

CHAPTER 2.**EXPORT MEAT INSPECTION****ARRANGEMENT OF SECTIONS****Section**

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An Act to provide for the regulation of export of meat and meat products in the Republic and for matters connected therewith. [This Act was formerly 8 MIRC Ch. 4 [Section numbering style modified to conform to new Code format (Rev.2003)]

Source: 25 TTC 1970
 25 TTC 1980

§201. Short title.

This Act may be cited as the “Export Meat Inspection Act.” [25 TTC 1970, §78; 25 TTC 1980, §78, modified.]

§202. Interpretation.

As used in this Act, except as otherwise specified, the following terms shall have the meanings stated below:

¹Heading modified to reflect the laws remaining under this Title [Tobolar Copra Processing Authority, re-codified as 10 MIRC Ch.13; Agriculture Supplies Account, re-codified as 11 MIRC Ch.14; Outer-Islands Boat Building Fund re-codified as 11 MIRC Ch.15. Remaining chapters re-numbered[Rev.2003]

(a) “adulterated” shall apply to any carcass, part thereof, meat or meat food product under one or more of the following circumstances:

(i) 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;

(ii) if it bears or contains (by reason of administration of any substance to the live animal or otherwise) any added poisonous or added deleterious substance (other than one which is a pesticide chemical in or on a raw agricultural commodity, a food additive, a color additive or antibiotic or other medication) which may, in the judgment of the Chief of Agriculture make such article unfit for human food;

(iii) if it is, in whole or in part, a raw agricultural commodity, and such commodity bears or contains a pesticide chemical which is unsafe as defined by the Chief of Agriculture;

(iv) if it bears or contains any food additive which is unsafe as defined by the Chief of Agriculture;

(v) if it bears or contains any color additive which is unsafe as defined by the Chief of Agriculture; provided, that an article which is not adulterated under Clause (B), (C) or this Clause shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, color additive or antibiotic in or on such article is prohibited by regulations of the Chief of Agriculture in establishments at which inspection is maintained under this Act;

(vi) 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;

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

(viii) if it is, in whole or in part, the product of an animal which has died otherwise than by slaughter;

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

(x) 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 regulations issued by the Chief of Agriculture;

(xi) 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; or

(xii) if it is margarine containing animal fat and any of the raw material used therein consisting in whole or in part of any filthy, putrid, or decomposed substance:

(b) “animal food manufacturer” means any person, firm, or corporation 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 cattle, sheep, swine, or goats;

(c) “capable of use as human food” shall apply to any carcass, or part or product of a carcass, of any animal, unless it is denatured or otherwise identified as required by regulations prescribed by the Chief of Agriculture to deter its use as human food, or it is naturally inedible by humans;

(d) “Chief of Agriculture” means the Chief of Agriculture or his designated representative;

(e) “export” means commerce from the Republic to any foreign country or the United States, its territories and possessions;

(f) “firm” means any partnership, association, or other unincorporated business organization;

(g) “label” means a display of written, printed, or graphic matter upon the immediate container (not including package liners) of any article;

(h) “labeling” means all labels and other written, printed, or graphic matter:

(i) upon any article or any of its containers or wrappers, or

(ii) accompanying

such article;

(i) “meat broker” means any person, firm, or corporation engaged in the business of buying or selling carcasses, parts of carcasses, meat, or meat food products of cattle, sheep, swine, or goats, on commission, or otherwise negotiating purchases or sales of such articles other than for his own account or as an employee of another person, firm or corporation;

(j) “meat food product” means any product capable of use as human food which is made wholly or in part from any meat or other portion of the carcass of any cattle, sheep, swine, or goats, excepting products which contain meat or other portions of such carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry, and which are exempted from definition as a meat food product by the Chief of Agriculture under such conditions as he may prescribe to assure that the meat or other portions of such carcasses contained in such product are not adulterated and that such products are not represented as meat food products;

(k) “misbranded” shall apply to any carcass, part thereof, meat or meat food product under one or more of the following circumstances:

(i) if its labeling is false or misleading in any particular;

(ii) if it is offered for sale under the name of another food;

(iii) 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;

(iv) if its container is so made, formed, or filled as to be misleading;

