carolina farm stewardship association

Growing your Local Food Business in South Carolina

A Guide to Laws and Regulations

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carolinafarmstewards.org

Table of Contents

OVERVIEW 1

A NOTE ON JURISDICTION 2

Getting Started

Business Licensing 3

Taxes 3

General Guidelines

Inspection 5

Labeling & Packaging 6

Specific Regulations by Type

Meat & Meat Products 8

Grade A Dairy 10

Poultry 12

Eggs 13

Aquaculture, Fish & Seafood 15

Raw Fruits, Vegetables & Nuts 17

Honey 18

Miscellaneous Prepared Foods 19

Agritourism 20

ADDITIONAL RESOURCES 21

FOOTNOTES 21

About Carolina Farm Stewardship Association

The Carolina Farm Stewardship Association (CFSA) is a farmer-driven, membership-based 501(c)(3) non-profit organization that helps people in the Carolinas grow and eat local, organic foods by advocating for fair farm and food policies, building the systems family farms need to thrive, and educating communities about local, organic agriculture.

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Legal Disclaimer

This guide is intended for educational and informational purposes only and is not intended to be nor should it be construed as either a legal opinion or as legal advice.

Overview

This guide was created to provide a comprehensive introduction to the regulations in South Carolina that are relevant to farm and food businesses, with a particular focus on small-scale, direct-to-consumer sales, and specialty operations.

This guide is divided into sections as shown in the table of contents. Some sections are further divided by product and jurisdiction (e.g., federal and state). Where possible, contact information for agency staff has been provided so readers may seek additional information.

A Note on Jurisdiction

Many laws and regulations govern the production, processing, preparation and sale of food. The type of food (e.g., produce or dairy), how it is prepared, processed or packaged, and quantity of production determines which agency has regulatory jurisdiction. Each agency has a different set of specific rules, and the various agencies' regulatory authority sometimes overlaps. The situation is further complicated by a set of interconnected state laws that enable South Carolina to implement some federal programs, and local requirements imposed by health departments and zoning authorities.

Federal jurisdiction exists where a product is sold across state boundaries, called interstate commerce. State jurisdiction exists where products are sold within a state's boundaries.

Interstate Commerce

In general, federal regulatory oversight is limited to the marketing, transportation and sale of agricultural products and prepared foods, including mail-order sales of products shipped by the farmer/producer across state lines, called inter-state commerce.

Intrastate Commerce

Intrastate commerce—the sale and movement of goods within state lines—is governed by state law and regulatory agencies. Though each section of this guide begins with an explanation of federal law, this Guide highlights regulations for on-farm processing and cottage food production intended only for intrastate commerce.[1] It is important to note that when products are sold to consumers across state lines, additional federal requirements apply.

Federal Agency Authority

The U.S. Department of Agriculture (USDA) and the U.S. Food and Drug Administration (FDA) share primary responsibility for regulating the nation's food supply. Additional details about the USDA's and FDA's regulation of particular products are provided in the relevant sections throughout the Guide.

U.S. DEPARTMENT OF AGRICULTURE

The USDA has regulatory authority over meat, poultry, and eggs. The laws that give USDA this authority are:

- The Federal Meat Inspection Act
- The Poultry Products Inspection Act
- The Egg Products Inspection Act

The USDA, or a USDA-equivalent program delegated to the state, inspects meat, poultry, and eggs/egg products to ensure safety standards are met.

U.S. FOOD & DRUG ADMINISTRATION

The FDA regulates all food that is not covered by USDA regulations, and is authorized by:

- The Food, Drug, and Cosmetic Act
- The Fair Packaging and Labeling Act

These laws allow FDA to set safe tolerances for unavoidable poisonous substances that may be found in or added to foods; set forth standards for identification, quality and fill-of-container; authorize factory inspections; and authorize enforcement actions such as injunctions, seizures and prosecution. The laws also provide the FDA the authority to regulate the labeling of food products.

Getting Started

Business and tax issues are important to any farm and food business, no matter how small-scale. One must understand whether it is necessary to register a business with a state or municipality and how and when to pay the required income, sales and property taxes. This section introduces resources that are available to assist in navigating these requirements.

Business Licensing

Farm and food businesses are subject to business licensing and permitting requirements at the federal state and local levels. Resources are provided below to help a business owner navigate the site-specific requirements for his/her business.

Federal

For detailed information on specific federal licenses that a business might need, refer to the *Obtaining Federal Licenses and Permits* guide, available online through the "Permit Me" tool at http://www.sba.gov/content/obtaining-business-licenses-permits.

USDA issues permits for businesses involved in the importation and interstate transportation of animals, animal products, biologics, biotechnology and plants. For more information on these permits, visit this website: http://www.aphis.usda.gov/permits/.

South Carolina

Information about business licenses in South Carolina can be found at the South Carolina Business One Stop (SCBOS), online at https://www.scbos.sc.gov/ or by phone at (803)898.5690.

SCBOS provides information on planning and launching your business, specifically, determining the legal structure of your business (e.g., sole proprietorship or Limited Liability Corporation), registering your business name with the state, obtain business licenses and permits required to operate, and understand employer obligations. South Carolina law provides for Special Licenses for things as varied as retail food establishments and land-disturbing activities, both regulated by the SC Department of Environmental Control. Contact the SCBOS to determine what general and special license requirements apply to your farm or food business.[2]

Many municipalities and counties have zoning restrictions and licensing requirements that must be met in order to do business in their jurisdictions. You will want to directly contact those cities and counties in which you want to do business. City and county contact information can be found through the links below.

- Business Licensing Handbook (courtesy of the Municipal Association of South Carolina)
- County Licensing & Zoning

Taxes

Federal Taxes

It is important to understand a small business' federal tax obligations, including individual or business income tax, employee income tax withholding, and whether the small business must acquire an Employer Identification Number (EIN), also known as a Federal Tax Identification Number.

For an in-depth treatment of federal farm tax management, see *Tax Guide for Owners and Operators of Small and Medium Sized Farms*, available online at http://www.ruraltax.org/files/uploads/TaxGuide%20Small%20to%20Midsized%20Farms%202011%2007%2014.pdf.

The Internal Revenue Service (IRS) offers many tax publications for guidance, including Publication 225, the Farmer's Tax Guide, available online at http://www.irs.gov/pub/irs-pdf/p225.pdf which can help you determine whether to file Schedule C (self-employed) or Schedule F (farm income).

To determine whether a farm or food business should apply for an EIN, check with the IRS.[3] Generally, the business should have an EIN if it does any one of the following:

- Has employees
- Operates as a corporation or partnership
- Files Employment, Excise, or Alcohol, Tobacco and Firearms tax returns
- Withholds taxes on income, other than wages, for a nonresident alien
- Has a Keogh plan
- Does business with any of these types of organizations: trusts, estates, real estate mortgage investment conduits, non-profit organizations, farmers' cooperatives, or plan administrators

Additionally, a business owner should contact the business licensing agency in his/her home state to determine whether the business requires a state number or charter.

State and local income, sales, and property taxes may also be required. The section below provides additional information on these topics, organized by state.

South Carolina Taxes

Under South Carolina law, there are many tax obligations for a small business. This guide only includes details about those that are relevant to small food- and farm-businesses. For additional information, contact SCBOS, the SC Department of Revenue or the county tax assessor's office in the county where the farm or food business is located. Relevant taxes are: sales and use tax, withholding tax (for employers), county property taxes.

For detailed information on the taxation and labor and employment law issues related to hosting farm interns, see Carolina Farm Stewardship Association's Internships in Sustainable Farming: A Handbook for Farmers, available online at http://www.carolinafarmstewards.org/wp-content/uploads/2012/04/Internship_Farm_Mentor_Handbook_2011.pdf.

SALES AND USE TAX

In South Carolina, sales tax is imposed on the sale of goods and certain services. The statewide sales and use tax rate is 5 percent. Counties may impose an additional one percent local option sales and use tax and one percent special local taxes if voters in that county approve the tax. Generally, all retail sales are subject to the state's sales or use tax.

The following items are exempted from the sales and use tax:

- Livestock
- Feed used to produce or maintain livestock
- Insecticides, chemicals, fertilizers, soil conditioners, seeds, seedlings, or nursery stock used in the production of farm products
- Containers and labels used in preparing agricultural products for sale; turpentine gum, gum resin, and gum spirit of turpentine
- Farm machinery
- Fuel used to cure agricultural products
- Farm products sold in their original state of production when sold by producer
- Electricity and gas used in the production of livestock and milk
- Electricity to irrigate crops
- Building materials, supplies, fixtures and equipment used to construct commercial housing of poultry or livestock

WITHHOLDING TAX

If a business has employees, it is required to withhold payroll taxes from its employees' wages for the federal government, FICA and the State of South Carolina. Businesses must apply for a South Carolina withholding number with the SC Department of Revenue in order to establish an account in which to deposit payments.

PROPERTY TAX

In South Carolina, real property is subject to property taxes. Property tax is generally administered and collected by local governments, though the SC Department of Revenue assesses and collects some business property taxes and oversees all property tax assessments to ensure equitable and uniform assessment throughout the state.

If property meets the requirement for agricultural use value it can receive a lower assessment. For instance, privately owned agricultural land is assessed at 4% of use value, corporately owned agricultural land is assessed at 6% of use value, primary residences are assessed at 4% of fair market value and other real estate is assessed at 6% of fair market value. The requirements for agricultural use value are:

- If the tract grows timber, it must be 5 acres or more, or part of a qualifying larger contiguous tract under the same ownership. Timberland must be used for grow trees for commercial use,
- For tracts not used for timber, tracts must be a minimum of 10 acres or adjacent to contiguous qualified tracts under the same owners of record.
- Non-timberland tracts not meeting the requirements of 2 above may qualify if the applicant earned at least $1,000 gross farm income for at least three of the last five tax years preceding application. The assessor may require that this income is verified, subject to privacy laws.

