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ARIZONA ATTORNEY GENERAL

January 9, 1950

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Dr. F. D. McMahon
State Veterinarian
Capitol Building
Phoenix, Arizona

Dear Doctor McMahon:

Replying to your letter of November 21, 1949
wherein you ask this question:

"Would you please advise me, at
your earliest convenience if it
is legal for the City of Phoenix
to employ lay (non veterinary)
meat inspectors for the inspec-
tion of meat in local packing
plants?"

This question has provoked considerable thought
and study and we have come to the conclusion that there are
at least three methods of having meat inspected for sale
within the City of Phoenix. The first is meat that has been
slaughtered in United States inspected plants that carry the
U. S. stamp. This permits meat to be sold interstate, also
intrastate, and in any city or town. Then we have the method
of inspection that you refer to, which is provided for by
Section 50-803 (d) ACA 1939, which permits an individual who
is a licensed slaughterer to have his meat inspected by a
qualified veterinarian approved by the Live Stock Sanitary
Board or by the State Veterinarian. The meat of every animal
found to be free from diseases shall be so stamped by the
Veterinarian and may thereafter be sold anywhere within the
state without regard to the laws or ordinances of any city
or town relating to the inspection of meat or slaughter
establishments. This statute is not all inclusive in that
it does not prohibit meat from being sold in areas out-
side of incorporated towns, or in incorporated towns that

do not have a meat inspection law, without having it inspected by a veterinarian, but makes it possible for him to slaughter and sell his meat. It is a special privilege and not an inhibition. Then we have the third method whereby a city or town may pass ordinances regulating the inspection of meat for sale within the city limits. Section 16-1304 ACA 1939 reads in part as follows:

"Operation - Regulation and Fees-Inspector. - * * * The governing body of every such city and town shall appoint an inspector of slaughter-houses, who shall be present and supervise, under such rules and regulations as may be prescribed by the live stock sanitary board, the slaughtering of all animals in such municipal or private slaughter-houses. The inspector shall be an experienced veterinarian; * * *"
(Emphasis supplied)

The words "experienced" and "Veterinarian" are defined by Webster:

"'Experienced * * * having experience; made skillful or wise by means of trials, use, or observation; as, an experienced physician; an experienced eye. * * *"

"'Veterinarian* * * One skilled in, or treating, diseases and injuries of animals; a veterinary surgeon.'"

The City of Phoenix, by Ordinance No. 3501, relating to the slaughtering of animals and inspecting the meat thereof, has this provision:

"SECTION 1. The slaughtering of cattle, veal, sheep, goats, and swine, the processing, handling, transportation, distribution and sale of meat and meat

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~~Products~~

products sold for ultimate consumption within the City of Phoenix or its police jurisdiction, the inspection of slaughter houses, meat and meat product jobbers and meat markets shall be regulated in accordance with the terms of the regulations governing meat inspection of the U. S. Department of Agriculture, Bureau of Animal Industry, * * *

Section 7, supra, provides:

"SECTION 7. Chief Veterinary Meat Inspector - The office of Chief Veterinary meat inspector is hereby created for the purpose of carrying out the provisions of this ordinance and such chief veterinary meat inspector, and such number of assistant veterinary meat inspectors and lay inspectors as may be necessary for the purpose of carrying out the provisions of this ordinance, shall be appointed by the City Manager from the Civil Service Eligible List of the City of Phoenix to carry out the provisions of this ordinance under the direction of the Health Officer of the City of Phoenix.

A chief veterinary meat inspector and such assistant veterinary meat inspectors as may be appointed, under the provisions of this ordinance, must possess the qualifications of a veterinary surgeon and must be registered and licensed to carry on the business of a veterinarian, or must have credentials of some veterinary college or institution of the United States of America and must be both physically and mentally capable of discharging the duties of the office to which he is appointed."