(v) if in a package or other container unless it bears a label showing (A) the name and place of business of the manufacturer, packer, or distributor; and (B) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; provided, that under Clause (B) of this Subparagraph (v), reasonable variations may be permitted, and exemptions as to small packages may

be established, by regulations prescribed by the Chief of Agriculture

(vi) if any word, statement, or other information required by or under authority of this Act 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 used and understood by the ordinary individual under customary conditions of purchase and use:

(vii) 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 Chief of Agriculture under Section 408 of this Act 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;

(viii) 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 Chief of Agriculture under Subparagraph (vii) of this Paragraph (k), and it falls below the standard of 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;

(ix) if it is not subject to the provisions of Subparagraph (vii) of this Paragraph (k), 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 (2) or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings may, when authorized by the Chief of Agriculture, 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 (ix) is impracticable, or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the Chief of Agriculture;

(x) 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 Chief of Agriculture, after consultation with the Secretary for health services, determines to be, and by regulations prescribes as necessary in order fully to inform purchasers as to its value for such uses;

(xi) 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 (xi) is impracticable, exemptions shall be established by regulations promulgated by the Chief of Agriculture; or

(xii) if it fails to bear the inspection legend directly thereon or on its container as the Chief of Agriculture may by regulations prescribe, and, unrestricted by any of the foregoing, such information as the Chief of Agriculture 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;

(l) “official certificate” means any certificate prescribed by regulations of the Chief of Agriculture for issuance by an inspector or other person performing official functions under this Act;

(m) “official device” means any device prescribed or authorized by the Chief of Agriculture for use in applying any official mark;

(n) “official inspection legend” means any symbol prescribed by regulations of the Chief of Agriculture showing that an article was inspected and passed in accordance with this Act;

(o) “official mark” means the official inspection legend or any other symbol prescribed by regulations of the Chief of Agriculture to identify the status of any article or animal under this Act;

(p) “pesticide chemical” “food additive”, “color additive”, “antibiotic” or other medication, and “raw agricultural commodity” shall be defined by the Chief of Agriculture;

(q) “prepared” means slaughtered, canned, salted, rendered, boned, cut up, or otherwise manufactured or processed;

(r) “renderer” means any person, firm, or corporation engaged in the business of rendering carcasses, or parts or products of carcasses, of cattle, sheep, swine, or goats, except rendering conducted under inspection under this Act. [25 TTC 1970, §51; 25 TTC 1980, §51, modified.]

§203. Examination and inspection of animals prior to slaughtering.

For the purpose of preventing the use in export commerce, as hereinafter provided, of meat and meat food products which are adulterated, the Chief of Agriculture shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of all cattle, sheep, swine and goats before they shall be allowed to enter into any slaughtering, packing, meat-canning, rendering, or similar establishment in the Republic in which slaughtering and preparation of meat and meat food products of such animals are conducted solely for export commerce, and all cattle, sheep, swine and goats found on such inspection to show symptoms of disease shall be set apart and slaughtered separately from all other cattle, sheep, swine and goats, and when so slaughtered, the carcasses of said cattle, sheep, swine and goats shall be subject to a careful examination and inspection, all as provided by the rules and regulations to be prescribed by the Chief of Agriculture. The Chief of Agriculture may, with the approval of the Cabinet, promulgate and issue rules and regulations covering the disposition of condemned carcasses and materials classified as inedible. Such rules and regulations shall have the force and effect of law. [25 TTC 1970, §52; 25 TTC 1980, §52, modified.]

§204. Methods of slaughtering allowed.

No method of slaughtering or handling in connection with slaughtering shall be deemed to comply with the public policy of the Republic unless it is humane. The following methods of slaughtering and handling are hereby found to be humane in the case of cattle, calves, sheep, swine, goats and other livestock: where all animals are rendered insensible to pain by a single blow or gunshot or an electric, chemical or other means that is rapid and effective before being shackled, hoisted, thrown, cast or cut. [25 TTC 1970, §53; 25 TTC 1980, §53, modified.]

§205. Postmortem examination.

For the purposes set forth in Sections 202 to 204 of this Act:

(a) The Chief of Agriculture shall appoint inspectors and cause the same to make postmortem examination and inspection of the carcasses and parts thereof of all cattle, sheep, swine, and goats capable of use as human food, to be prepared at any slaughtering, meat-canning, salting, packing, rendering, or similar establishment in the Republic in which such articles are prepared solely for export commerce. The carcasses and parts of all such animals found to be unadulterated shall be marked, stamped, tagged, or labeled as “Inspected and Passed”. The carcasses and parts of all such animals found to be adulterated shall be marked, stamped, tagged, or labeled as “Inspected and Condemned”. The carcasses and parts of all such inspected and condemned animals shall be destroyed for food purposes by said establishment in the presence of an inspector, and the Chief of Agriculture may remove inspectors from any such establishment which fails to so destroy any such condemned carcass or part thereof.