Businesses, including food businesses, must report business personal property taxes to the Department of Revenue. These items are exempt from Business Personal Property Tax:

- All agricultural products owned by the producer
- Livestock and poultry
- Farm machinery and equipment
- Greenhouses

General Guidelines

Inspection

Regardless of which agency has jurisdiction, the legal basis for agency oversight is the state and or federal constitutional authority to protect public health and safety. Whether the requirements are imposed by federal, state, or local authority, the relevant laws focus on the safe and wholesome production of the food and the adequacy and integrity of information provided to the consumer. For this reason, the process of preparing and selling food to the public begins with an inspection.

Licensed Commercial Facility Required for Production

In South Carolina, both "high-risk" foods, such as refrigerated or frozen products (including dairy products), low-acid canned foods, and seafood products, and "low-risk" packaged foods, such as baked goods, jams and jellies, candies, pickles and acidified foods are required to be produced in a licensed commercial facility and may not be produced in a home-based business.

State inspections of licensed commercial facilities are based on the federal Good Manufacturing Practices, and products must comply with labeling requirements. Products are also required to conform to standards of identify set forth by the federal Food and Drug Administration. These standards of identity describe the products, contain lists of approved ingredients for each product, and may contain recommendations for production, processing and storage. All such Standards of Identity are set forth in Title 21, Chapter I of the Code of Federal Regulations and are available online.[4]

Good Manufacturing Practices

All food processors in South Carolina, without exemption, are required to comply with the "Good Manufacturing Practice" requirements set forth in federal regulations.[5] These regulations specify that the premises on which the food is prepared be maintained to prevent the contamination of food, by, for example, eliminating conditions that would provide breeding grounds for pests, properly maintaining waste treatment and disposal facilities, using protective coverings, providing adequate lighting in hand-washing and food preparation areas, providing adequate ventilation, and properly cleaning, sanitizing and maintaining equipment.
The full text of the current version of Good Manufacturing Practices is available online at http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=110&showFR=1.

South Carolina

All food processed for human consumption in South Carolina must be produced in a facility licensed and inspected by the Department of Health and Environmental Control (DHEC).

Food sold at the place of production (e.g., restaurant) is under the inspection of the local Public Health Department. Food manufactured for wholesale distribution is under the supervision of the S.C. Department of Agriculture and must have a label approved from by SCDA. Once a processing facility is built, a representative from SCDA will make an inspection before start-up. For more information on starting a food business, see http://www.clemson.edu/extension/hgic/food/food_safety/business/hgic3861.html.

COTTAGE FOOD LAW

There is an exemption to the requirement described in the section above. The SC Cottage Food Law,[6] signed into law on June 7, 2012, allows limited production and sale of foods produced in home kitchens.

The cottage food law authorizes production in home kitchens on non-potentially hazardous food products worth no more than $15,000 in gross sales annually. The only foods allowed to be produced in home kitchens are non-potentially hazardous foods, such as baked goods and candies. This law does not allow jams, jellies, pickles, or any product that would require refrigeration to be produced under this exemption. Home kitchens do not require an inspection by the Department of Health and Environmental Control (DHEC) although DHEC reserves the right to make an inspection if a complaint is filed. Note these three important provisions:

1. Sales under the cottage food law must be conducted with a retail food business license, issued by the SC Department of Revenue. Sales tax must be collected.
2. The home where cottage food production takes place must comply with local zoning ordinances that allow for home occupation. Check with the county zoning authority where the home is located to learn whether businesses operating in a residential home are allowed and whether there is a permit and/or fee required.
3. If products produced under the cottage food law are to be sold at a farmers' market or flea market, the operator must apply for and receive an exemption from inspection and label review with the SC Department of Agriculture. This exemption is required before application for business license or zoning permit. The form can be accessed here: http://agriculture.sc.gov/userfiles/file/Food%20Safety%20and%20Compliance/draft%20Cottage%20Exemption%20Application%20v4%20(2).pdf.

More information about the cottage food law is included in the Miscellaneous Prepared Foods section of this guide, on page 19.

Labeling & Packaging

Lawmakers and administrative agencies have developed specific requirements for information that must be presented on all labels, to ensure that consumers have adequate information to help them make informed decisions.

However, most laws governing labeling, claims and marketing of food apply to processed and packaged foods rather than raw agricultural products. Concerns about the safety of food additives, color additives, adulterants, misleading or misbranded labels, and lists of ingredients, allergens and nutritional claims evolved with the increased processing, packaging and national distribution of foods (and related outbreaks of illness such as botulism, increases in cancer linked to food additives, and deaths from harmful substances in foods and drugs), and a lengthy patchwork of laws and regulations was developed in response. Many of these requirements are not applicable to raw, or whole, foods, which are readily identifiable and can be visually inspected by the consumer prior to purchase. It also is assumed that the consumer will properly wash and prepare raw foods prior to consumption.

Therefore, this section focuses on general labeling and packaging requirements for raw agricultural products and their sale as whole or minimally processed food to the consumer or other end-user. Information specific to particular food products (e.g., meat, eggs) is provided below in the appropriate sections of the document.

Federal

The Food and Drug Administration (FDA) is responsible for assuring that foods sold in the United States are safe, wholesome and properly labeled. The Federal Food, Drug, and Cosmetic Act (FD&C Act) and the Fair Packaging and Labeling Act are the Federal laws governing food products under FDA's jurisdiction. The FDA provides *Guidance for Industry: A Food Labeling Guide* to assist producers in navigating the complex rules that govern food labeling requirements. The complete guide can be found here: http://www.fda.gov/Food/GuidanceComplianceRegulatoryInformation/GuidanceDocuments/FoodLabelingNutrition/FoodLabelingGuide/default.htm.

MISBRANDING

A food will be considered misbranded and civil fines may be levied if a food's labeling found to be "false or misleading in any particular."[7] Food packaging and labeling must accurately convey the product's identity and source of manufacture.

ADULTERATION

A food will be considered adulterated if it contains any poisonous or deleterious substances, such as chemical contaminants, metals, or filth, which may or ordinarily render it harmful to health.

ALLERGEN LABELING

In 2004, Congress passed the "Food Allergen Labeling and Consumer Protection Act"[8] requiring that food manufacturers label products containing 8 major allergens: milk, eggs, wheat, fish, crustacean shellfish, tree nuts, peanuts, and soybeans. The law requires that the common or usual name for each of the allergens be listed in the ingredients or in a separate statement starting with "Contains."[9]

FDA takes allergen labeling very seriously. Recent FDA Warning Letters to food manufacturers involve allergen labeling errors, commonly associated with seafood and bakery products. If the product does not have the allergens labeled, FDA considers the product "misbranded," one of the two big violations of FDA law along with "adulteration." Misbranding can result in warnings, costly product recalls, and over time, fines and imprisonment.[10] Including the ingredient in the product title (e.g., peanut butter) does not satisfy the regulatory requirements.

PHOTO BY Kate Broadwell

ORGANIC LABELING

For produce to be labeled as organic, it must be certified as being grown in accordance with practices and standards developed by the Agricultural Marketing Service as part of the National Organics Program. These regulations[11] detail the practices that are accepted and prohibited in the growing, cleaning, packaging and marketing of organically labeled products. The regulations include requirements for maintaining and improving soil health and fertility[12] and specifically prohibit the use of commercial fertilizers, soil and product fumigants, and chemical pest control practices in organic production.[13] In addition, sewage sludge may not be used in the production of the crops, and crops may not be processed using ionizing radiation.[14]

PHOTO BY Jennifer Lapidus

The regulations include a National List of Allowed and Prohibited Substances to guide growers and certifying entities in the use of the label.[15] A production or handling operation that sells agricultural products as "organic" but whose gross agricultural income from organic sales totals $5,000 or less annually is exempt from certification requirements.[16]

The Organics Food Production Act of 1990[17] and its implementing regulations[18] are intended to set uniform minimum national standards for organic production.[19] For agricultural products to be labeled as organic (or containing organically produced products), the products must have originated from farms or handling operations certified as organic by a state or private agency accredited by the USDA.[20] The regulations set forth the requirements for use of the term "organic," creating categories that range from "100% organic" to "made with organic ingredients."[21] In all cases, a product may not use the organic label if it contains genetically modified ingredients or was grown using synthetic fertilizers or sewage sludge.[22] The use of the word "organic" on a product is illegal if the product does not meet the standards set forth in the law and its implementing regulations.[23]

The requirements for certification as "organic" differ among categories of foods, such as crops, meat and dairy products. These are described in the sections addressing specific food categories below. In addition to production methods, processing methods, such as cleaning and sanitizing, must also be certified as organic for the finished products to qualify for the label. For example, for meat processed at a facility to be labeled and marketed as organic, the processor must also be certified organic. The processor may process non-organic meats, but must implement measures to ensure that non-organic meats are not "comingled" with organic meats. This requires thorough cleaning of all equipment after processing non-organic meats and before processing organic meats, measures to ensure that the meats in the package actually came from the farmer's organically-raised animals.

For the USDA's Organic Labeling and Marketing Fact Sheet, see http://www.ams.usda.gov/AMSv1.0/getfile?dDocName=STELDEV3004446&acct=nopgeninfo.

South Carolina's Labeling Requirements

Labeling requirements for all food products in South Carolina follow the FDA's Food Labeling Guide, discussed above, and available online at http://www.fda.gov/Food/GuidanceComplianceRegulatoryInformation/GuidanceDocuments/FoodLabelingNutrition/FoodLabelingGuide/default.htm.

Packages must be labeled with:

- The name of the product
- The name and address of the manufacturer
- The net weight of the product (in conventional and metric weight equivalents)
- A complete list of ingredients used

The ingredients should be listed in order of weight of the raw material ingredients. Additional allergen labeling may also be required, as discussed above.

