

**TITLE 40
RULES OF GEORGIA DEPARTMENT OF AGRICULTURE**

**CHAPTER 40-7
FOOD DIVISION REGULATIONS**

**SUBJECT 40-7-5
ADDITIONAL REGULATIONS APPLICABLE TO RETAIL SALE OF FRESH AND FROZEN
SEAFOOD, MEAT, POULTRY AND OTHER FOODS FROM MOBILE VEHICLES**

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**40-7-5-.01
DEFINITIONS**

~~Mobile vehicle is interpreted as any vehicle that is mobile and includes land vehicles, air vehicles, and water vehicles (shrimp boats and other vessels which are mobile by water.)~~

(1) "Meat" means the carcass or any part of any carcass of any animal or any by-product thereof in any form.

(2) "Mobile vehicle" means any vehicle that is mobile and includes land vehicles, air vehicles, and water vehicles (shrimp boats and other vessels which are mobile by water).

(3) "Poultry" means domestic fowl including, but not limited to, water fowl such as geese and ducks; birds which are bred for meat or egg production; game birds such as pheasants, partridge, quail, and grouse, as well as guinea fowl, pigeons, doves, and peafowl; ratites; and all other avian species.

(4) "Regulatory authority" means the local, state, or federal enforcement body or authorized representative having jurisdiction over a food establishment or food processing plant.

(5) "Seafood" means all fresh or frozen fish and all fresh or frozen shellfish, such as shrimp, oysters, clams, scallops, lobsters, crayfish, and other similar fresh or frozen edible products; but such term will not include canned or salted seafood.

Authority: O.C.G.A. Secs. §§ 26-2-1, *et seq.*, and 26-2-410.

40-7-5-.02

RETAIL SALE OF FRESH SEAFOOD, MEAT OR POULTRY FROM MOBILE VEHICLES

(1) A license must be obtained for each vehicle in operation prior to putting each vehicle into service. The original license ~~shall~~ must be conspicuously displayed on the vehicle during sales. The vehicle ~~shall~~ must be made available for inspection prior to the licensing process and once every six months thereafter, for as long as it remains in service.

(2) The vehicle's storage and sales areas ~~shall~~ must be completely enclosed. Screens are acceptable only to make the vehicle enclosed at the time the vehicle is stopped to sell. Screens ~~shall~~ must be of a sufficient mesh size to eliminate the entry of flies and other insects. Air screens that are adequate and effective ~~can~~ may be used in lieu of screens.

(3) ~~The vehicle's floors~~ Floors and walls of vehicle ~~shall~~ must be made of a smooth-surface material ~~having a smooth surface~~ and must be maintained in a clean and sanitary condition.

(4) The vehicle ~~shall~~ must have adequate toilet & facilities, unless such facilities; are readily accessible.

(5) The vehicle ~~shall~~ must have lavatory facilities with hot and cold running water under pressure; and cake, powder, or liquid soap ~~shall~~ must be made available with individual paper, individual cloth, or other type towels.

(6) The vehicle ~~shall~~ must be equipped with an approved sink having at least two compartments. This sink ~~shall~~ must have hot and cold running water under pressure.

(7) Water used in this operation ~~shall~~ must be potable and from an approved source. The vehicle ~~shall~~ must have an approved storage tank which is adequately sized of such size ~~which would be adequate~~ for the vehicle's operation, unless, the vehicle can be connected to a water supply at each point of operation.

(8) Liquid waste ~~shall~~ must drain into an approved holding tank for disposal later in an approved manner, unless the vehicle can be connected to an approved disposal system at each point of operation.

(9) All products stored or offered for sale ~~shall~~ must be held in ~~leak-proof~~ leak-proof containers, unless a method is devised to drain water produced by ice melting on the product so water accumulation from the melting of ice on the product can drain into a liquid waste disposal system as described above in Paragraph 8 (8) ~~above~~.

(10) All fresh seafood or poultry ~~shall~~ must be maintained at or below 41 40 degrees Fahrenheit ~~or less by adequate ice alone or in combination with mechanical refrigeration~~. ~~This can be accomplished by maintaining adequate ice on the seafood or poultry without mechanical refrigeration or a combination of ice and mechanical refrigeration~~. All meat ~~shall~~ must be maintained at or below 41 40 degrees Fahrenheit ~~or less~~ by mechanical refrigeration only.

(11) Oysters in the shell ~~shall only~~ must be sold only from vehicles that have mechanical refrigeration sufficient to maintain this product at or below 45 ~~40~~ degrees Fahrenheit ~~or less~~.

(12) All food ~~shall~~ must be protected from contamination, ~~from~~ by dust, dirt, or other foreign or injurious ~~contamination~~ contaminants and from cross-contamination by other ~~type~~ types of food products.

(13). All phases of the retail transaction ~~shall~~ must be accomplished within the enclosed vehicle. This ~~would include~~ includes obtaining the particular product requested by a customer from storage within the vehicle, weighing the product, and packaging the product.

