

Act No. 231  
Public Acts of 1992  
Approved by the Governor  
October 19, 1992  
Filed with the Secretary of State  
October 19, 1992

**STATE OF MICHIGAN  
86TH LEGISLATURE  
REGULAR SESSION OF 1992**

Introduced by Reps. Randall and Bender

# **ENROLLED HOUSE BILL No. 5468**

AN ACT to amend the title and sections 1, 2, 4, 4a, 5, 6, 8, and 10 of Act No. 228 of the Public Acts of 1952, entitled as amended "An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the manufacture, sale, the offering for sale or exposing for sale or having in possession with intent to sell, sausage, meat loaf, hamburger, ground beef, ground pork, pork sausage, breakfast sausage, roasted sausage, chili con carne, liver sausage, head cheese, sulze, blood sausage, New York (New England) (pressed luncheon), and tongue sausage, that is adulterated or deleterious or not in compliance with this act; defining the mentioned products and other terms used; providing for licensing; regulating labeling and advertising; providing for enforcement of this act; prescribing penalties for violations of this act; and repealing certain acts and parts of acts," section 2 as amended by Act No. 137 of the Public Acts of 1981, being sections 289.581, 289.582, 289.584, 289.584a, 289.585, 289.586, 289.588, and 289.590 of the Michigan Compiled Laws; and to repeal certain parts of the act.

*The People of the State of Michigan enact:*

Section 1. The title and sections 1, 2, 4, 4a, 5, 6, 8, and 10 of Act No. 228 of the Public Acts of 1952, section 2 as amended by Act No. 137 of the Public Acts of 1981, being sections 289.581, 289.582, 289.584, 289.584a, 289.585, 289.586, 289.588, and 289.590 of the Michigan Compiled Laws, are amended to read as follows:

## **TITLE**

An act to regulate and provide standards for meat and meat products and to provide for the protection of the public health and the prevention of fraud and deception regarding meat or meat products that are adulterated, mislabeled, or deleterious or not in compliance with this act; to regulate the labeling and advertising of meat and meat products; to provide for enforcement of this act; to provide powers and duties for certain state agencies; to prescribe penalties and remedies for violations of this act; and to repeal certain acts and parts of acts.

Sec. 1. As used in this act:

(a) "Added fat" means the addition of fat tissue originating from portions consisting of less than 12% muscle tissue in each portion.

(b) "Added water or ice" means greater moisture content than normally found in meat.

(c) "Artificial coloring" means coloring containing any dye or pigment which was manufactured by a process of synthesis or other similar artifice or by extraction of a natural dye or pigment from a plant or other material from which the dye or pigment was formed.

(d) "Artificial flavoring" means any flavoring containing any sapid or aromatic constituent manufactured by synthesis or similar process.

(e) "Binders" means food and nonfood substances used as an ingredient in comminuted meats for binding, stabilizing, thickening, or maintaining viscosity of the product.

(f) "By-products or variety meats" means hearts, livers, brains, tongues, tripe, stomach, lungs, melts, eyes, weasand meats, head meat, cheek meat, salivary glands, udder, lips, ears, snouts, skin, feet, spleens, slaughterhouse by-products, spinal cords, cracklings or crackling meal, packinghouse by-products, processing plant by-products, partially defatted fatty tissues, and partially defatted chopped meat.

(g) "Comminuted" means chopped, diced, flaked, ground, or otherwise reduced to minute particles.

(h) "Department" means the Michigan department of agriculture.

(i) "Director" means the director of the Michigan department of agriculture or his or her designee.

(j) "Extenders" means food substances used as an ingredient in comminuted meats primarily for replacement of meat ingredients.

(k) "Fat" means the quantity of adipose tissue determined by chemical analysis.

(l) "Lamb" means meat derived from sheep less than 1 year of age.

(m) "Meat" means the edible part of clean, sound striated muscle of cattle, swine, sheep, deer, goat, turkey, or chicken slaughtered in compliance with all applicable laws, with or without the accompanying and overlying fat, and sinew, nerve, gland, and blood vessels which normally accompany the muscle tissues and which are not separated from it in the process of dressing.