(b) After the first inspection authorized under Paragraph (a) of this Section, the inspectors shall, when they deem it necessary, reinspect said animal carcasses or parts thereof to determine whether the same have become adulterated, and, if any carcass or any parts thereof shall be found to have become adulterated, the same shall be destroyed for food purposes by the said establishment in the presence of an inspector. The Chief of Agriculture may remove inspectors from any establishment which fails to so destroy any such condemned carcass or part thereof. [25 TTC 1970, §54; 25 TTC 1980, §54.]

§206. Application of provisions.

Sections 203 to 205 of this Act shall apply to all carcasses or parts of carcasses of cattle, sheep, swine, and goats, or the meat or meat products thereof, capable of use as human food, which may be brought into any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, where inspection under this Act is maintained. Examination and inspection shall be had before the said carcasses or parts thereof shall be allowed to enter into any department wherein the same are to be treated and prepared for meat food products. The foregoing Sections referred to shall also apply to all such products which, after having been issued from any such slaughtering, meat-canning, salting, packing, rendering, or similar establishment, shall be returned to the same or to any similar establishment where such inspection is maintained. The Chief of Agriculture may limit the entry of carcasses, parts of carcasses, meat and meat food products, and other materials into any establishment at which inspection under this Act is maintained, under such conditions as he may prescribe, to ensure that allowing the entry of such articles into such inspected establishments will be consistent with the purpose of this Act. [25 TTC 1970, §55; 25 TTC 1980, §55, modified.]

§207. Examination and inspection of meat products prepared for export.

For the purposes of this Act, the Chief of Agriculture shall appoint inspectors and cause the same to make an examination, and inspection of all meat food products prepared in any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, where such articles are prepared solely for export commerce. For the purposes of any examination and inspection, said inspectors shall have access at all times, by day or by night, whether the establishment be then in operation or not, to every part of said establishment. The inspectors shall mark, stamp, or tag as “Republic of the Marshall Islands” Inspected and Passed” all such products found to be unadulterated. The inspectors shall label, mark, stamp, or tag as “Republic of the Marshall Islands” Inspected and Condemned” all such products found adulterated, and all such condemned meat food products shall be destroyed

for food purposes as provided in Section 205(a) of this Act. The Chief of Agriculture may remove inspectors from any establishment which fails to so destroy such condemned meat food products. [25 TTC 1970, §56; 25 TTC 1980, §56, modified.]

§208. Labeling of packaged meat products.

(1) When any meat or meat food product prepared for export commerce which has been inspected as provided in Section 207 of this Act and marked “Republic of the Marshall Islands” Inspected and Passed” shall be placed or packed in any can, pot, tin, canvas, or other receptacle or covering in any establishment where inspection under the provisions of this Act is maintained, the person, firm, or corporation preparing said product shall cause a label to be attached to said can, pot, tin, canvas, or other receptacle or covering, under supervision of an inspector, which label shall state that the contents thereof have been inspected and passed under the provisions of this Act, and no inspection and examination of meat or meat food products deposited or enclosed in cans, tins, pots, canvas, or other receptacle or covering in any establishment where inspection under the provisions of this Act is maintained shall be deemed to be complete until such meat or meat food products have been sealed or enclosed in said can, tin, pot, canvas, or other receptacle or covering under the supervision of an inspector.

(2) All carcasses, parts of carcasses, meat and meat food products inspected at any establishment under the authority of this Act and found to be unadulterated shall, at the time they leave the establishment, bear, in distinctly legible form, directly thereon or on their containers, as the Chief of Agriculture may require, the information required under Section 202(k) of this Act.

(3) The Chief of Agriculture, whenever he determines such action is necessary, may prescribe 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 of any articles or animals subject to this Act.

(4) No article subject to this Act shall be sold or offered for sale by any person, firm, or corporation, in export 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 Chief of Agriculture are permitted.