Only those foods that are made to order for sale as a single unit (such as a wedding cake, an order of cookies for a restaurant, or a sandwich ordered from a food truck) may be exempt from individual labels.

Small businesses may be exempt from nutrition-labeling requirements.[24] A small-scale producer is exempt from nutrition label requirements as long as the food producer makes no nutritional claims on the products or in its advertising, sells directly to consumers and has annual gross sales of $50,000.[25]

All required label information must be placed on the front label panel of the product.[26] Intervening information, marketing information or images not required by the FDA labeling rules, may not be placed between required information on the display panel.[27]

Specific Regulations by Type

Meat & Meat Products

Meat is defined as beef, lamb, pork, and goat. Laws and regulations governing meat do not apply to fish and poultry.

Federal Requirements

In order to sell meat[28]—whether through large grocery stores or co-ops, at farmers' markets, through CSAs, or on-farm direct to the consumer—the meat must be processed at a facility that has been inspected by either federal or state officials. The Federal Meat Inspection Act,[29] vests the USDA with the authority to inspect animals and butchered meats intended for interstate commerce or export. Meat that is inspected by a state official (i.e., in a state-inspected facility) rather than a USDA official (i.e., in a federally-inspected facility) may be sold intra-state, but may not be shipped across state lines. This restriction to intra-state commerce means that the meat may not be sold online to out-of-state customers, by mail-order to out-of-state customers, or in any way shipped out of state.

The FMIA requires animals to be inspected prior to slaughter.[30] Any animal that is diseased or ill must be slaughtered separately and closely examined.[31] Humane methods of slaughter must be employed, and the agency is authorized to suspend operations at any facility that fails to comply with the requirements of the Humane Slaughter Act.[32,33] The carcasses and parts may not be further processed for sale to the public until they pass inspection and are labeled or marked as "inspected and passed" by the inspector, and labeled to identify the kind of animal from which they were derived and the facility at which they were processed.[34] Any parts determined to be adulterated must be marked "inspected and condemned" and the condemned parts destroyed.[35,36]

Before meat may be sold, it must be inspected, properly marked, and labeled.[37] In accordance with federal and state requirements, all meats offered for sale to the public must be labeled with the following information:

- The contents of the package (i.e., the name of the product) and its net weight
- Additional ingredients (e.g., salt, herbs, spices), if any were added
- Safe handling instructions (such as "keep refrigerated or frozen")
- The mark of inspection (USDA or NCDA), with the processing plant number and name and address of the processing plant.

The name and address of the farm may be included on the processor's label, or may be added as a separate label as long as it does not obscure any part of the processor's label. A label indicating the sale price may also be added as long as it does not obscure the processor's label. Labels must be approved by the USDA or state inspection office prior to use.[38] The farmer is encouraged to work directly with the processor to prepare a custom label if one is desired for marketing purposes.

A custom label may include other claims, such as "certified organic" or "grass-fed," as long as those claims meet the standards, certification or other requirements of the relevant laws governing product information. In an effort to fulfill their responsibilities to prevent false or misleading labeling and advertising of food, government agencies have defined and restricted the use of certain words and phrases that consumers rely on in making decisions about which foods to purchase.[39] For example, the USDA's Agricultural Marketing Service established a voluntary standard for a "grass-fed" ruminant livestock marketing claim. To qualify for use of this claim, the animal's diet must be "derived solely from forage consisting of grass (annual and perennial), forbs (e.g., legumes, Brassica), browse, or cereal grain crops in the vegetative (pre-grain) state. Animals cannot be fed grain or grain byproducts and must have continuous access to pasture during the growing season."[40] The producer may ask the AMS to verify the claim through an audit of the production process. To qualify, the producer must be able to verify that the standard's requirements are being met through a detailed documented quality management system.

PHOTO BY Victoria Bouloubasis

PHOTO BY Victoria Bouloubasis

ORGANIC LABELING

To label meat as certified organic, the farm on which the animal was raised must be certified as an organic farm with respect to the livestock produced on it. The animals' feed must be certified organic, and may not contain plastic pellets for roughage, manure refeeding, or formulas containing urea. In addition, the livestock may not be given growth promoters or hormones, whether implanted, ingested, or injected, including antibiotics and synthetic trace elements used to stimulate growth or production.[41] In addition, the farmer may not use subtherapeutic doses of antibiotics, synthetic internal parasiticides on a routine basis; or administer medication, other than vaccinations, in the absence of illness.[42]

South Carolina

The SC Meat and Poultry Inspection Division regulates slaughtering and processing facilities that produce meat for intrastate commerce under the South Carolina Meat and Meat Food Regulation and Inspections Law of 1967.[43] It is unlawful to sell meat or meat products into the market place without inspection under either this law or the Federal Meat Inspection Act.

On-farm slaughter and processing is allowed only for personal or family consumption or consumption by non-paying guests or employees. South Carolina also allows licensed processing facilities to do custom processing, and requires that the packaged meat is labeled "NOT FOR SALE."

Products produced under these regulations must have labels that contain the following six items:[44]

- Handling instructions (e.g., keep refrigerated until cooking)
- Product name
- List of ingredients
- SC Inspection Indication with establishment number
- Company name and address
- Net weight statement

Grade A Dairy

Federal and state-specific requirements for dairy marketing and labeling are outlined below.[45]

Federal

PASTEURIZATION REQUIREMENTS

The FDA is responsible for the enforcement of milk sanitation standards on interstate carriers and milk and milk products shipped in interstate commerce. The FDA requires all milk sold in interstate commerce to comply with the Pasteurized Milk Ordinance (sometimes referred to as the Grade "A" Milk Ordinance),[46] and prohibits the introduction into interstate commerce of any unpasteurized milk product intended for human consumption.[47] The Milk Ordinance applies to milk produced by lactating cows, goats, sheep, water buffalo, and other hooved mammals.[48]

The Milk Ordinance was first adopted in 1938, when "milk borne outbreaks constituted twenty-five percent (25%) of all disease outbreaks due to infected foods and contaminated water." By contrast, fluid milk products currently are associated "with less than one percent (<1%) of such reported outbreaks."[49] The FDA maintains that "raw milk, no matter how carefully produced, may be unsafe." South Carolina does allow intrastate raw milk sales under certain conditions, explained in more detail below.

The Milk Ordinance "incorporates the provisions governing the processing, packaging, and sale of Grade "A" milk and milk products, including buttermilk and buttermilk products, whey and whey products, and condensed and dry milk products."[50,51,52] It sets forth permit and inspection requirements and enforcement standards; standards for pasteurization, processing and packaging; procedures for milk sampling, handling and transportation; definitions of milk products; standards for dairy farm construction; standards for water sources; procedures for minimizing and responding to animal disease control; cleaning and sanitizing; approved testing methods for chemical and bacteriological agents (including Vitamins A and D content); tolerance levels for drug residues; and vitamin fortification, among other things.

The Milk Ordinance also sets forth requirements for maintaining the cow yard. The "cow yard" is defined to include "the enclosed or unenclosed area adjacent to the milking barn in which the lactating animals may congregate" along with the animal-housing areas and feed lots. These areas are required to be graded and drained, and depressions and soggy areas must be filled. These requirements are imposed to minimize the soiling of the udders with manure and dirt and thus contamination of the milk.[53]

The Milk Ordinance also addresses the health of the lactating animal, as some diseases of lactating animals can be passed through the milk and communicated to humans who consume it. In addition, antibiotics used to treat illness in lactating animals can be passed to the milk. For these reasons, lactating animals that are ill or being treated with antibiotics or other medicines must be milked separately and their milk safely discarded.[54]

LABELING MILK

Finally, the Milk Ordinance addresses labeling of milk and milk products. The label must contain the identity of the milk plant, the name of the type of hooved animal that produced the milk (e.g., goat milk), and the words "Grade "A." Misleading labels and claims are prohibited (e.g., Select Grade "A").[55,56]

PHOTO BY Mary Kay Flick

ORGANIC LABELING

In addition to these labeling requirements, other labeling requirements may apply as well. For example, to label milk as organic, the dairy farm must be certified in accordance with requirements set forth by the National Organics Program. Specifically, the cow must not have been treated with antibiotics, hormones, or synthetic parasiticides, or given any animal drug, other than vaccine, in the absence of illness.[57]

One of the most controversial topics concerns labeling of milk from cows treated or not treated with bovine growth hormone (rBST) since 1993, when the FDA first approved the use of rBST.[58] Responding to concerns from consumers, the dairy industry and the states, the FDA published interim guidance on the labeling of milk and milk products from cows that have not been treated with rBST in 1994.[59] The FDA expressed concern that because no test could distinguish between milk from cows treated with rBST from cows not treated with rBST, and because it disputed whether there was a compositional or health-related difference between milk from treated and untreated cows that would make one safer than the other, it could be misleading to label milk as rBST-free.[60] The FDA determined that to avoid misleading the public, labeling claims about the use of rBST should be placed in context and accompanied by a statement that "No significant difference has been shown between milk derived from rBST-treated and non-rBST-treated cows."[61] The ultimate decision about the exact wording of the label is relegated to the states, in accordance with requirements of the FDCA regarding misbranding by the use of false or misleading statements.

States are encouraged to adopt the Milk Ordinance as a means of overcoming interstate trade barriers and with the exception of the raw milk provision, South Carolina has done so.[62] When a state adopts the Ordinance, its enforcement becomes a function of the local or state authorities.

South Carolina

The South Carolina Department of Health and Environmental Control (DHEC) regulates all Grade A facilities that produce, haul, process, package and distribute milk and milk products—including ice cream—except butter and cheese, which is regulated by the SC Department of Agriculture. Facilities are inspected four times each year; raw and finished product and water supplies are tested.