(n) "Skeletal meat" means the meat which is attached to a part of the skeleton including head and cheek meat.

(o) "Fresh meat" means meat which has undergone no cooking, heating, or other processing except boning, cutting, comminuting, or freezing.

(p) "Person" means an individual, partnership, trust, association, corporation, or any other business unit, device, or arrangement, or the receiver, trustee, or assignee of that business unit, device, or arrangement.

(q) "Veal" means meat derived from a calf not more than 1 year of age.

(r) "Wild game" means animals from their natural state and not cultivated, domesticated, or tamed.

Sec. 2. (1) Sausage consists only of skeletal meat either fresh, cured, salted, pickled, or smoked. Sausage may contain the following:

(a) Salt or spice, sodium or potassium nitrate, sodium or potassium nitrite, ascorbic acid that comply with applicable regulations of the United States department of agriculture food safety inspection service or any other curing agents determined appropriate by the department pursuant to rules promulgated under the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws. As used in this subdivision, "curing agent" means any substance added to meat to cause or enhance preservation of the meat product.

(b) Added edible animal fat from the animals specified, eggs or egg products, chives, tomatoes, parsley, peppers, onions, garlic, celery, seasoning, or other natural flavoring, honey, syrup, sugar, pure refined dextrose, or subsequent cooking or smoking.

(c) Not more than 3-1/2% by weight nonfat dry milk, dry whole milk, or calcium-reduced dry skim milk if it is declared in conjunction with the product name.

(d) Fruits, vegetables, or nuts, or a combination thereof, if the name of the product is so qualified.

(e) The total percentage of moisture in the finished product shall not exceed 4 times the percentage of protein, which shall not be less than 12%. The protein content requirement shall not apply to pork sausage, breakfast sausage, or roasted sausage but the finished product shall contain not more than 50% of fat. To facilitate chopping or mixing, water or ice may be used in uncooked sausage in an amount not to exceed 3% of the total ingredients.

(f) Fresh and fresh frozen sausage, smoked and unsmoked dry sausage, may contain butylated hydroxyanisole, butylated hydroxytoluene or propyl gallate, or a combination of these antioxidants, with or without citric acid, in amounts not to exceed specifications established under 9 C.F.R. 318.7 and 9 C.F.R. part 319. When such antioxidants are added the label on the product shall declare the presence of antioxidants in the manner required by the United States department of agriculture meat inspection service.

(g) Sausage shall not contain any extenders, artificial flavors, artificial color, binders, excess added water or ice, boric acid or borates, sulphites, sulphur dioxide, sulphurous acid, or any other harmful preservative, by-products, or variety meats. Extenders necessary to produce low fat products may be permitted as described in rules promulgated by the department under Act No. 306 of the Public Acts of 1969. No other parts of the animal or any other substance excepting as above specified shall be permitted in sausage.

(h) Harmless lactic acid bacterial starters may be used in an amount not to exceed 1/2 of 1%. When used, the harmless bacterial starter shall be included in the list of ingredients in the order of its predominance.

(i) The following products are considered to be sausage, whether processed or inserted in either natural or artificial casings or other containers: weiners, bologna, ring bologna, knackwurst, bratwurst, roasted sausage, breakfast sausage, pork sausage, chicken sausage, turkey sausage, leona, beer salami, cooked salami, polish sausage, minced luncheon, keilbasa, bockwurst, all varieties of dry or semi-dry sausage, and other meat-food products prepared in sausage form and excluding loaves, liver products, headcheese, sulze, blood sausage, potato sausage, kishka, tongue sausage, and New York or New England pressed luncheon.

(j) "Fresh pork sausage", "polish sausage", "fresh kielbasa", and "fresh country-style sausage" are sausage prepared from fresh pork meat.

(k) "Italian-style sausage" shall be uncured, unsmoked, and contain at least 85% meat or meat and fat with no more than 35% fat. It may contain red and green pepper, onion, and garlic. Italian sausage shall be prepared from fresh pork meat.

(l) "Fresh beef sausage" is prepared with fresh beef meat and shall not contain more than 30% fat.