(5) If the Chief of Agriculture 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 Act, 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, firm, or corporation using or proposing to use the marking, labeling or container does not accept the determination of the Chief of Agriculture, such person, firm, or corporation may request a hearing, but the use of the marking, labeling, or container shall, if the Chief of Agriculture so directs, be withheld pending hearing and final determination by the Chief of Agriculture. Any such determination by the Chief of Agriculture shall be conclusive unless, within thirty (30) days after receipt of notice of such final determination, the person, firm, or corporation adversely affected thereby appears before the High Court. [25 TTC 1970, §57; 25 TTC 1980, §57, modified]

§209. Sanitation inspections; authorized; action on discovery of unsanitary conditions.

The Chief of Agriculture shall cause to be made, by experts in sanitation or by other competent inspectors, such inspection of all slaughtering, meat-canning, salting, packing, rendering or similar establishments in which cattle, sheep, swine and goats are slaughtered and the meat or meat food products thereof are prepared solely for export commerce, as may be necessary to inform himself concerning the sanitary conditions of the same, and to prescribe the rules and regulations of sanitation under which such establishment shall be maintained. Where the sanitary conditions of any such establishments are such that the meat or meat food products there are rendered adulterated, he shall refuse to allow said meat or meat products to be labeled, marked, stamped or tagged as "Republic of the Marshall Islands Inspected and Passed". [25 TTC 1970, §58; 25 TTC 1980, §58.]

§210. Same; when made.

The Chief of Agriculture shall cause an examination and inspection of all cattle, sheep, swine, and goats, and the food products thereof, slaughtered and prepared in the establishments described in the preceding Sections of this Act for the purposes of export commerce, to be made during the nighttime, as well as during the daytime, when the slaughtering of said cattle, sheep, swine and goats, or the preparation of said food products, is conducted during those hours. [25 TTC 1970, §59; 25 TTC 1980, §59, modified.]

§211. Compliance with provisions of Act required.

No person, firm or corporation shall, with respect to any cattle, sheep, swine or goats or any carcasses, parts of carcasses, meat or meat food products of any such animals:

(a) slaughter any such animals or prepare any such articles which are capable of use as human food, at any establishment preparing such articles solely for export commerce, except in compliance with the requirements of this Act;

(b) sell, transport, offer for sale or transportation, or receive for transportation, in export commerce,

(i) any such articles which (A) are capable of use as human food, and (B) are adulterated or misbranded at the time of such sale, transportation, offer for sale or transportation, or receipt for transportation; or

(ii) any articles required to be inspected under this Act unless they have been so inspected and passed;

(c) do, with respect to any such articles which are capable of use as human food, any act while they are being transported in export commerce or held for sale after such transportation which is intended to cause or has the effect of causing such articles to be adulterated or misbranded. [25 TTC 1970, §60; 25 TTC 1980, §60, modified.]

§212. Marking to be authorized; practices prohibited.

(1) No brand manufacturer, printer, or other person, firm or corporation 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 Chief of Agriculture.

(2) No person, firm, or corporation shall:

(a) forge any official device, mark, or certificate;

(b) use any official device, mark, or certificate, or simulation thereof, or alter, detach, deface, or destroy any official device, mark or certificate without authorization from the

Chief of Agriculture;

(c) fail to use, or to detach, deface, or destroy any official device, mark, or certificate contrary to the regulations prescribed by the Chief of Agriculture;

(d) knowingly possess, without promptly notifying the Chief of Agriculture or his representative, any official device or any counterfeit, simulated, forged, or improperly altered official certificate of any device or label, or any carcass of any animal, or any part or product thereof bearing any counterfeit, simulated, forged, or improperly altered official mark;

(e) knowingly makes any false statement in any shipper's certificate or other unofficial or official certificate provided for in the regulations prescribed by the Chief of Agriculture; or

(f) knowingly represent that any article has been inspected and passed, or exempted, under this Act when, in fact, it has not been so inspected and passed, or exempted. [25 TTC 1970, §61; 25 TTC 1980, §61, modified.]

§213. Appointment of inspectors; promulgation of rules and regulations governing inspections.