Grade A milk and milk products are regulated under Rule 61-34.1 of the South Carolina code[63] administered by the Department of Health and Environmental Control (DHEC). Milk and milk products regulated under this rule must meet standards for

PHOTO BY Kari Brayman

quality with regard to contents and handling. Selling or offering misbranded or adulterated milk or milk products is prohibited. DHEC may issue a hold order for any products it deems to be unwholesome or otherwise misbranded or adulterated.

Producers, handlers, processers, transfer stations, haulers and distributors of milk must acquire a Grade A permit from DHEC to offer milk for sale. A series of tests are required to market Grade A milk in SC. They include a freezing point test to ensure the absence of added water, tests for drug contamination, tests for bacterial contamination, and tests for storage temperature. Permits may be suspended and penalties may be imposed for failure to meet the standards for these tests. Permits may be reinstated after the producer demonstrates the problems resulting in the violating tests have been solved.

Those who haul milk for others must acquire a Bulk Milk-Hauler/Sampler's permit. Bulk milk haulers are responsible for collecting samples from the dairy's bulk tank before transferring the milk from the container.

Facilities regulated under this program are inspected by DHEC prior to receiving a permit. Dairy farms, milk plants and receiving stations are inspected at least once every three months thereafter. Bulk milk haulers are inspected at least once every 12 months. Sampling procedures of dairy plants, industry plants and bulk milk haulers are inspected at least once every 24 months. Transfer stations are inspected once every six months. Where facilities are regulated by a HACCP Program, audits will replace inspections.

The SC regulations provide construction standards for the permitted facilities, including requirements for cleanliness, lighting, ventilation, water service, equipment standards and personnel policies. Receiving, cleaning equipment, processing, and packaging shall be done in different rooms. These rooms shall not open into any stable or room used for domestic purposes.

Milk and milk products regulated under this program must be labeled to comply with the Federal Food, Drug & Cosmetic Act as amended, the Nutrition Labeling and Education Act of 1990 and related regulations. In addition, labeling must include:

- "Grade A"
- Identity of the plant where the product was processed
- The words "reconstituted" or "recombined" if accurate, along with the volume of water used for that purpose
- "Keep refrigerated after opening."
- If milk originated from other than a cow, the name of the mammal (e.g., sheep) immediately before the word "milk"

RAW MILK FOR HUMAN CONSUMPTION

In SC, dairies producing raw milk for human consumption must be inspected by and acquire a permit from DHEC.[64] DHEC allows for a Grade A Raw permit under Regulation 61-34, Raw Milk for Human Consumption.[65] The majority of the regulation for raw milk production, permitting, and inspection is the same as the regulation for Grade A milk production. Heightened requirements for bacteriological purity are imposed on raw milk producers;[66] zero tolerances are established for Escheria Coli 0157:H7, Salmonella, Listeria monocytogenes and Campylobacter.

Packaging of raw milk products must conspicuously display "Grade A Raw" as well as the name, address, and department permit number of the dairy where packaged. The package must also show, in no smaller than 6 point font "This is a raw milk product that is not pasteurized." The animal source of the milk must also be indicated, for example, cow or sheep. Standards for testing and quality are outlined in the regulation. As mentioned above, raw milk for human consumption may not be transported across state lines per federal law.

MANUFACTURED MILK PRODUCTS: BUTTER & CHEESE

Although butter and cheese are derived from milk, they are not considered "Grade "A" milk products" as that term is legally understood. Instead, they are characterized as manufactured milk products, and are subject to different regulatory requirements.

In South Carolina, butter, cheese and cheese-products must be produced in facilities licensed and inspected by the SC Department of Agriculture. The SC Department of Agriculture has the authority to inspect these operations and enforce the regulatory requirements. A valid inspection certificate is required, and it is illegal to operate without one.

Because South Carolina law allows raw milk to be used in cheese making, the SC Department of Agriculture requires that raw cheeses must be aged a minimum of 60 days in order to reduce the threat of foodborne illness.

State law and regulations require facilities where cheeses[67] are made to be kept clean and in sanitary condition, with the maintenance of suitable washrooms and bathroom facilities, to prevent product contamination. These requirements extend to the appliances, utensils and tools used to make and handle the cheese and butter; all must be properly cleaned or sterilized.[68]

An inspection certificate is also required to manufacture cheese for retail sale. The inspections are intended to ensure that the facility in which the cheese is made is clean and sanitary and safe for human consumption. Clean and sanitary means that the facility and equipment are thoroughly cleaned after each use and that facility conditions protect the product from contamination. Safe for human consumption means that the product is not adulterated with any chemical, physical, or biological substance that is deleterious to health.

The state has adopted by reference federal rules for cheese.[69] These federal rules set forth the definition and standard of identity for many different types of cheeses. The rules also require proper labeling of all cheeses offered for sale, including a list of each ingredient in the product, in accordance with general labeling requirements discussed above.

Poultry

The production and processing of poultry and poultry products is governed by both federal and state law. Poultry includes chickens, turkeys, ducks, geese, guineas, ratites and squabs.

Federal Poultry Laws

As with meat and meat products, poultry and poultry products must be slaughtered and processed at a USDA-inspected facility to be sold in interstate commerce. The federal Poultry Products Inspection Act sets forth requirements for poultry slaughtering facilities, and these requirements are implemented through regulations adopted by the USDA[70] relating to eggs and poultry products.

The USDA is authorized to inspect poultry prior to slaughter, and is directed to inspect each carcass while processing operations are being conducted.[71] Any carcass or part deemed adulterated must be destroyed for human food purposes.[72] Poultry to be processed in accordance with recognized religious dietary laws may be exempt from certain requirements.[73]

South Carolina

POULTRY PRODUCTS INSPECTION ACT

The South Carolina Poultry Products Inspection Act of 1969 is administered by the SC Livestock-Poultry Health Commission.[74] All poultry or poultry products slaughtered for human consumption must be slaughtered at inspected facilities, with some exemptions, described below, for intrastate sales.

Under the Act, poultry is defined as any domesticated bird, whether live or dead. Poultry products are defined as a poultry carcass or part thereof, or any product which is made entirely or mostly from any poultry carcass or part of a carcass. Produced foods with a "relatively small proportion" of poultry ingredients are not considered poultry products for the purposes of this act.

South Carolina law prohibits adulteration and misbranding of poultry products under the Poultry Products Inspection Act.[75] Labeling must not be false or misleading and it must contain the name and address of the manufacturer, packer or distributor, an accurate statement or weight, measure or count.

EXEMPTION FOR SMALL SCALE PRODUCERS

There is an exemption for poultry producers who slaughter 250 or fewer turkeys or 1,000 birds of other species raised on their farm annually as long as (1) the producer does not buy or sell poultry products not raised on his farm and (2) the slaughtered poultry is sold only in intrastate commerce. SC law also allows the slaughtering and processing of poultry products by any poultry producer on his premises under certain circumstances. Growers are advised to contact the SC Meat and Poultry Inspection Department for details.[76]

EXEMPTION FOR DIRECT SALES

Poultry producers may slaughter on-farm without inspection any poultry products that are distributed directly to household consumers, restaurants, hotels, and boarding houses for use in their own dining rooms or for use in preparation of meals for sales direct to consumers if the products are identified with the name and address of the processor, are not otherwise misbranded and are "sound, clean, and fit for human food" when distributed.

PHOTO BY Grace Kanoy

SLAUGHTER FOR PERSONAL CONSUMPTION

SC law exempts on-farm slaughter of poultry for personal or family consumption from the requirements of the SC Poultry Products Inspection Act. A farmer may slaughter and process on his own poultry that he has raised, but only if the poultry products are to be used exclusively by him, members of his household and his nonpaying guests and employees.

CUSTOM SLAUGHTER

The Act allows for custom slaughter, processing and transportation of poultry products by a custom butcher/processor if the products are used exclusively by the owner, his household, his nonpaying guests and employees. The custom butcher or processor must not engage in the buying or selling of poultry products.

OTHER EXEMPTIONS

Exemptions may also be available for poultry that is to be processed as required by recognized religious dietary laws. In those instances, the poultry or poultry products must be identified with the name and address of the producer, and be sound, clean, and fit for human food when distributed.[77]

PHOTO BY Mary Kay Flick

Eggs

Federal

EGG PRODUCTS INSPECTION ACT

The USDA has the authority to regulate eggs[78] and egg products pursuant to the federal Egg Products Inspection Act.[79] Authority for implementing the statute has been delegated to the Agriculture Marketing Service.[80] The statute and implementing regulations apply to all growers, egg handlers and facilities that handle or process shell eggs for sale in interstate commerce.

The agency is directed to inspect all the facilities of an egg handler, including any transport vehicles, to ensure that shell eggs destined for sale to the public are kept under refrigeration at an ambient temperature of no greater than 45 degrees Fahrenheit after packing, and contain labeling that indicates that refrigeration is required.[81] Inspections[82] must be conducted at least once each calendar quarter.[83] Egg handlers are required to maintain, for a period of 2 years, records showing the receipt, delivery, sale, movement, and disposition of all shell eggs they have handled, and must allow access to inspection and copying of the records.[84]

Facilities that process shell eggs are subject to continuous inspection when processing eggs for sale in interstate commerce.[85] The processing plant must be maintained in sanitary operating condition at all times.[86] Detailed requirements for the plant and the sanitation controls are set forth in the regulations, and include the provision of hot and cold potable water, adequate toilet and hand washing facilities, protections against dust, dirt and pests, and proper sewage and waste disposal facilities such as refuse rooms to ensure that waste products and edible eggs are kept separate. They also include construction requirements to ensure that the plant's interior rooms are easy to clean and maintain, and the building is protected against infestations of pests and rodents.[87] In addition, the plant must have space and equipment necessary for use by the inspector.[88,89] The regulations also set forth requirements for maintaining the cleanliness of egg washing and drying facilities.[90]

If the inspector has reason to believe the eggs or facility are in violation of the law or regulations, the inspector may detain the eggs for a period not to exceed 20 days. A detention tag or other similar device must be used to identify the detained product, and the custodian or owner given a written notice of the detention. Only an authorized representative of the agency may affix or remove the detention identification.[91] The egg handler may appeal any decision of the inspector regarding the class, quantity, or condition of any product.[92,93]

LABELING

All containers of shell eggs must be labeled, and labels must be approved by the Administrator of the Agriculture Marketing Service.[94] The containers must indicate that refrigeration is required.[95] The label must also include the name, address, and ZIP code of the packer or distributor, the net contents of the container, the grade of the product, the official identification and plant number, and the lot number or date of production.[96] The official symbol of inspection is provided in the regulations and may be downloaded.[97]

U.S. FOOD & DRUG ADMINISTRATION EGG SAFETY RULE

The FDA's Final Rule on egg safety, Prevention of Salmonella Enteritidis in Shell Eggs During Production, Storage and Transportation,[98] requires shell egg producers to implement measures to prevent Salmonella Enteritidis (SE) from contaminating eggs on the farm and further growth during storage and transportation.