(m) "Poultry-meat sausage" shall be made from fresh chicken and turkey meat containing the natural proportions of light and dark meat unless otherwise designated. The name shall be identified by the species contained if the product contains all its meat from 1 species. It shall not contain more than 30% fat.

(n) "Venison sausage" shall be made from the meat of deer from approved sources. A person shall not offer for sale, sell, or expose for sale any other product described as venison sausage. Fat of another species and approved source may be added to venison sausage.

(o) Sausage containing wild game and made on commercial order shall be labeled "not for sale". Wild game from more than 1 owner shall not be mixed into sausage unless all the wild game was butchered by a licensed processor. Processors shall reject any carcass that shows evidence of spoilage or contamination. Wild game and wild-game product and processing times shall be kept separate from other meat and meat processing, including, but not limited to, storage in separate or structurally-partitioned coolers. Food contact surfaces shall be thoroughly washed and sanitized after the processing of wild game and before the resumption of any other processing.

(2) Hamburger or ground beef consists of fresh beef meat that has been comminuted and shall be identified as either hamburger or ground beef. Hamburger shall not contain more than 30% of fat. Ground beef shall meet the same requirements as hamburger except that it shall not contain more than 20% of fat. Monosodium glutamate may be added if declared. Hamburger may contain added beef fat, whereas ground beef shall not contain added fat. Ground beef and hamburger shall not contain added water or ice. Only ground beef may be qualified by the name of a particular cut of meat, such as "ground beef round" or "ground beef chuck". If so qualified, it shall consist entirely of meat from the particular meat cut and be certified as that specific cut by a method of certification as the director may establish by rule. Hamburger or ground beef shall not contain by-products or variety meats, binders, extenders, artificial color, vegetable coloring, chemical preservative, boric acid or borates, sulphites, sulphur dioxide, or sulphurous acid. No other parts of the animal or any other substance except as otherwise provided in this subsection is permitted in hamburger or ground beef.

(3) Other comminuted meat food products, including nonspecific loaves and liver products, headcheese, blood sausage, kishka, tongue sausage, chili con carne with beans, or any other meat food products that may be allowed, shall be produced in compliance with applicable regulations of the United States department of agriculture meat inspection service.

(4) Chili or chili con carne shall consist of not less than 40% of meat computed on the weight of the fresh meat and shall not contain by-products and variety meats except that head meat, cheek meat, and heart meat, exclusive of the heart cap, may be used to the extent of 25% of the meat ingredients with specific declaration on the label. The mixture may contain not more than 8%, individually or collectively, of cereal, vegetable starch, vegetable flour, soy flour, soy protein concentrate, isolated soy protein, dried milk, calcium reduced dry skim milk, nonfat dry milk solids, or seasoning. Chili con carne shall not contain binders, artificial color, vegetable coloring, chemical preservative, boric acid or borates, sulphites, sulphur dioxide, or sulphurous acid. No other parts of the animal are permitted in chili con carne.

(5) Meat loaf consists of comminuted meat, processed in the form of a loaf, containing not less than 65% meat. Meat loaf mix consists of meat loaf sold in bulk uncooked form. Meat loaf may contain salt, seasoning, sodium or potassium nitrate, ascorbic acid, or the salts thereof, sodium or potassium nitrite, cereal, vegetables, vegetable protein, nonfat dry milk solids, soya flour, eggs or egg products, macaroni, cheese, condiments, nuts, fruits, or gelatin. Binders and extenders shall not exceed 12% of the product. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed 3% of the total ingredients. Meat loaf shall not contain by-products or variety meats, artificial flavors or color, vegetable coloring, chemical preservative, boric acid or borates, sulphur dioxide, sulphites, or sulphurous acid. No other substance is permitted in meat loaf or meat loaf mix, except as otherwise provided in this subsection.

(6) Ground lamb, chicken, turkey, and veal shall not contain any added water or ice, artificial flavoring, by-products or variety meats, binders, extenders, artificial color, vegetable coloring, or chemical preservatives. No other parts of the animal or any other substance shall be permitted except as follows:

(a) Ground lamb shall consist of comminuted fresh lamb meat, with or without added lamb fat, and shall not contain more than 25% fat.