The Chief of Agriculture shall appoint from time to time inspectors to make examination and inspection of all cattle, sheep, swine and goats, the inspection of which is hereby provided for, and of all carcasses and parts thereof, and of all meats and meat food products thereof, and of the sanitary conditions of all establishments in which such meat and meat food products destined for export are prepared. The inspectors so appointed shall refuse to stamp, mark, tag or label any carcass or any part thereof, or any meat food product therefrom, prepared in any such establishment, until the same shall have been inspected and found to be unadulterated, and shall perform such other duties as are provided by this Act and by the rules and regulations to be prescribed by the Chief of Agriculture from time to time as are necessary for the efficient execution of the provisions of this Act. All inspections and examinations made under this Act shall be made in such manner as described in the rules and regulations prescribed by the Chief of Agriculture and shall be consistent with the provisions of this Act. [25 TTC 1970, §62; 25 TTC 1980, §62, modified.]

§214. Bribing officials; accepting bribe.

(1) Any person, firm, or corporation, or any agent or employee of any person, firm, or corporation, who shall give, pay, or offer, directly or indirectly, to any inspector, deputy inspector, chief inspector, or any other officer or employee of the Republic authorized to perform any of the duties prescribed by this Act or by the rules and regulations of the Chief of Agriculture, any money or other thing of value, with intent to influence said inspector, deputy inspector, chief inspector, or other officer or employee of the Republic in the discharge of any duty specified in this Act, shall be guilty of a felony and shall upon conviction be liable to a fine of not less than \$1,000 nor more than \$5,000 and to a term of imprisonment of not less than one year and not exceeding three (3) years.

(2) Any inspector, deputy inspector, chief inspector, or other officer or employee of the Republic authorized to perform any of the duties prescribed by this Act who shall accept any money, gift, or other thing of value from any person, firm, or corporation, or officers, agents, or employees thereof, given with intent to influence his official action, or who shall receive or accept from any person, firm, or corporation engaged in export commerce any gift, money or other thing of value

given with any purpose or intent whatsoever, shall be guilty of a felony and shall upon conviction be liable to a fine of not less than \$1,000 nor more than \$5,000 and to a term of imprisonment of not less than one year and not exceeding three (3) years. [25 TTC 1970, §63; 25 TTC 1980, §63, modified.]

§215. Control of handling and storage.

The Chief of Agriculture may, by regulations, prescribe conditions under which carcasses, parts of carcasses, meat, and meat food products of cattle, sheep, swine or goats, capable of use as human food, shall be stored or otherwise handled by any person, firm or corporation engaged in the business of buying, selling, freezing, storing, or transporting, in or for export commerce, such articles, whenever the Chief of Agriculture deems such action necessary to assure that such articles will not be adulterated or misbranded when delivered to the consumer. The violation of any such regulations promulgated by the Chief of Agriculture under the authority of this Section is prohibited. [25 TTC 1970, §64; 25 TTC 1980, §64.]

§216. Animal products not intended for human consumption.

Inspection shall not be provided under this Act at any establishment for the slaughter of cattle, sheep, swine, or goats, or the preparation of any carcasses or parts of products of such animals, which are not intended for use as human food, but such articles shall, prior to their offer for sale or transportation in export commerce, unless naturally inedible by humans, be denatured or otherwise identified as prescribed by regulations of the Chief of Agriculture to deter their use for human food. No person, firm, or corporation shall buy, sell, transport, or offer for sale or transportation, or receive for transportation, in export commerce, any carcasses, parts thereof, meat or meat food products of any such animals, which are not intended for use as human food, unless they are denatured or otherwise identified as required by the regulations of the Chief of Agriculture or are naturally inedible by humans. [25 TTC 1970, §65; 25 TTC 1980, §65, modified.]

§217. Maintenance and inspection of records.

(1) The following classes of persons, firms and corporations shall keep such records as will fully and correctly disclose all transactions involved in their businesses that directly relate to the activities sought to be regulated by this Act, and all such persons, firms, and corporations subject to such requirements shall, at all reasonable times, upon notice from the Chief of Agriculture, afford 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 thereof:

(a) any persons, firms or corporations that engage, for export commerce, in the business of slaughtering any cattle, sheep, swine, or goats, or preparing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, or any such animals, for use as human food or animal food;

(b) any persons, firms or corporations that engage in the business of buying or selling (as meat brokers, wholesalers or otherwise), or transporting in export commerce, or storing in or for such commerce, any carcasses or parts or products of carcasses, of any such animals;

(c) any persons, firms or corporations that engage in business, in or for export commerce, as renderers, or engage in the business of buying, selling, or transporting, in such commerce, any dead, dying, disabled, or diseased cattle, sheep, swine or goats, or parts of

the carcasses of any such animals that die otherwise than by slaughter.