PHOTO BY Julie Williams Dixon

- The Egg Safety Rule went into effect July 9, 2010 for egg producers with 50,000 or more laying hens. For egg producers with less than 50,000 birds but more than 3,000 birds, the Rule went into effect July 9, 2012.
- Producers who sell all their eggs directly to consumers or have less than 3,000 hens are not covered by the rule.

CDC developed a webpage to inform the public about the risks of Salmonella as well as preventive measures one can take to reduce the risks. Consumers and producers can find that information here.

ORGANIC EGGS

For eggs to be labeled as organic, the chicks must be managed as organic beginning from the second day of life.[99] The layers must be fed 100% organic feed, which may not contain animal drugs, antibiotics or slaughter byproducts.[100] Layers may not be housed in cages, must have access to the outdoors, and must be able to scratch and dust bathe.[101] Disease and pest management must also be conducted in accordance with organic standards.[102] The birds' waste must be managed so as not to pollute the environment or contaminate organic products; burning of the waste is prohibited.

Farmers who sell less than $5000 in annual egg sales are exempt from the requirements of third-party organic certification, but may still use the term organic in their labels provided it is not misbranding or misleading.

South Carolina

The SC State Egg Law[103] governs egg production and sales. All wholesalers, distributors, commission merchants, brokers, and dealers who want to sell or offer eggs for sale in South Carolina must first file for a license with SCDA.[104] This does not include farmers selling their own eggs under the small-scale exemption described below. Shell egg handlers registered under the United States Department of Agriculture Egg Surveillance Inspection Program are exempt from first obtaining a license.[105] The form, "Eggs Application for License to Distribute" can be found online at http://agriculture.sc.gov/forms. There is no fee for this license. Licensees must maintain records and invoices of their egg purchases for at least 90 days that show (1) the person or firm to whom the sale was made, (2) purchaser's address, and (3) the kind and quality of eggs involved in the sale.[106]

South Carolina standards follow USDA standards. Shell egg producers must refrigerate eggs upon gathering. The eggs must be graded and packed within a reasonable period of time from gathering. After washing, processing, and packaging, eggs must be transported, stored, and displayed at ambient temperatures not to exceed forty-five (45) degrees Fahrenheit until sold at retail or used by a commercial establishment or public institution.

All eggs sold in South Carolina must be labeled so as to designate their quality, size, and weight class in accordance with USDA standards, see charts below.[107]

When offering eggs for sale at retail in open cases, boxes, or other containers used in selling eggs in bulk to consumers, S.C. Code § 39-39-141 applies. See the aforementioned code section for information concerning content, display, and font requirements. This section does not apply to eggs packed in properly labeled cartons and meeting the standard as noted on the placard.

This section also regulates placards in restaurants when eggs are used in food. Pursuant to section (D), restaurants, hotels, or other eating places must display conspicuously a placard at all times on or over each receptacle containing eggs to be used in food preparation.

SMALL-SCALE EXEMPTION

SC law exempts those who sell eggs at a roadside stand near the farm on which the eggs were produced from the provisions of the SC State Egg Law. Sellers who qualify for this exemption are not required to maintain records and invoices as described above.

U.S. Standards for Quality in Shell Eggs[108]

GRADE	SPECIFICATIONS
AA Quality	The shell must be clean, unbroken, and practically normal. The air cell must not exceed 1/8 inch (3.2 mm) in depth, may show unlimited movement, and may be free or bubbly. The white must be clear and firm, so that the yolk is only slightly defined when the egg is twirled before the candling light. The yolk must be practically free from apparent defects.
A Quality	The shell must be clean, unbroken, and practically normal. The air cell must not exceed 3/16 inch (4.8 mm) in depth, may show unlimited movement, and may be free or bubbly. The white must be clear and at least reasonably firm, so that the yolk outline is only fairly well defined when the egg is twirled before the candling light. The yolk must be practically free from apparent defects.
B Quality	The shell must be unbroken, may be abnormal, and may have slightly stained areas. Moderately stained areas are permitted if they do not cover more than 1/32 (0.8 mm) of the shell surface if localized, or 1/16 (4.8 mm) of the shell surface if scattered. Eggs having shells with prominent stains or adhering dirt are not permitted. The air cell may be over 3/16 inch (1.6 mm) in depth, may show unlimited movement, and may be free or bubbly. The white may be weak and watery, so that the yolk outline is plainly visible when the egg is twirled before the candling light. The yolk may appear dark, enlarged, and flattened, and may show clearly visible germ development, but no blood due to such development. It may show other serious defects that do not render the egg inedible. Small blood spots or meat spots (aggregating not more than 1/8 inch (3.2 mm) in diameter) may be present.
Dirty	An individual egg that has an unbroken shell with adhering dirt or foreign material, prominent stains, or moderate stains covering more than 1/32 of the shell surface if localized, or 1/16 of the shell surface if scattered.
Check	An individual egg that has a broken shell or a crack in the shell, but its shell membranes are intact and its contents do not leak.
Leaker	An individual egg that has a crack or break in the shell and shell membranes to the extent that the egg contents are exuding or free to exude through the shell.

U.S. Weight Classes for Consumer Grades for Shell Eggs

WEIGHT CLASS	MINIMUM NET WEIGHT PER DOZEN (OUNCES)
Jumbo	30
Extra Large	27
Large	24
Medium	21
Small	18
Peewee	15

Aquaculture, Fish & Seafood

Federal: Fish & Seafood

Fish and shellfish are regulated pursuant to the federal Food, Drug, and Cosmetic Act.[109] The Good Manufacturing Practices (described in an earlier section of this document) apply to ensure the safe and sanitary processing of fish and fish products.[110] In addition, every processor of fish is required to develop and implement a hazard analysis critical control point (HACCP) plan.[111] The HACCP plan must be specific to each location and kind of fish processed,[112,113] and must set forth a list of the types of food safety hazards likely to be encountered with each kind of fish, the points at which testing will take place, and the corrective action that will be taken to address any detected hazards and ensure that no product harmful to human health enters commerce.[114] Detailed records must be made and retained and made available for agency inspection.[115] Failure to comply with these requirements renders the facility's fish or fish products "adulterated."[116] In addition, the processor is required to develop and implement a Sanitation Operating Plan (SOP) and maintain sanitation control records. The processor must also and monitor conditions and practices to ensure compliance with the GMPs, specifically including the safety of the water used in the processing of fish, proper labeling, exclusion of pests, and other matters.[117]

NATIONAL SHELLFISH SANITATION PROGRAM

The interstate sale of raw molluscan shellfish (i.e., oysters, clams, mussels or scallops) is regulated pursuant to the National Shellfish Sanitation Program, a cooperative federal/state program under the auspices of the federal Food and Drug Administration.[118] The Program, which includes participants from state agencies from both shellfish producing and non-producing States, FDA, Environmental Protection Agency, National Oceanic and Atmospheric Administration, and the shellfish industry, aims to ensure uniform sanitation standards for State shellfish programs, from monitoring of water quality to requirements for cleaning, processing and transport to dealer certification requirements. The NSSP is based on public health principles and controls and is designed to prevent human illness associated with the consumption of shellfish. Sanitary controls are established over all phases of the growing, harvesting, shucking, packing and distribution of fresh and fresh-frozen shellfish. The U.S. Food and Drug Administration has provided guidance in the *National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish* (2009 Revision).[119]

INTERSTATE CERTIFIED SHELLFISH SHIPPERS

The FDA also maintains and updates monthly the Interstate Certified Shellfish Shippers List,[120] which contains an up-to-date list of shippers certified as compliant with Program requirements. Before a dealer, restaurant or grocer accepts shellfish from out-of-state (or a foreign country), he may consult this list to ensure the shellfish comes from an authorized source and has been certified as meeting safety standards to protect public health. Dealers must include measures in their HACCPs to ensure that the shellfish they receive has been harvested only from waters approved for harvesting by the relevant shellfish control authority (the Shellfish Sanitation Program of the Department of Health and Environmental Control in South Carolina).[121]

South Carolina

Multiple agencies in South Carolina deal with fish and seafood regulation. The type of fish and seafood, location, and other factors determine which governing agency has authority. Facility requirements and licenses are also addressed under these

PHOTO BY Walking Fish

regulations. Department of Natural Resources (DNR) regulates the taking of salt and freshwater fish.