(b) Ground chicken shall consist of comminuted fresh chicken meat, with or without added chicken fat, and shall not contain more than 15% fat.

(c) Ground turkey shall consist of comminuted fresh turkey meat, with or without added turkey fat, and shall not contain more than 15% fat.

(d) Ground veal shall consist of comminuted fresh veal meat, with or without added veal fat, and shall not contain more than 20% fat.

(7) Ground pork shall consist of comminuted fresh pork with or without the addition of pork fat as such and shall not contain more than 30% fat. Ground pork shall not contain extenders, binders, variety meats, by-products, added water or ice, artificial flavor or color, vegetable coloring, chemical preservative, boric acid or borates, sulphites, sulphur dioxide, or sulphurous acid. No other parts of the animal or any other substance is permitted in ground pork.

(8) "Meat pattie" is a product prepared in pattie form. "Meat pattie mix" is a product sold in bulk uncooked form. Meat patties and meat pattie mix are a mixture of fresh comminuted meat with or without the addition of fat and seasonings and containing not less than 65% meat. Binders and extenders may be used up to 12% of the finished product. Meat patties and meat pattie mix shall not contain artificial color or flavor, by-products or variety meats, added water or ice, or more than 30% fat. Meat patties and meat pattie mix with fruits, vegetables, nuts, or mushrooms, either as a coating or ingredient, are permitted if labeled and advertised as "meat patties with \_\_\_\_\_", inserting the common or usual name of the addition.

Sec. 4. (1) If a food is subject to a standard established under this act, it shall be identified by the name required by that standard. If no standard applies, the product shall be identified by its common or usual name. If no common or usual name exists, the product shall be identified by an appropriately descriptive name that is not misleading and that accurately identifies or describes, in as simple and direct terms as possible, the basic nature of the food and its characterizing ingredients or properties. A product manufactured or sold under the provisions of this act which is sold in closed or sealed packages shall bear a complete label. The label shall bear the true name of the product as defined in this act, an ingredient statement if the product contains more than 1 ingredient, the net weight of the product, and the name and address of the manufacturer.

(2) Products sold from bulk retail displays shall bear a sign or placard containing the true and approved name of the product. If the product contains more than 1 ingredient, an ingredient statement shall be placarded, posted, or otherwise available for the customer in written form.

(3) Meat products using antioxidants shall indicate on the label, or in the absence of a label an adjacent placard, their presence and purpose.

(4) Meat products containing monosodium glutamate, hydrolyzed vegetable protein, or any other source of monosodium glutamate shall indicate on the label or, in the absence of a label, an adjacent placard its presence.

(5) The meat ingredients in a meat product that specifies 1 type of meat in its name, such as ham loaf, pork loaf, veal patties, or turkey sausage, shall be entirely from the species indicated in the product name. The meat in a meat product that specifies more than 1 type of meat in its name, such as beef and turkey sausage, shall be entirely from the types indicated, and shall contain at least 20% of each meat. A meat product that contains a type of meat consisting of less than 20% of that meat may be labeled as "(product) \_\_\_\_\_ added" or "product with \_\_\_\_\_", inserting the common name of that meat. Sausage labeled or advertised as all meat or all beef shall not contain any nonfat dry milk solids or dry whole milk.

(6) All required words and numbers shall be legible to potential customers.

(7) Products defined under this act may be labeled "Michigan premier" if they meet all applicable standards of this act and additional higher standards as the director may promulgate by rule under this act.

(8) Unless otherwise specified in rules promulgated under this act, "lean" means not more than 15% fat, and "extra lean" means not more than 10% fat. When "lean", "extra lean", or any similar term is used in labeling or advertising, the accurate percentage fat shall also be declared.

Sec. 4a. A person shall not sell or offer for sale a product which is not manufactured to the ingredient standards of this act unless the federal government legally preempts Michigan's ingredient standards. In that case federally inspected meats not meeting the ingredient requirements of this act shall be identified as federally inspected on intact, sealed packaging from the federally inspected location.

