of not more than \$100.

(5) Violation of ORS 619.110 is punishable, upon conviction, by a fine of not less than \$10 nor more than \$500.