AQUACULTURE

Aquaculture, which does not apply to any saltwater species in SC, is regulated by the Department of Natural Resources.[122] An annual aquaculture permit is required to do any of the following:

- Engage in commercial aquaculture
- Wholesale or retail a live aquaculture product
- Engage in aquaculture of an aquatic species not indigenous to this State
- Engage in aquaculture, possess, or sell an aquatic species solely for the purposes of stocking
- Engage in aquaculture of hybrid striped bass
- Engage in aquaculture, or possess an aquatic species to provide sport fishing for a fee
- Sell or offer for sale annually in excess of two thousand five hundred dollars worth of an aquatic species harvested from a private pond, unless selling to a permitted resident aquaculturist
- Import an aquatic species taken and obtained lawfully in the jurisdiction of origin, for use as aquaculture brood stock
- Import an aquatic species taken and obtained lawfully in the jurisdiction of origin, for sale for stocking only private waters

The Department of Natural Resources is authorized to inspect aquaculture facilities during business hours when an owner or owner's agent is present. Aquaculture permits and licenses must be conspicuously displayed at the aquaculture facility.[123]

To engage in marketing of aquaculture products, a wholesale aquaculture permit is required.[124]

WHOLESALE FISH DEALERS

Except as provided in subsection (G), a person or entity who buys, receives, or handles any live or fresh saltwater fish or any saltwater fishery products taken or landed in

South Carolina and packs, processes, ships, consigns, or sells such items at other than retail, and not solely for bait must first obtain a wholesale seafood dealer license.[125,126] Every seafood dealer required to be licensed must keep and retain accurate records detailing the information required by DNR for a period of not less than a year and shall open the records to DNR for inspection upon reasonable demand.[127]

Each location at which products are to be packed, shipped, consigned, or bought, or to be sold at wholesale must be a permanent, non-mobile establishments, and must be separately licensed.

Licensed commercial saltwater fishermen who takes saltwater fishery products and sell the catch must sell only to a wholesale seafood dealer licensed under this section or be a licensed as wholesale dealer.

EXCEPTIONS

A person who buys or receives such products solely from licensed seafood dealers is not required to obtain a wholesale seafood dealer license.

A licensed bait dealer who only sells fish or fishery products to be used solely as bait does not have to acquire a wholesale seafood dealer license.

FEDERALLY MANAGED SPECIES

State licensed wholesale seafood dealers who are engaged in handling or purchasing federally managed Atlantic highly migratory species such as tunas, swordfish, or sharks; or species in the snapper-grouper complex, must obtain the appropriate federal dealer permit for the fishery or fisheries in which they are engaged.

For Atlantic Shark and Swordfish Dealer permits, contact NMFS Southeast Regional Permit Office at 727-824-5326 or visit http://sero.nmfs.noaa.gov/.

For Atlantic Tuna Dealer permits, contact NMFS Northeast Regional Permit Office at 978-281-9370 or visit www.nero.noaa.gov/.

For Snapper-Grouper Dealer permits, contact NMFS Southeast Regional Permit Office at 727-824-5326 or visit http://sero.nmfs.noaa.gov/.

For Dolphin/Wahoo Dealer Permits, contact NMFS Southeast Regional Permit Office at 727-824-5326 or visit http://sero.nmfs.noaa.gov/.

PHOTO BY Victoria Bouloubasis

Raw Fruits, Vegetables & Nuts

Federal

Entities and individuals engaged solely in the harvesting, storage or distribution of "raw agricultural commodities—i.e., fresh, unprocessed fruits and vegetables—are exempt from compliance with the Good Manufacturing Processes set forth in federal regulations.[128,129] It is assumed that such commodities will be adequately cleaned and prepared prior to sale to the public. Sales of raw fruits and vegetables are also exempt from compliance with the HACCP.[130]

Although fresh, unprocessed fruits and vegetables are exempt from compliance with most mandatory inspection and labeling requirements, the Agricultural Marking Service (AMS), a division of the USDA, has developed a detailed set of practices, requirements and inspection services to standardize marketing of many types of produce (e.g., apples, grapes, citrus, peanuts, pecans, honey, etc.)[131] Voluntary U.S. grade standards are promulgated pursuant to authority articulated in the Agricultural Marketing Act of 1946,[132] and are used to provide a point of reference and comparison, to assist with marketing and quality control, and to provide a basis for determining loan values for the Farm Credit Administration. A grower must comply with these requirements and obtain the necessary inspection certification in order to make claims about the grade or quality of these products and label the products accordingly. Restaurants, grocery stores, and food processors may require inspection and certification pursuant to this program.

To obtain the agency's inspection and certification services, which are provided on a fee-for-service basis, a grower must file an application for inspection in an office of inspection at any destination or terminal market,[133] or with any inspector.[134]

Each application for inspection service must include:

- The name and address of the applicant and the name and capacity of the person, if any, making the application in his behalf
- The name and address of the shipper
- The kind and quantity of the products involved
- The interest of the applicant therein
- The identification of the products by:
    1. Grade, brand, or other marks, if practicable
    2. Car number of carrier or number of truck or name of boat, if practicable
    3. The name and location of the store, warehouse, or other place where the products are located
- The particular quality or condition concerning which inspection is requested, to which may be added the time and place at which it is desired that the inspection be made
- When the lot is to be inspected in a receiving market, the name and address of the receiver
- The name of the shipping point and of the destination, when known
- Such other information as may be necessary for identification of the product, or as may be required by the inspector or the Administrator.[135]

Inspections may be made at any shipping point or destination market.

PHOTO BY Amy Armbruster

The inspector will take samples of the products and test them for quality and safety and comportment with applicable product standards established by the federal or state agency. The inspector will issue a certificate for each lot inspected, and, upon request and payment of fees, will prepare an inspection report for the grower's use.[136] The grower may appeal the inspection if dissatisfied with the results.[137]

Growers must comply with GMPs, HACCP plan requirements, and other standards if the produce is processed—including freezing—prior to sale. These standards cover everything from packing and storage to color variation and tolerances for pesticide residues. The standards and tolerances are set forth by type of fruit, vegetable and nut in Title 7 of the Code of Federal Regulations, Subchapter C, Part 51. These regulations are developed and implemented by the Agricultural Marketing Service, a division of the USDA. The rules also set forth penalties for violations/misbranding.

South Carolina

In addition to federal requirements outlined above, the Agricultural Commodities Marketing Act[138] and its supporting rules regulates marketing and labeling as well as grading and quality for select produce. For assistance or additional information about marketing and labeling requirements for specific products, contact:[139]

SCDA'S MARKETING AND PROMOTION DIVISION STAFF

Certified SC Grown and Certified Roadside Markets Programs	Ansley Rast	803-734-2207
Peach Promotion	Amy London	803-734-2235
Peanuts and Watermelons Marketing and Promotion	Brad Boozer	803-734-2225
Small Farms Program and Organic Produce	Fred Broughton	803-734-2224
Specialty Products and Ornamental Horticulture	Jackie Moore	803-734-2144

Honey

Federal

Federal regulations pertaining to protection of honey bees from pests and pathogens are set forth at 7 CFR Part 322. This part does not contain reference to standards or grades of honey. As with other fresh agricultural products, certification of grades for comb and extracted honey is available from the Agricultural Marketing Service on a fee-for-service basis. Grade and color standards and certification requirements for comb and extracted honey are set forth at 32 Fed. Reg. 7565 (May 24, 1967) and 50 Fed. Reg. 15861 (April 23, 1985), respectively.[140] As one writer has recommended "[t]he best method for determining the quality of honey produced in the USA is to know the local producer and ask them about their honey and production procedures."[141]

South Carolina

Honey is defined as the raw food product produced by honeybees for human consumption. Honey must be properly labeled with the name of the product, name and address of manufacturer, and net weight. The label must be in compliance with SCDA rules. Honey sold wholesale to other retail outlets for resale must be processed and packaged in an inspected and registered food processing facility in accordance with the act regardless of the amount of overall honey produced by the beekeeper.

The recent amendment to SC honey laws[142] will allow beekeepers producing no more than four hundred gallons (4,800 pounds) of honey annually and selling directly only to the end consumer to be exempt from inspections and regulations requiring honey to be processed, extracted and packaged in an inspected food processing establishment, or from being required to obtain a registration verification certificate (RVC) from the Department of Agriculture. It is important to note the change from 150 gallons to 400 gallons. However, labels are required on all containers of honey sold in South Carolina. Beekeepers must file for the exemption on forms to be provided by SCDA.[143]

PHOTO BY Victoria Bouloubasis

Miscellaneous Prepared Foods

Federal and state laws regulate packaged foods, and detailed safety and labeling requirements apply. Nutrition information relating to the product must be provided, on a per-serving basis,[144] on the label for any product intended for human consumption and offered for sale.[145]

Small-scale exemption

South Carolina law does provide a small-scale exemption from this requirement for non-potentially hazardous baked goods and candies prepared in home kitchens. All other food processed for human consumption in South Carolina must be produced in a facility licensed and inspected by the Department of Health and Environmental Control (DHEC).

All food processors in South Carolina, without exemption, are required to comply with the "Good Manufacturing Practice" requirements set forth in federal regulations.[146] These regulations specify that the premises on which the food is prepared be maintained to prevent the contamination of food, by, for example, eliminating conditions that would provide breeding grounds for pests, properly maintaining waste treatment and disposal facilities, using protective coverings, providing adequate lighting in hand-washing and food preparation areas, providing adequate ventilation, and properly cleaning, sanitizing and maintaining equipment. Copies of these regulations are available in local law libraries and on the internet.[147]

Products are also required to conform to standards of identify set forth by the federal Food and Drug Administration. These standards of identity describe the products, contain lists of approved ingredients for each product, and may contain recommendations for production, processing and storage. All such Standards of Identity are set forth in Title 21, Chapter I of the Code of Federal Regulations and are available online.[148] Examples of common products are provided below.

EXAMPLE 1: FRUIT BUTTERS, JAMS, AND JELLIES

Federal regulations set forth specific standards for identifying fruit butters, jellies, and preserves.[149] These regulations specify the minimum content of fruit or fruit juice and ratios of fruit to sugar, standards for preparation, and ingredients that may be added to each product. The regulations also require proper labeling, including a list of each ingredient used in the preparation of the item.