Sec. 5. All products manufactured under terms of this act may be sold in colored artificial casings or container only if they are in complete compliance with all applicable regulations of the United States department of agriculture. These products shall not be sold in colored natural casings.

Sec. 6. Any product within the purview of this act shall be considered adulterated if it bears or contains any poisonous or deleterious substance which may render it injurious to health or if it contains any diseased, contaminated, filthy, or decomposed substance, or if it is manufactured in whole or in part from a diseased, contaminated, filthy, or decomposed substance, if it is the product of an animal which has died otherwise than by slaughter, or if it has been produced, prepared, packed, or held under unsanitary conditions which may have contaminated the product.

Sec. 8. (1) A person engaged in the manufacturing, processing, fabrication, sale, offering for sale, or storage of any product within the meaning of this act shall first obtain a valid license as required by the Michigan food processing act of 1977, Act No. 328 of the Public Acts of 1978, being sections 289.801 to 289.810 of the Michigan Compiled Laws.

(2) The department shall promulgate rules pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws, to do all of the following:

- (a) Define and clarify the standards of products under the scope of this act.
- (b) By January 1, 1996, require a declaration of lean/fat percentage of ground beef products in a manner equivalent to the percentage required by the United States department of agriculture.
- (c) Define "Michigan premier" quality standards.
- (d) Implement and enforce this act.

Sec. 10. (1) A person who, by himself or herself, or by the person's employee, servant, or agent or as an employee, servant, or agent of another, does any of the following is guilty of a misdemeanor punishable by a fine of not less than \$100.00 or more than \$500.00 and the costs of prosecution, or by imprisonment for not more than 90 days, or both:

(a) By means of labeling, seal, placard, newspaper, window banner, handbill, bulletin, bulletin board, radio, television, or otherwise, publicly advertises falsely with reference to the composition of products within the scope of this act manufactured, sold, or offered for sale by that person.

(b) Manufactures, sells, offers for sale, exposes for sale, or has in his or her possession with intent to sell a comminuted meat product that is improperly branded or mislabeled.

(c) Manufactures, sells, offers for sale, exposes for sale, or has in his or her possession with intent to sell a comminuted meat defined in section 2 containing excess water or fat.

(2) The director, upon belief that a person or a person's agent or employee or as servant or agent of another is in violation of subsection (1)(a), (b), or (c), may enter into a consent agreement for the assessment of a civil fine of not less than \$100.00 or more than \$500.00 plus actual costs of investigation for those violations instead of criminal prosecution.

(3) If a person alleged to have violated subsection (1)(a), (b), or (c) does not enter into a written consent agreement as described in subsection (2), the director shall either hold a hearing conducted pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws, or initiate a criminal prosecution.

(4) The director shall advise the attorney general of the failure of any person to pay an administrative fine imposed under this section. The attorney general shall bring a civil action in a court of competent jurisdiction to recover the fine.

(5) Civil penalties collected shall be paid to the state treasury and credited to the department for the enforcement of this act.

(6) A person who, by himself or herself or by the person's employee, servant, or agent, or as the employee, servant, or agent of another, manufactures, sells, offers for sale, exposes for sale, or has in his or her possession with intent to sell an adulterated comminuted meat or a meat product containing a substance either specifically prohibited or not specifically allowed or who otherwise does not meet the standards set forth in this act other than excess water or fat is guilty of a misdemeanor punishable by a fine of not less than \$200.00 or more than \$2,000.00 and the costs of prosecution, or by imprisonment for not more than 90 days, or both.

(7) If a violation results in a criminal conviction under this act, the court may assess against the defendant the costs of investigation, including, but not limited to, the costs of laboratory analysis. Costs assessed and recovered under this subsection shall be paid to the state treasury and credited to the department for the enforcement of this act.

Section 2. Sections 3, 3a, 7, 9, 9a, and 9b of Act No. 228 of the Public Acts of 1952, being sections 289.583, 289.583a, 289.587, 289.589, 289.589a, and 289.589b of the Michigan Compiled Laws, are repealed.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.