

4-5-2 Definitions.

As used in this chapter:

- (1) "Advertisement" means a representation, other than by labeling, made to induce the purchase of food.
- (2)
 - (a) "Color additive" means a dye, pigment, or other substance not exempted under the federal act that, when added or applied to a food, is capable of imparting color. "Color" includes black, white, and intermediate grays.
 - (b) "Color additive" does not include a pesticide chemical, soil or plant nutrient, or other agricultural chemical which imparts color solely because of its effect, before or after harvest, in aiding, retarding, or otherwise affecting, directly or indirectly, the growth or other natural physiological process of any plant life.
- (3)
 - (a) "Consumer commodity" means a food, as defined by this act, or by the federal act.
 - (b) "Consumer commodity" does not include:
 - (i) a commodity subject to packaging or labeling requirements imposed under the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. Sec. 136 et seq.;
 - (ii) a commodity subject to Title 4, Chapter 16, Utah Seed Act;
 - (iii) a meat or meat product subject to the Federal Meat Inspection Act, 21 U.S.C. Sec. 601 et seq.;
 - (iv) a poultry or poultry product subject to the Poultry Inspection Act, 21 U.S.C. Sec. 451 et seq.;
 - (v) a tobacco or tobacco product; or
 - (vi) a beverage subject to or complying with packaging or labeling requirements imposed under the Federal Alcohol Administration Act, 27 U.S.C. Sec. 201 et seq.
- (4) "Contaminated" means not securely protected from dust, dirt, or foreign or injurious agents.
- (5) "Farmers market" means a market where producers of food products sell only fresh, raw, whole, unprocessed, and unprepared food items directly to the final consumer.
- (6) "Federal act" means the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 301 et seq.
- (7) "Food" means:
 - (a) an article used for food or drink for human or animal consumption or the components of the article;
 - (b) chewing gum or its components; or
 - (c) a food supplement for special dietary use which is necessitated because of a physical, physiological, pathological, or other condition.
- (8)
 - (a) "Food additive" means a substance, the intended use of which results in the substance becoming a component, or otherwise affecting the characteristics, of a food. "Food additive" includes a substance or source of radiation intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food.
 - (b) "Food additive" does not include:
 - (i) a pesticide chemical in or on a raw agricultural commodity;
 - (ii) a pesticide chemical that is intended for use or is used in the production, storage, or transportation of a raw agricultural commodity; or
 - (iii) a substance used in accordance with a sanction or approval granted pursuant to the Poultry Products Inspection Act, 21 U.S.C. Sec. 451 et seq. or the Federal Meat Inspection Act, 21 U.S.C. Sec. 601 et seq.
- (9)

- (a) "Food establishment" means a grocery store, bakery, candy factory, food processor, bottling plant, sugar factory, cannery, rabbit processor, meat processor, flour mill, cold or dry warehouse storage, or other facility where food products are manufactured, canned, processed, packaged, stored, transported, prepared, sold, or offered for sale.
- (b) "Food establishment" does not include:
 - (i) a dairy farm, a dairy plant, or a meat establishment, which is subject to the Poultry Products Inspection Act, 21 U.S.C. Sec. 451 et seq., or the Federal Meat Inspection Act, 21 U.S.C. Sec. 601 et seq.; or
 - (ii) a farmers market.
- (10) "Label" means a written, printed, or graphic display on the immediate container of an article of food. The department may require that a label contain specific written, printed, or graphic information which is:
 - (a) displayed on the outside container or wrapper of a retail package of an article; or
 - (b) easily legible through the outside container or wrapper.
- (11) "Labeling" means a label and other written, printed, or graphic display:
 - (a) on an article of food or its containers or wrappers; or
 - (b) accompanying the article of food.
- (12) "Official compendium" means the official documents or supplements to the:
 - (a) United States Pharmacopoeia;
 - (b) National Formulary; or
 - (c) Homeopathic Pharmacopoeia of the United States.
- (13)
 - (a) "Package" means a container or wrapping in which a consumer commodity is enclosed for use in the delivery or display of the consumer commodity to retail purchasers.
 - (b) "Package" does not include:
 - (i) package liners;
 - (ii) shipping containers or wrapping used solely for the transportation of consumer commodities in bulk or in quantity to manufacturers, packers, processors, or wholesale or retail distributors; or
 - (iii) shipping containers or outer wrappings used by retailers to ship or deliver a consumer commodity to retail customers, if the containers and wrappings bear no printed information relating to the consumer commodity.
- (14)
 - (a) "Pesticide" means a substance intended:
 - (i) to prevent, destroy, repel, or mitigate a pest, as defined under Subsection 4-14-2(20); or
 - (ii) for use as a plant regulator, defoliant, or desiccant.
 - (b) "Pesticide" does not include:
 - (i) a new animal drug, as defined by 21 U.S.C. Sec. 321, that has been determined by the United States Secretary of Health and Human Services not to be a new animal drug by federal regulation establishing conditions of use of the drug; or
 - (ii) animal feed, as defined by 21 U.S.C. Sec. 321, bearing or containing a new animal drug.
- (15) "Principal display panel" means that part of a label that is most likely to be displayed, presented, shown, or examined under normal and customary conditions of display for retail sale.
- (16) "Raw agricultural commodity" means a food in its raw or natural state, including all fruits that are washed, colored, or otherwise treated in their unpeeled, natural form prior to marketing.
- (17) "Registration" means the issuance of a certificate by the commissioner to a qualified food establishment.

Amended by Chapter 146, 2007 General Session