(14). An approved scale ~~shall~~ must be used in weighing products for sale, and the scale ~~shall~~ must be placed so ~~that~~ the customer can easily see the weight registered.

(15) The name, address, and telephone number of the firm ~~shall~~ must be conspicuously displayed on the vehicle during sales.

(16) Advertisements must be completely in accordance with the labeling of the containers. The price per pound of each product must be included in the advertisement.

(17) ~~Approved storage facilities to service the vehicle shall be used. The vehicle must be serviced only through approved storage facilities.~~

(18) ~~In addition to the above, applicable parts of the Georgia Department of Agriculture laws, rules and regulations covering foods would also apply. In addition to the requirements established by this Rule, applicable laws and rules administered by the Georgia Department of Agriculture regarding foods also apply.~~

(19) Firms presently licensed for sale from vehicles must comply with these regulations within 90 days from the date of their adoption.

(20) When weighted, packaged, and labeled at a facility currently licensed and inspected by the Department, fresh shrimp may be sold from a ~~land based~~ land-based mobile vehicle to the exclusion of 40-7-5-.02(2), (4), (5), (6), (7), (8), and (13) ~~in this section~~.

(a) All prepackaged fresh shrimp must comply with Rule 40-7-1-.13 and Subject 40-15-3 ~~of the Department's regulations~~.

(b) ~~When it has been determined by the Department~~ If the Department determines that prepackaged fresh shrimp have not been stored, handled, labeled, or offered for sale in compliance with these regulations, the Department may deem the shrimp ~~shall be deemed~~ adulterated or misbranded and subject to stop sale embargo or disposal by the Department. The Department may temporarily or permanently issue an order to stop sale embargo, condemn, destroy, or otherwise dispose of all prepackaged shrimp found to be adulterated or improperly identified.

(21) When weighted, packaged, and labeled at a facility currently licensed and inspected by a Regulatory Authority; fresh meat, poultry, and seafood may be sold from a land-based vehicle to the exclusion of 40-7-5-.02(2), (4), (5), (6), (7), (8), and (13).

(a) All prepackaged fresh meat, poultry, and seafood must comply with Rule 40-7-1-.13 and Subject 40-15-3.

(b) If the Department determines that prepackaged fresh meat, poultry, or seafood have not been stored, handled, labeled, or offered for sale in compliance with these regulations, the Department may deem the product adulterated or misbranded and subject to embargo or disposal by the Department. The Department may temporarily or permanently issue an order to embargo, condemn, destroy, or otherwise dispose of all prepackaged product found to be adulterated or improperly identified.

Authority: O.C.G.A. § 26-2-411, *et seq.*

40-7-5-.03

RETAIL SALE OF FROZEN SEAFOOD, MEAT, POULTRY AND OTHER FOOD

(1) A license must be obtained for each vehicle in operation prior to putting each vehicle into service. The original license ~~shall~~ must be conspicuously displayed on the vehicle during sales. The vehicle ~~shall~~ must be made available for inspection prior to the licensing process and once every six months thereafter, for as long as it remains in service.

(2) Advertisements must be completely in accordance with the labeling on the containers. The price per pound of ~~random-weight~~ random-weight products must be included in the advertisement. ~~Standard-weight~~ Standard-weight packages may show a total price only in the advertisement.

(3) An approved scale ~~shall~~ must be available and placed so ~~that~~ the customer can easily see the weight registered.

(4) Toilet and lavatory facilities must be available and conveniently located. Lavatories ~~shall~~ must have hot and cold running water under pressure; and cake, powder, or liquid soap ~~shall~~ must be made available with individual paper, individual cloth, or other type towels. Hot water ~~shall~~ must be made available.

(5) Refrigerated vehicles must have a workable mechanical refrigeration system as the primary refrigeration source. ~~Products shall remain in the vehicle until sold. Product temperature of 0 degrees Fahrenheit or less must be maintained at all times~~ Frozen foods must be maintained frozen, and all sales must be by unbroken box or package. ~~A maximum increase of ten (10) degrees Fahrenheit in product will be allowed for a reasonable time during defrost cycle.~~

(6) The name, address, and telephone number of the firm ~~shall~~ must be conspicuously displayed on the vehicle at all times during sales.

(7) Sample boxes ~~shall~~ must not be displayed off refrigeration. Products sold to customers at locations other than the vehicle must be picked up by the customer from the vehicle.

(8) ~~Approved storage facilities to service the vehicle shall be used. The vehicle must be serviced only through approved storage facilities.~~

(9) ~~In addition to the above, applicable parts of the Georgia Department of Agriculture laws, rules and regulations covering foods would also apply. In addition to the requirements established by this Rule, applicable laws and rules administered by the Georgia Department of Agriculture regarding foods also apply.~~

(10) Firms presently licensed for sale from vehicles must comply with these regulations within 90 days from the date of their adoption.

Authority: O.C.G.A. §§ 26-2-1, and 26-2-411 (~~Ga. L. 1956, p. 195 as amended~~).