(2) Any records required to be maintained under this Section shall be maintained for such period of time as the Chief of Agriculture may, by regulations, prescribe. [25 TTC 1970, §66; 25 TTC 1980, §66, modified.]

§218. Registration of business.

No person, firm, or corporation shall engage in business, in or for export commerce, as a meat broker, renderer, or animal food manufacturer, or engage in business in such commerce as a wholesaler of any carcasses, or parts or products of the carcasses, of any cattle, sheep, swine, or goats, whether intended for human food or other purposes, or engage in business as a public warehouseman storing any such articles in or for such commerce, or engage in the business of buying, selling, or transporting in such commerce, any dead, dying, disabled, or diseased animals of the specified kinds, or parts of the carcasses of any such animals that died otherwise than by slaughter, unless, when required by regulations of the Chief of Agriculture, he has registered with the Chief of Agriculture his name, and the address of each place of business at which, and all trade names under which, he conducts such business. [25 TTC 1970, §67; 25 TTC 1980, §67.]

§219. Animals dying otherwise than by slaughter.

No person, firm or corporation engaged in the business of buying, selling or transporting in export commerce, dead, dying, disabled or diseased animals, or any parts of the carcasses of any animals that died otherwise than by slaughter, shall buy, sell, transport, offer for sale or transportation, or receive for transportation, in such commerce, any dead, dying, disabled or diseased cattle, sheep, swine or goats, or parts of the carcasses of any such animals that died otherwise than by slaughter, unless such transaction or transportation is made in accordance with such regulations as the Chief of Agriculture may prescribe to assure that such animals, or the unwholesome parts or products thereof, will be prevented from being used for human food purposes. [25 TTC 1970, §68; 25 TTC 1980, §68.]

§220. Withdrawal of inspection services.

(1) The Chief of Agriculture may, indefinitely, or for such period as he deems necessary to effectuate the purposes of this Act, refuse to provide, or withdraw, inspection services 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 under this Act because the applicant or recipient, or anyone responsibly connected therewith, has been convicted in any court of the Republic for a violation of any law based upon the acquiring, handling, or distributing of unwholesome, mislabeled or deceptively packaged meat products or upon fraud in connection with transactions in food. This Section shall not affect in any way any other provisions of this Act for the withdrawal of inspection services under this Act from establishments failing to maintain sanitary conditions or to destroy condemned carcasses, parts, meat or meat food products.

(2) For the purposes of this Section, a person shall be deemed to be responsibly connected with the business if he was a partner, officer, director, holder, or owner of ten percent (10%) or more of its voting stock, or an employee thereof in a managerial or executive capacity. The determination and order of the Chief of Agriculture with respect thereto under this Section shall be final and

conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within thirty (30) days after the effective date of such order in the appropriate court as provided in Section 223 of this Act. Judicial review of any such order shall be upon the record upon which the determination and order were based. [25 TTC 1970, §69; 25 TTC 1980, §69, modified.]

§221. Detention of adulterated products; removal of official markings.

Whenever any carcass, part of a carcass, meat or meat food product of cattle, sheep, swine or goats, or any product exempted from the definition of a meat food product, or any dead, dying, disabled cattle, sheep, swine or goat, is found by any authorized representative of the Chief of Agriculture upon any premises where it is held for purposes of or during or after distribution in export commerce, 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 Act, or that such article or animal 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 (20) days, pending action under Section 222 of this Act, and shall not be moved by any person, firm or corporation 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 animal before it is released unless it appears to the satisfaction of the Chief of Agriculture that the article or animal is eligible to retain such marks. [25 TTC 1970, §70; 25 TTC 1980, §70.]

§222. Seizure and condemnation.