EXAMPLE 2: PICKLED FOODS

Production standards for pickled foods are set forth at in Part 114 of the federal Code of Regulations. The regulations specify that pickled/acidified foods must have a pH value of 4.6 or lower, and must be thermally processed, or contain preservatives, sufficient to destroy harmful microorganisms.[150] The regulations include procedures to attain required pH levels,[151] and approved methods for testing acidity.[152] As with all other packaged foods, labels are required that identify the product, manufacturer, and place and date of manufacture, as well as list of ingredients.[153] In addition, the preparer of the product must prepare and keep records for a minimum of three (3) years from the date of manufacture. These records should include the source(s) of the raw materials or ingredients used, records documenting the processing and production methods used, and information on the product's distribution or point of sale.[154]

PHOTO BY Virginia Weller

EXAMPLE 3: BREADS, CAKES, AND COOKIES

Non-potentially hazardous baked goods may be produced in a home kitchen without inspection by the SC Department of Health and Environmental Control, provided specific requirements are met. Baked goods and candy may be made and stored in a residential home and must be sold directly to the end user.

The operator of the home based food production operation must take all reasonable steps to protect food items from contamination, including directly supervising all individuals working with the food items, excluding pets from the production area, excluding all domestic activities from the production area during production, prohibiting individuals with communicable disease transmissible by food from the production area, ensuring knowledge of and adherence to safe food handling practices, maintenance of clean and sanitary conditions in the production and storage area.

All products produced for sale under this law must comply with federal laws and regulations for labeling. Labels must show the name and address of the home based food production operation, the name of the product, ingredients in the product listed in descending order by weight, and the statement "NOT FOR RESALE – PROCESSED AND PREPARED BY A HOME-BASED FOOD PRODUCTION OPERATION THAT IS NOT SUBJECT TO SOUTH CAROLINA'S FOOD SAFETY REGULATIONS."

A home based food production operation may apply for an exemption from inspection and label review by the SC Department of Agriculture if the operation's annual sales are less than $15,000. The form is available at http://agriculture.sc.gov/userfiles/file/Food%20Safety%20and%20Compliance/draft%20Cottage%20Exemption%20Application%20v4%20(2).pdf.

The Cottage Food Law requirements do not apply to an operation with net annual earnings of less than $500 annually, that would otherwise meet the definition of a home-based food production operation.

Agritourism

Agritourism is the practice of diversifying a farm or food production business to allow members of the general public to visit the property for purposes of learning about operations, taking part in activities centering on the farm theme for entertainment and/or education, holding an event, engaging in harvesting produce for personal consumption (e.g., U-pick), or purchasing farm products (e.g., Christmas trees, farm dinners).

South Carolina law limits the liability of a person engaged in the business of providing agritourism activities to the general public for recreational, entertainment or educational purposes, whether or not for compensation, provided the agritourism provider follows certain requirements.[155] In order to qualify for this liability protection, the agritourism provider must not intentionally cause injury to participants, must not cause injury through willful, wanton, or reckless disregard for participants' safety, or cause injury from a failure to correct a latent dangerous condition that was known or reasonably should have been known about by the provider. Agritourism providers must display a written warning on the premises and on any written contracts with participant that states: "WARNING ! Under South Carolina law, an agritourism professional is not liable for an injury to or the death of a participant in an agritourism activity resulting from an inherent risk associated with the agritourism activity. (Chapter 53, Title 46, Code of Laws of South Carolina, 1976)."

South Carolina's Department of Agriculture maintains a website to promote the state's agritourism industry. For more information, see http://agriculture.sc.gov/content.aspx?ContentID=475.

Farm Stores and Roadside Markets

City and county governments regulate local land uses, including agricultural production and food-related businesses. It is essential to contact the planning and zoning office in the county in which the farm is located for site-specific guidance.

South Carolina counties and municipalities have the authority to regulate land use through zoning on land used for agricultural purposes. In some counties, farm stands, signs, or farm retail stores are allowed as conditional uses of the land, that is, they must meet established requirements under the local zoning laws. It is essential to contact the planning and zoning office in the county or municipality where the farm is located for site-specific guidance.

In South Carolina, the Commissioner of Agriculture has the authority to establish and supervise a Certified Roadside Market (CRM) program, so as to create, improve, and establish the quality of roadside markets and to promote fair and sanitary marketing practices for roadside markets throughout South Carolina. There is no cost to participate in the program, and participation in the program is completely voluntary. However, the Commissioner is authorized to create and enforce standards after a market applies and is deemed eligible to participate.

PHOTO BY Grace Kanoy

The "Certified Roadside Market Application" can be found online at http://agriculture.sc.gov/userfiles/file/Certified%20Roadside%20Market%20Program/CRM%20Application.pdf. Rules and regulations of the Certified Roadside Market program are available online at http://agriculture.sc.gov/userfiles/file/Certified%20Roadside%20Market%20Program/CRM%20Rules%20%20Regulations.pdf.

Following registration in the program, markets may display signs that show that the market voluntarily applied for participation in the program, that the market was granted membership into the program, and that the market complies with standards established by the Commissioner.[156] A market can display the signs only as long as they retain continued approval from the SCDA. Continued participation in the program will be subject to periodic inspections by the Department.[157] Local and county zoning regarding sign requirements may also apply and will override any standards in the CRM rules and regulations. Local zoning officials should be consulted for site-specific details.

Additional Resources

Guidelines for Food Processors (updated 2011) is provided by the South Carolina Department of Agriculture.

The Legal Guide for Farm Direct Marketing is published by Drake University's Agricultural Law Center.

The National Center for Agricultural Law Research and Information has numerous articles and agricultural law bibliographies, including An Overview of Organizational and Ownership Options Available to Agricultural Enterprises.

Tax Guide for Owners and Operators of Small and Medium Size Farms, published in 2011, by the Land Grant University Tax Education Foundation, Inc. provides a thorough guide to farm taxes.

Federal Environmental Laws Affecting Agriculture are compiled at http://www.nasda.org/nasda/nasda/foundation/state/Federal.pdf.

South Carolina Environmental Laws Affecting Agriculture are compiled at http://www.nasda.org/nasda/nasda/foundation/state/SouthCarolina.pdf.

Gempler's offers a Safety and Employment Law Compliance Kit; search their site for "Employment Law."

NOFA-NY publishes a guide to regulations regarding interns and apprentices.

NRAES provides publications on this topic include Tax Planning when Buying or Selling a Farm; Workforce Management for Farms; and Horticultural Businesses Income Tax Management for Farmers.

The U.S. Small Business Administration provides comprehensive information about government programs that help new and existing agricultural businesses start, expand, obtain financing, and comply with laws and regulations. See http://www.sba.gov/content/agriculture.

Footnotes

1 On-farm sales to out-of-state customers visiting the farm are included in this description.

2 A full list of SC licenses, permits and regulations is available here: http://sc.gov/business/Pages/LICENSESANDPERMITSBUSINESS.aspx.

3 See http://www.irs.gov/businesses/small/article/0,,id=98350,00.html.

4 For the index of relevant subparts, go to http://www.access.gpo.gov/nara/cfr/waisidx_03/21cfrv2_03.html.

5 21 CFR Part 110.

6 http://www.scstatehouse.gov/sess119_2011-2012/bills/4689.htm

7 21 U.S.C. § 343.

8 Public Law 108-282.

9 21 U.S.C. § 343(w)(1).

10 21 U.S.C. 333.

11 7 CFR 205.

12 7 CFR 205.203.

13 7 CFR 205.106, 205.600-.602.

14 7 CFR 205.105(f), (g).

15 When residue testing detects prohibited substances at levels that are greater than 5 percent of the Environmental Protection Agency's tolerance for the specific residue detected or unavoidable residual environmental contamination, the agricultural product may not be sold, labeled, or represented as organically produced. 7 CFR 205.671

16 7 CFR 205.101(a).

17 7 U.S.C. 6501 et seq.

18 7 CFR Part 205.

19 Although the statute allows states to adopt additional requirements after review and approval by USDA, South Carolina has not done so.

20 7 CFR §§ 205.102.

21 7 CFR 205.300, 301.

22 7 CFR 105.

23 7 CFR 105.100(c).

24 21 CFR 101.9(j).

25 21 CFR 101.9(j).

26 In certain cases, "specified" label statements can be placed to the immediate right of the front display panel as it faces the customer. 21 CFR 101.1, 21 CFR 101.2, 21 CFR 101.3, 21 CFR 101.4, 21 CFR 101.9, and 21 CFR 101.105.

27 21 CFR 101.2(e)

28 The statute defines "meat" as red meat (beef, lamb, pork and goat), and does not apply to fish or poultry.

29 21 U.S.C. §§ 601 et seq.

30 This requirement does not apply to animals one has raised and slaughters for one's personal use and does not intend to sell to another. 21 U.S.C. § 623(a).

31 21 USC § 603(a).

32 The Humane Slaughter Act requires all animals to be rendered unconscious swiftly prior to slaughter. 21 U.S.C. §§ 1901-06.

33 21 U.S.C. § 603(b).

34 21 U.S.C. §§ 604, 619.

35 21 U.S.C. §§ 604.

36 The USDA has also adopted facility guidelines for meat processing plants. For information concerning those guidelines and requirements, see 62 Fed. Reg. 45027 (Aug. 25, 1997).

37 7 CFR § 54.17 for examples of official marks and identifications.

38 O'Reilly, James, "A Consumer's Guide to Food Regulation & Safety," p. 19 (2010).

39 Some claims, such as "certified humane" or "dolphin safe" are not defined by the regulatory agencies, but rather trademarks of private entities such as the U.S. Humane Society or Earth Island Institute, the use of which requires the permission of those entities.

40 72 Fed. Reg. 58631, 58637 (Oct. 16, 2007).

41 7 U.S.C. § 6509(c).

42 7 U.S.C. § 6509(d).

