

MISBRANDED & ADULTERATED FOOD GUIDELINES

Massachusetts Local Boards of Health are mandated to enforce statutes and regulations relative to the adulteration and misbranding of foods. This document was created to provide guidance to local boards of health when dealing with misbranded and adulterated foods. It is important to note that the responsibilities of municipal and regional public health are summarized in the [Performance Standards](#).

Misbranded Definition

[MGL c. 94 sec. 187](#): "...the package or label is false or misleading in any particular, and any food product which is falsely branded as to the state or country where it was manufactured or produced."



Adulterated Definition

[MGL c. 94 sec. 186](#): "...bears or contains any poisonous or deleterious substance; any added poisonous or added deleterious substance; a pesticide chemical which is unsafe; any color and food additive which is unsafe, etc."



What if you observe any misbranded or adulterated food during a routine or complaint inspection?

1. Describe in detail your observations in the food inspection report.
2. Take pictures or copies of the food label/packaging.
3. Take enforcement per your jurisdiction process:
 - a. Under 3-701.11, food that is found unsafe, adulterated, or not honestly represented, shall be discarded or reconditioned according to an approved procedure.
 - i. Make sure you document it in your report.
 - b. Enforcement is also covered in Chapter 8 of the [MA Merged Food Code](#).



Additional Resources:

- [MA Merged Food Code](#):
 - 3-601.11 Standards of Identity
 - 3-602.11 Food Labels
 - 3-602.12 Other Forms of Information



- [MA Minimum Requirements for Packaged-food Labeling](#)
- [FDA: A Food Labeling Guide](#)