(1) Any carcass, part of a carcass, meat, or meat food product of cattle, sheep, swine or goats or any dead, dying, disabled, or diseased cattle, sheep, swine or goat, that is being transported in export commerce, and that:

- (a) is being or has been prepared, sold, transported, or otherwise distributed or offered or received for distribution in violation of this Act, 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 Act,

shall be liable to be proceeded against and seized and condemned, at any time, on a libel of information in the High Court as provided in Section 223 of this Act. If the article or animal is condemned, it shall, after entry of the decree, 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 appropriate public fund of the Republic; provided, that such articles or animals shall not be sold contrary to the provisions of this Act; and provided further, that upon the execution and delivery of a good and sufficient bond, conditioned that the article or animal shall not be sold or otherwise disposed of contrary to the provisions of this Act, or the laws of the Republic, the court may direct that such article or animal be delivered to the owner thereof subject to such supervision by authorized representatives of the Chief of Agriculture as is necessary to ensure compliance with the applicable laws. When a decree of condemnation is entered against the article or animal and it is released under bond, or destroyed, court costs, fees, storage and other proper expenses shall be awarded against the person, if any, intervening as claimant of the article or animal. The proceedings in such libel cases shall conform, as nearly as may be, to the proceedings in admiralty, and all such proceedings shall be at the suit of and in the name of the Republic.

(2) The provisions of this Section shall in no way derogate from authority for condemnation

or seizure conferred by other provisions of this Act, or other laws of the Republic. [25 TTC 1970, §71; 25 TTC 1980, §71, modified.]

§223. Jurisdiction of High Court.

The High Court is vested with jurisdiction specifically to enforce, and to prevent and restrain violations of this Act, and shall have jurisdiction in all other kinds of cases arising under this Act. [25 TTC 1970, §72; 25 TTC 1980, §72.]

§224. Obstructing enforcement of Act.

(1) 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 Act shall upon conviction be liable to a fine not exceeding \$5,000 or to a term of imprisonment not exceeding three (3) years, or both.

(2) Any person who, in the commission of any acts prohibited by Subsection(1) of this Section, uses a deadly or dangerous weapon, shall upon conviction be liable to a fine not exceeding \$10,000 or to a term of imprisonment not exceeding ten (10) years, or both.

(3) Any person who kills any person while engaged in or on account of the performance of his official duties under this Act shall be punished as provided in Section 131 of the Criminal Code. [25 TTC 1970, §73; 25 TTC 1980, §73, modified.]

§225. Miscellaneous violations; prosecution for minor violations discretionary.

(1) Any person, firm, or corporation who violates any provision of this Act for which no other criminal penalty is provided shall upon conviction be liable to a fine not exceeding \$1,000 or to a term of imprisonment not exceeding one year, or both; provided, that if such violation involves an intent to defraud or any distribution or attempted distribution of an article that is adulterated (except as defined in Section 202(a)(xii) of this Act), such person, firm, or corporation shall upon conviction be liable to a fine not exceeding \$10,000 or to a term of imprisonment not exceeding three (3) years, or both; provided further, that no person, firm, or corporation shall be subject to penalties under this Section for receiving for transportation any article or animal in violation of this Act if such receipt was made in good faith, unless such person, firm, or corporation refuses to furnish on request of a representative of the Chief of Agriculture the name and address of the person from whom he received such article or animal, and copies of all documents, if there are any, pertaining to the delivery of the article or animal to him.

(2) Nothing in this Act shall be construed as requiring the Chief of Agriculture to report for prosecution or for the institution of libel or injunction proceedings minor violations of this Act whenever he believes that the public interest will be adequately served by a suitable written notice of warning. [25 TTC 1970, §74; 25 TTC 1980, §74, modified.]

§226. Additional powers of Chief of Agriculture and other officials.

(1) The Chief of Agriculture shall have the power:

(a) to gather and compile information concerning, and to investigate from time to time, the organization, business, conduct, practices, and management of any person, firm, or corporation engaged in export commerce, and the relation thereof to other persons, firms, and corporations; and

(b) to require, by general or special orders, persons, firms, and corporations engaged

in export commerce, or any class of them, or any of them, to file with the Registrar of Corporations, in such form as the Registrar of Corporations may prescribe, annual or special, or both annual and special, reports or answers in writing to specific questions, furnishing to the Registrar of Corporations such information as he may require as to the organization, business, conduct, practices, management, and relation to other persons, firms, and corporations, of the person, firm, or corporation filing such reports or answers in writing. Such reports and answers shall be made under oath, or otherwise, as the Registrar of Corporations may prescribe, and shall be filed with the registrar of corporations within such reasonable period as he may prescribe, unless additional time be granted in any case by such Registrar.