43 S.C. Code Ann. §47-17-10 et. seq. (1976)

44 http://www.clemson.edu/public/lph/scmpid/labeling.html

45 This guide discusses only those requirements applicable to fresh Grade A milk and does not address requirements for aseptically processed milk, dried or canned milks (e.g., evaporated, condensed). Readers should refer to the Milk Ordinance for information concerning requirements applicable to those milk products. Readers should also consult 21 CFR Part 131 for relevant standards of identity for milk and milk products. In addition, as noted above, cheese is not defined as a milk product and subject to different regulations. Milk Ordinance, Section 1-X.

46 The Milk Ordinance is available at http://www.fda.gov/downloads/Food/FoodSafety/Product-SpecificInformation/MilkSafety/NationalConferenceonInterstateMilkShipmentsNCIMSModelDocuments/UCM209789.pdf. A certified copy may be obtained from the Department of Health and Human Services, Public Health Service, Food and Drug Administration, Division of Plant and Dairy Food Safety (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835.

47 21 CFR 1240.61.

48 Milk Ordinance Section 1-L.

49 US DHHS, Food & Drug Administration, Milk Ordinance, p. ii (2009).

50 Milk Ordinance, p. iii.

51 This guide discusses only those requirements applicable to fresh Grade A milk and does not address requirements for aseptically processed milk, dried or canned milks (e.g., evaporated, condensed). Readers should refer to the Milk Ordinance for information concerning requirements applicable to those milk products. Readers should also consult 21 CFR Part 131 for relevant standards of identity for milk and milk products.

52 Cheese is not defined as a milk product. Milk Ordinance, Section 1-X.

53 STANDARDS FOR GRADE "A" RAW MILK FOR PASTEURIZATION, ULTRA-PASTEURIZATION OR ASEPTIC PROCESSING ITEM 4r. Cowyard

54 Standards for Grade "A" Raw Milk for Pasteurization, Ultra-pastuerization or Aseptic Processing Item 1r. Abnormal Milk.

55 Milk Ordinance, Section 4.

56 This section of the Milk Ordinance also includes labeling requirements for milk haulers.
57 7 CFR § 205.238(c).
58 See, e.g., International Dairy Foods Ass'n v. Amestoy, 92 F.3d 67 (2nd Cir. 1996); Int'l Dairy Foods Ass'n v. Boggs, 622 F.3d 628 (6th Cir. 2010); Cochran v. Veneman, 359 F.3d 263 (3rd Cir. 2004);
59 59 Fed. Reg. 6279 (February 10, 1994).
60 59 Fed. Reg. at 6280.
61 59 Fed. Reg. at 6280.
62 S.C. Reg 61.34.
63 See http://www.scdhec.gov/administration/regs/docs/61-34.1.pdf
64 S.C. Reg. 61-34.
65 See http://www.scdhec.gov/administration/regs/61-34.htm for the complete regulations.
66 Bacterial count < 10K/mL, coliform < 10/g
67 S.C. Code 39-37-10.
68 S.C. Code 39-37-70.
69 Adopting by reference 21 CFR Part 133.
70 7 C.F.R. Parts 55, 56, 59 and 70.
71 21 CFR § 455(a), (b).
72 21 CFR § 455(c).
73 21 CFR § 464(a)(3).
74 S.C. Code Ann. § 47-19-10 et. seq. (1969)
75 S.C. Code §47-19-10 et seq.
76 SC law also allows the slaughtering and processing of poultry products by any poultry producer on his own premises "with respect to sound and healthy poultry raised on his premises and the distribution. . .of 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."
77 S.C. Code 47-19-140(3).
78 The term "egg" means the shell egg of the domesticated chicken, turkey, duck, goose or guinea. 21 U.S.C. § 1033(g).
79 21 U.S.C. §§ 1031 et seq. 21 U.S.C. § 1043.
80 See 9 CFR Part 590.
81 21 U.S.C. § 1034(e)(1); 9 CFR § 590.50.
82 An inspection is not required of an egg handler with fewer than 3000 birds in his flock. 21 U.S.C. § 1034(e)(4); 21 U.S.C. § 1044(7); 9 CFR § 590.50(c). In addition, growers who sell eggs directly to consumers, whether on the grower's own farm or at another venue such as a farmers' market, for their own personal use may be exempt from the Inspection Act. 21 U.S.C. § 1044(3), (4), (5).
83 21 U.S.C. § 1034(e)(2).
84 9 CFR § 590.200(a).
85 21 U.S.C. § 1034; § 590.504(b).
86 21 U.S.C. § 1035.
87 9 CFR § 590.500.
88 9 CFR § 590.136.
89 The Secretary of the USDA may license as an inspector any person who is a Federal or State employee, or the employee of a local jurisdiction, possessing proper qualifications as determined by an examination for competency. 9 CFR § 590.110(a). No one with a financial interest in the product may be licensed as an inspector. 9 CFR §§ 590.110(c), 590.120.
90 9 CFR §§ 590.515; 590.516; 590.550; 590.552.
91 9 CFR § 590.240.
92 9 CFR 590.300.
93 Instructions for appealing the inspector's decision are detailed in the regulations, 9 CFR §§ 590.310-370.
94 9 CFR § 590.411.
95 9 CFR § 590.410(a).
96 9 CFR 590.411(c).
97 See 9 CFR 590.412(a).
98 21 CFR, Parts 16 and 118
99 7 CFR § 205.236(a)(1).
100 7 CFR 205.237.
101 7 CFR 205.239.
102 7 CFR 205.238, 205.271.
103 S.C. Code § 39-39-110 et. seq (1976).
104 S.C. Code § 39-39-120 et. seq (1976)
105 S.C. Code §39-39-121(1976).
106 S.C. Code § 39-39-122 (1976).
107 S.C. Code § 39-39-140(E-G) (1976).
108 USDA Egg Grading Manual: http://www.ces.ncsu.edu/depts/poulsci/tech_manuals/egg_grading.pdf
109 21 U.S.C. 301 et seq.
110 21 CFR § 123.5.
111 The FDA has also published a document titled "Fish and Fishery Products Hazards and Controls Guidance" to help processors with the development of their HACCPs. The guide was most recently updated in April of 2011, and is available at http://www.fda.gov/FoodGuidances.
112 Processors of smoked fish and fish products must include in their HACCP plans additional provisions to ensure control of hazards associated with Clostridium botulinum. 21 C.F.R. § 123.16.
113 21 CFR § 123.5(b).
114 21 CFR §§ 123.5(b); 123.7.
115 21 C.F.R. § 123.9.
116 21 CFR § 123.5(g).
117 21 C.F.R. § 123.11.
118 21 C.F.R. § 123.3(h).
119 Available at http://www.fda.gov/Food/FoodSafety/Product-SpecificInformation/Seafood/FederalStatePrograms/NationalShellfishSanitationProgram/ucm046353.htm.
120 http://www.fda.gov/Food/FoodSafety/Product-SpecificInformation/Seafood/FederalStatePrograms/InterstateShellfishShippersList/default.htm
121 21 C.F.R. § 123.28.
122 S.C. Code 50-18-215.
123 S.C. Code 50-18-250.
124 S.C. Code 50-18-255.
125 S.C. Code 1976 §50-5-360 et seq.
126 The Wholesale Dealer License can be found within DNR's website at http://dnr.sc.gov/licensing.html.
127 S. C. Code §50-5-380 et seq.
128 21 CFR § 19(a); 21 U.S.C. § 321(r).
129 This exemption does not apply if the products are cut and packaged, frozen, dehydrated, milled, cooked or canned prior to sale. 21 U.S.C. 321(gg); 21 CFR 110.3.
130 The FDA has developed a Guide to Minimize Microbial Food Safety Hazards of Fresh-cut Fruits and Vegetables. See http://www.cfsan.fda.gov/guidance.html.
131 See generally 21 CFR Part 51.
132 12 U.S.C. § 1141 et seq.
133 An up-to-date list of inspection offices may be obtained from the Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.
7 CFR § 51.4.
134 7 CFR § 51.6.
135 7 CFR § 51.7.
136 21 CFR §§ 51.19, 51.23.
137 21 CFR § 51.24.
138 S.C. Code §46-17-10 et seq.
139 http://agriculture.sc.gov/marketingandpromo
140 Copies also are available from the Agricultural Marketing Service's Fruit and Vegetable Division.
141 http://www.honeytraveler.com/types-of-honey/honey-standards/
142 S.C. Code 39-25-20, AMENDED JUNE 1, 2011
143 Find the form at http://agriculture.sc.gov/userfiles/file/forms/Honey%20Exemption%20Word.pdf.
144 The regulations define serving for a variety of different foods, 21 CFR 101.9(b), and provide examples of approved label formats. See, e.g., http://ecfr.gpoaccess.gov/graphics/pdfs/er11jy03.003.pdf. The Food Science lab at NCSU may be able to provide assistance in determining the nutritional content of agricultural products and prepared foods. http://ncsu.edu/foodscience/extension_program/food_product_testing.html.
145 21 CFR 101.9(a), (b).
146 See 21 CFR Part 110.
147 http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=110
148 For the index of relevant subparts, go to http://www.access.gpo.gov/nara/cfr/waisidx_03/21cfrv2_03.html.
149 See 21 CFR Part 150. See 21 CFR Part 151 for standards of identify for fruit pies.
150 21 C.F.R. 114.80(a)(1).
151 21 C.F.R. 114.80(a)(3).
152 21 C.F.R. 114.90.
153 21 C.F.R. 114.80(b).
154 21 C.F.R. 114.100.
155 S.C. Code § 46-53-10.
156 See Code § 46-19-270 for unlawful acts related to the Department's approval sign and the penalty for unlawfully displaying the sign.
157 Refusal to allow inspectors to make a full and complete inspection or refusal to disclose material facts to such inspectors will be considered adequate cause for revoking market approval.