



Ohio Revised Code

Section 3715.02 Definitions for food or class of food and standards.

Effective: February 12, 2004

Legislation: House Bill 6 - 125th General Assembly

(A) The director of agriculture shall adopt rules in accordance with Chapter 119. of the Revised Code that establish, when otherwise not established by a law of this state, definitions for a food or class of food and standards for the following items as they pertain to the food or class of food:

- (1) Quality, identity, purity, grade, and strength;
- (2) Packaging and labeling;
- (3) Food processing equipment;
- (4) Processing procedures;
- (5) Fill of containers.

The standards and definitions, where applicable, shall conform to the standards for foods adopted by the United States department of agriculture and the United States food and drug administration. Portions of Titles 7, 9, and 21 of the Code of Federal Regulations or the regulations adopted for the enforcement of the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 et seq., as amended, may be adopted as rules by referencing the federal regulations, subject to the approval of the joint committee on agency rule review.

In adopting rules that establish definitions and standards of identity for a food or class of food in which only a limited number of optional ingredients are permitted, the director shall designate the optional ingredients that must be listed on the label.

(B) The director shall adopt rules in accordance with Chapter 119. of the Revised Code that establish procedures for the performance of sample analyses of food, food additives, and food packaging materials. The circumstances under which a sample analysis may be required include the following:



- (1) When a food, food additive, or food packaging material is the subject of a consumer complaint;
 - (2) When requested by a consumer after a physician has isolated an organism from the consumer as the physician's patient;
 - (3) When a food, food additive, or food packaging material is suspected of having caused an illness;
 - (4) When a food, food additive, or food packaging material is suspected of being adulterated or misbranded;
 - (5) When a food, food additive, or food packaging material is subject to verification of food labeling and standards of identity;
 - (6) At any other time the director considers a sample analysis necessary.
- (C) In foodborne illness investigations, the director of agriculture shall cooperate and consult with the public health laboratory maintained by the department of health under section 3701.22 of the Revised Code.
- (D) The director or the director's designee shall do all of the following:
- (1) Inspect drugs, food, or drink manufactured, stored, or offered for sale in this state;
 - (2) Prosecute or cause to be prosecuted each person engaged in the unlawful manufacture or sale of an adulterated drug or article of food or drink, in violation of law;
 - (3) Enforce all laws against fraud, adulteration, or impurities in drugs, foods, or drinks and unlawful labeling within this state.
- (E) The director may appoint or contract for one or more qualified persons to enforce the provisions of this chapter.