(2) For the purposes of this Act, the Attorney-General or his designated representatives shall at all reasonable times have access to, for the purpose of examination, and the right to copy, any documentary evidence of any person, firm, or corporation being investigated or proceeded against, and may require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence of any person, firm, or corporation relating to any matter under investigation. The Attorney-General may sign subpoenas and may administer oaths and affirmations, examine witnesses, and receive evidence.

(3) Such attendance of witnesses, and the production of such documentary evidence, may be required at any designated place of hearing. In case of disobedience to a subpoena the Attorney-General may invoke the aid of the High Court requiring the attendance and testimony of witnesses and the production of documentary evidence.

The High Court may, in case of contumacy or refusal to obey a subpoena issued to any person, firm, or corporation, issue an order requiring such person, firm, or corporation to appear before the Attorney-General, or to produce documentary evidence if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(4) Upon the application of the Attorney-General of the Republic, the High Court shall have jurisdiction to issue writs of mandamus commanding any person, firm, or corporation to comply with the provisions of this Act or any order of the Attorney-General made in pursuance thereof.

(5) The Attorney-General may order testimony to be taken by deposition in any proceeding or investigation pending under this Act at any stage of such proceeding or investigation. Such depositions may be taken before any person designate by the Attorney-General and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the Attorney-General as provided in this Section.

(6) Witnesses summoned before the Attorney-General shall be paid the same fees and mileage that are paid witnesses in the courts of the Republic, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in such courts.

(7) No person, firm, or corporation shall be excused from attending and testifying or from producing books, papers, schedules of charges, contracts, agreements, or other documentary evidence before the Attorney-General or in obedience to the subpoena of the Attorney-General

whether such subpoena be signed or issued by him or his delegate, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of this Act, or of any amendments thereto, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him or it may tend to incriminate him or it or subject him or it to a penalty of forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any person so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(8) Any person, firm, or corporation that shall neglect or refuse to attend and testify or to answer any lawful inquiry, or to produce documentary evidence, if it is in his or its power to do so in obedience to the subpoena or lawful requirement of the Attorney-General, shall be guilty of an offense and shall upon conviction be liable to a fine of not less than \$1,000 nor more than \$5,000 or to a term of imprisonment not exceeding one year, or both.

(9) Any person, firm, or corporation that shall willfully make, or cause to be made, any false entry or statement of fact in any report required to be made under this Act, or that shall willfully make, or cause to be made, any false entry in any account, record, or memorandum kept by a person, firm, or corporation subject to this Act, or that shall willfully neglect or fail to make or cause to be made, full, true, and correct entries in such accounts, records, or memoranda, of all facts and transactions appertaining to the business of such person, firm, or corporation, or that shall willfully remove out of the jurisdiction of the Republic, or willfully mutilate, alter, or by any other means falsify, any documentary evidence of any such person, firm, or corporation, or that shall willfully refuse to submit to the Attorney-General or to any of his authorized agents, for the purpose of inspection and taking copies, any documentary evidence of any such person, firm, or corporation in his possession or within his control, shall be guilty of an offense and shall upon conviction be liable to a fine of not less than \$1,000 nor more than \$5,000 or to a term of imprisonment not exceeding three (3) years, or both.

(10) If any person, firm, or corporation required by this Act to file any annual or special report shall fail to do so within the time fixed by the Registrar of Corporations for filing the same, and such failure shall continue for thirty (30) days after notice of such default, such person, firm, or corporation shall forfeit to the Republic the sum of \$100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the appropriate public fund of the Republic and shall be recoverable in a civil suit in the name of the Republic brought in the High Court. It shall be the duty of the Attorney-General of the Republic to prosecute for the recovery of such forfeitures.

(11) Any officer or employee of the Republic who shall make public any information obtained by the Registrar of Corporations without his authority, unless directed by a court, shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not exceeding \$5,000 or to a term of imprisonment not exceeding one year, or both, in the discretion of the court. [25 TTC 1970, §75; 25 TTC 1980, §75, modified.][Section re-structured into 11 sub-sections][Rev2003]

§227. Ratification of rules and regulations.

The rules and regulations authorized by this Act to be promulgated by the Chief of Agriculture shall be temporary until their ratification by the Nitijela, provided, that should the

Nitijela fail to reject or ratify such rules and regulations within eighteen (18) months after they are published, they shall have the effect of law as if they had been formally ratified. [25 TTC 1970, §77; 25 TTC 1980, §77, modified.]