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By ordinance then the City of Phoenix has said that their meat inspection shall be in accordance with the U.S. methods, and further provides that the Chief Meat Inspector shall be a veterinarian and he shall have veterinary assistants, but may have lay inspectors. The ordinance provides for the qualifications of the veterinarian and also assistant veterinarians but we failed to find any qualifications for a lay inspector except that they are appointed from the Civil Service eligible list. The ordinance does not differentiate between the duties or powers of a veterinarian inspector and a lay inspector. Then we turn to the U.S. Standards and practice and find, in Paragraph 3.2 of Part 3 of Title 9, Animals and Animal Products, and find:

"Inspectors; qualifications; assignments; duties-- (a) Inspectors in charge. These are inspectors assigned to supervise and perform official work at each official station. Such employees report directly to the chief of division or to a person designated by him and are chosen by reason of their fitness for responsibility as determined by their records in the service. All stations where slaughtering is conducted shall have veterinary meat inspectors in charge."

Paragraph (f) supra, reads:

"Meat inspectors. These employees are laymen who assist veterinary inspectors in ante-mortem and post-mortem inspections, supervise the curing, canning, packing, and other preparation, handling, marking, and labeling of product, examine such articles to detect unsound or unfit conditions, enforce sanitary requirements, and perform various other duties."

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The above quoted U. S. statute provides that all stations where slaughtering is conducted shall have veterinary meat inspectors in charge and that veterinary meat inspectors make the ante-mortem and post-mortem examinations, but may be assisted by laymen. The statute does not seem to designate the qualifications of these laymen, but it does provide that a veterinary meat inspector make the ante-mortem and post-mortem examination, and they are only assisted by the laymen.

A checkup on the practice of the U. S. inspectors at Cudahy Packing Company discloses that laymen are permitted to make ante-mortem examinations of the animals and if they are found in their judgment to be free from ordinary discernable diseases or afflictions they are passed into the slaughter house. The others cut back for the veterinarians to inspect and determine what disposition to be made of them. After the animal is slaughtered these laymen look the meat over and if everything is normal, or appears to be so, the meat is passed and is stamped accordingly. Any questions that the layman has he submits to the veterinarian in charge who makes the final disposition of any questioned meat.

Until the Legislature in 1947 passed Section 50-503 (d) supra, there was no statewide law regarding animals to be inspected for diseases before slaughter, or the meat inspected after slaughter by a veterinarian or otherwise other than a very ordinary inspection made by the Live Stock Inspector whose principal duty is to inspect for ownership, but may inspect for health. These inspectors are not veterinarians and their inspection for health would be similar to the layman's inspection. All of these matters were left largely to the various cities and towns. It appears to us that Section 50-803 (d) supra, did not change that order but provided a means whereby an individual desiring to slaughter animals for food could have the meat inspected by a qualified veterinarian and if he finds the meat free from disease and so stamps it then he could sell that meat in any city and town in the state regardless of the ordinances of such town or city. This seems to be an additional privilege that may be taken advantage of and when so exercised gives the person certain rights but is not a universal requirement. From a reading of Section 16-1304 ACA 1939 relating to municipal slaughter houses, etc., which

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says " * * * the inspector shall be an experienced veterinarian" who shall be present and supervise under such rules and regulations as may be prescribed by the Live Stock Sanitary Board the slaughtering of all animals in such municipal or private slaughter houses. The Live Stock Sanitary Board not having made any rules governing veterinary inspection of meat (and we failed to find any statutory requirements respecting veterinarian inspection of meat, except this Section 50-803 (d) ACA 1939), and failing to find any statutory or other provision specifically requiring that meat be inspected by a veterinarian, and the ordinance of the City of Phoenix making a special provision for lay inspectors, and the City's ordinance and practice appearing to be in line with the U. S. Statute and practice, it is our opinion that it is legal for the City of Phoenix to employ lay (non veterinary) meat inspectors for the inspection of meat in local packing plants, for resale within the city limits of Phoenix.

Very truly yours,

FRED O. WILSON
Attorney General

CHAS. ROGERS
Assistant Attorney General

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