

Food Safety and Inspection Service, USDA

§ 335.40

Sections of act and regulations	Classes of operators	State	Effective date of designation
Act, 204; §§ 325.20 and 325.21.	Persons engaged (not in or for commerce) in the business of buying, selling or transporting any dead, dying, disabled or diseased animals, or parts of carcasses of any animals that died otherwise than by slaughter.	New York	July 16, 1973.
		Northern Mariana Islands.	Oct. 29, 1979.
		Oregon	Jan. 31, 1974.
		Pennsylvania	May 2, 1975.
		Puerto Rico	Nov. 19, 1976.
		Rhode Island	Mar. 29, 1982.
		Tennessee	Oct. 1, 1975.
		Virgin Islands	Nov. 19, 1976.
		Washington	Jan. 31, 1975.
		Alaska	July 31, 1999.
		Arkansas	Mar. 29, 1982.
		Connecticut	Oct. 1, 1975.
		Guam	Nov. 19, 1976.
		Idaho	Mar. 29, 1982.
		Kentucky	Apr. 18, 1973.
		Maryland	Mar. 31, 1991.
		Massachusetts	Jan. 12, 1976.
		Michigan	Mar. 29, 1982.
		Nevada	Jan. 31, 1975.
		New Hampshire	Oct. 29, 1979.
		New Jersey	July 1, 1975.
		New York	July 16, 1975.
		Northern Mariana Islands.	Oct. 29, 1979.
		Oregon	Jan. 31, 1975.
		Pennsylvania	May 2, 1974.
		Puerto Rico	Nov. 19, 1976.
Rhode Island	Mar. 29, 1982.		
Virgin Islands	Nov. 19, 1976.		
Washington	Jan. 31, 1975.		

[35 FR 19667, Dec. 29, 1970]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §331.6, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

PART 335—RULES OF PRACTICE GOVERNING PROCEEDINGS UNDER THE FEDERAL MEAT INSPECTION ACT

AUTHORITY: 21 U.S.C. 601-695; 7 CFR 2.17, 2.55.

Subpart A—Criminal Violations

AUTHORITY: Sec. 406, Pub. L. 99-641, 100 Stat. 3571; 21 U.S.C. 606 note.

[42 FR 10960, Feb. 25, 1977. Redesignated at 64 FR 66545, Nov. 29, 1999]

§ 335.40 Opportunity for presentation of views before report of criminal violations.

(a) Except as provided in paragraphs (a)(1) through (5) of this section, before any violation of the Federal Meat Inspection Act is reported to the Department of Justice by the Secretary for criminal prosecution the Secretary

must give reasonable notice to the suspected violator that the Secretary intends to report the violation for prosecution and give the suspected violator an opportunity to present the violator's views to the Secretary with respect to such proceeding.

(1) Notice and opportunity need not be provided if the Secretary has any reason to believe that providing such notice and opportunity could result in the alteration or destruction of evidence, or where disclosure could result in injury to persons or property.

(2) Notice and opportunity need not be provided if the Secretary has any reason to believe that providing such notice and opportunity could result in flight of a suspected violator to avoid prosecution.

(3) Notice and opportunity need not be provided if the Secretary has any reason to believe that providing such notice and opportunity could result in compromising special investigative

techniques, such as undercover or other covert operations.

(4) Notice and opportunity need not be provided when the impending criminal referral involves suspicion of bribery and related offenses, or clandestine slaughtering and/or processing operations.

(5) Notice and opportunity need not be provided when the impending referral is part of an investigation involving non-Act violations, and the Act and non-Act violations are jointly referred for prosecution.

(b) A notice of opportunity to present views will be sent by registered or certified mail, summarize the violations that constitute the basis of the contemplated prosecution, and describe the procedures for presentation of views. Any information given by a respondent, orally or in writing, shall become part of the Department's official record concerning the matter. The Department is under no obligation to disclose evidence to the suspected violator.

[52 FR 13828, Apr. 27, 1987]

PART 350—SPECIAL SERVICES RELATING TO MEAT AND OTHER PRODUCTS

Sec.

- 350.1 Meaning of words.
- 350.2 Definitions.
- 350.3 Types and availability of service.
- 350.4 [Reserved]
- 350.5 Application for service.
- 350.6 Denial or withdrawal of service.
- 350.7 Fees and charges.
- 350.8 Scope and applicability of rules of practice.

AUTHORITY: 7 U.S.C. 1622, 1624; 7 CFR 2.17, 2.55.

SOURCE: 23 FR 9982, Dec. 23, 1958, unless otherwise noted. Redesignated at 30 FR 4195, Mar. 31, 1965, and further redesignated at 35 FR 15554, Oct. 3, 1970.

§ 350.1 Meaning of words.

Words used in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 350.2 Definitions.

For the purposes of the regulations in this part, unless the context other-

wise requires, the following terms shall be construed, respectively, to mean:

(a) *Department*. The United States Department of Agriculture.

(b) *Service*. The Food Safety and Inspection Service of the Department.

(c) *Administrator*. The Administrator of the Service or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(d) [Reserved]

(e) *Inspector*. Any officer or employee of the Department authorized to perform any duties under the regulations in this part.

(f) *Person*. Any individual, corporation, company, association, firm, partnership, society, or joint stock company, or other organized group of any of the foregoing.

(g) *Federally inspected and passed*. Inspected and passed under the Meat Inspection Act, as amended (21 U.S.C. 71 et seq.) or under the provisions in paragraphs 306 (b) and (c) of the Tariff Act of 1930 (19 U.S.C. 1306 (b) and (c)).

(h) *Official establishment*. An establishment operated under Federal meat inspection pursuant to the Meat Inspection Act, as amended (21 U.S.C. 71 et seq.).

(i) *Food article*. Any article of human food derived wholly or in part from meat, meat byproducts, or meat food products, which is not subject to the Federal meat inspection laws, and animal casings, for which the mark of Federal meat inspection is requested: *Provided*, That such articles and casings are derived from federally inspected and passed carcasses.

(j) [Reserved]

(k) *Secretary*. The Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or may hereafter be delegated, to act in his stead in connection with the function involved.

[23 FR 9982, Dec. 23, 1958, as amended at 25 FR 9642, Oct. 7, 1960; 30 FR 258, Jan. 9, 1965. Redesignated and amended at 30 FR 4195, Mar. 31, 1965; 32 FR 6021, Apr. 15, 1967; 32 FR 13115, Sept. 15, 1967. Further redesignated at 35 FR 15554, Oct. 3, 1970, and amended at 43 FR 11147, Mar. 17, 1978; 54 FR 1329, Jan. 13, 1989]