CHAPTER 29

Corn Meal and Grits

**SECTION 39‑29‑10.** Definitions.

 The following definitions shall apply in the interpretation and enforcement of the provisions of this chapter:

 (1) The term “corn meal” means all types of corn meal intended for human consumption;

 (2) The term “corn grits” means all types of corn grits intended for human consumption;

 (3) The term “appropriate federal agency” means the Department of Health and Human Services or any other federal agency charged with the enforcement and administration of the Federal Food, Drug and Cosmetic Act; and

 (4) The term “Commissioner” means the Commissioner of Agriculture of this State.

HISTORY: 1962 Code Section 32‑1551; 1952 Code Section 32‑1551; 1949 (46) 131; 1987 Act No. 187 Section 1, eff June 30, 1987.

Effect of Amendment

The 1987 amendment replaced “Department of Health Education and Welfare” with “Department of Health and Human Services”, and “Federal” with “federal” in item (3).

**SECTION 39‑29‑20.** Required and optional ingredients of corn meal and corn grits.

 It shall be unlawful for any person, except as hereinafter provided, to sell, offer for sale or exchange for any services or goods in this State any corn meal or corn grits which does not conform to the following provisions:

 (1) Each pound of corn meal and each pound of corn grits shall contain not less than two milligrams and not more than three milligrams of vitamin B‑1 (thiamine), not less than one and two‑tenths milligrams and not more than one and eight‑tenths milligrams of riboflavin, not less than sixteen milligrams and not more than twenty‑four milligrams of niacin or niacin amide and not less than thirteen milligrams and not more than twenty‑six milligrams of iron; and

 (2) Each pound of corn meal and each pound of corn grits may contain both or either of the following optional ingredients

 (a) not less than two hundred fifty U.S.P. units and not more than one thousand U.S.P. units of vitamin D and

 (b) not less than five hundred milligrams and not more than seven hundred fifty milligrams of calcium.

 But the Commissioner may change the specifications of either the required or the optional ingredients and the amounts thereof as provided in Section 39‑29‑80.

HISTORY: 1962 Code Section 32‑1552; 1952 Code Section 32‑1552; 1949 (46) 131.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Agriculture Section 20, Corn Meal and Grits.

**SECTION 39‑29‑30.** Application of enrichment provisions to corn meal and corn grits used in manufacture of compound food products.

 Any corn meal or corn grits, as defined in this chapter, used in the manufacture of a compound food product along with flour or other food substances shall be subject to the provisions of Section 39‑29‑20, unless exempted under Section 39‑29‑50 or by regulation of the State Department of Agriculture.

HISTORY: 1962 Code Section 32‑1552.1; 1972 (57) 2287.

**SECTION 39‑29‑40.** Labeling of corn meal and corn grits sold in State.

 It is unlawful for any person, except as hereinafter provided, to sell, offer for sale, or exchange for any services or goods in this State any cornmeal or corn grits which are not labeled as prescribed by the South Carolina Food and Cosmetic Act. The Commissioner may issue additional labeling requirements he considers in the consumer’s interest.

HISTORY: 1962 Code Section 32‑1553; 1952 Code Section 32‑1553; 1949 (46) 131; 1987 Act No. 187 Section 2, eff June 30, 1987.

Effect of Amendment

The 1987 amendment provided for the labeling of corn meal and corn grits as prescribed by the Food and Cosmetic Act, and provided that the Commissioner may issue additional labeling requirements.

CROSS REFERENCES

The Food and Cosmetic Act, see Sections 39‑25‑10 et seq.

LIBRARY REFERENCES

36A C.J.S., Food Section 12(8).

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Agriculture Section 20, Corn Meal and Grits.

**SECTION 39‑29‑50.** Exemptions; requirements for sale of corn meal and corn grits in packages of ten pounds or less; penalties.

 (A) This chapter does not apply to the delivery by a miller to a corn producer of cornmeal or corn grits ground by the miller from the producer’s corn for use in the producer’s own home when the miller is paid in corn for the milling service. However, if the producer desires the health benefits for his family and requests enrichment, the miller shall enrich according to the standards required under this chapter.

 (B)(1) Cornmeal and corn grits made from clean corn may be sold in packages of ten pounds or less provided the following requirements are met:

 (a) The cornmeal or corn grits are ground from whole corn without removal of the germ.

 (b) The package contains additional labeling contiguous to the product name “unenriched cornmeal ground from whole corn”. This printing must be at least the print size and prominence of the required weight declaration.

 (c) No advertisements or claims of nutritional or health benefits for unenriched cornmeal are allowed.

 (2) Violations of this subsection are subject to the penalties contained in Section 39‑29‑100.

HISTORY: 1962 Code Section 32‑1554; 1952 Code Section 32‑1554; 1949 (46) 131; 1987 Act No. 187 Section 3, eff June 30, 1987; 1990 Act No. 373, Section 1, eff March 19, 1990.

Effect of Amendment

The 1987 amendment deleted provision providing exemption for sale of corn meal and corn grits if purchaser has certificate from Commissioner, added provision providing requirements for sale of corn meal in packages of ten pounds or less and penalties for violation of requirements, and made grammatical changes to section.

The 1990 amendment, in subsection (B)(1), inserted references to “corn grits”.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Agriculture Section 20, Corn Meal and Grits.

**SECTION 39‑29‑60.** Seizure of nonconforming corn meal or corn grits; release upon compliance with chapter.

 Whenever the Commissioner has probable cause to believe that any corn meal or corn grits has been sold, offered for sale or exchanged in violation of any of the provisions of this chapter, he may seize and affix to such product a notice to that effect, detaining the product and warning all persons not to dispose of it by sale or otherwise without his permission. It shall be a violation of this chapter, subject to the penalties set forth in Section 39‑29‑100, for any person to dispose of such product by sale or otherwise without such permission. The Commissioner may, in his discretion, release the corn meal or corn grits for feed purposes or for shipment out of the State or for human consumption, if brought into compliance with this chapter, and upon payment of all costs or expenses incurred in any proceeding connected with such seizure and withdrawal.

HISTORY: 1962 Code Section 32‑1555; 1952 Code Section 32‑1555; 1949 (46) 131.

CROSS REFERENCES

Authority of Commissioner of Agriculture to release certain items from restraining orders, see Section 46‑3‑230.

Process, arrest, searches and seizures, generally, see Sections 17‑13‑10 et seq.

LIBRARY REFERENCES

36A C.J.S., Food Sections 50‑56.

**SECTION 39‑29‑70.** Inspection of premises and vehicles.

 The Commissioner may enter upon any business premises or vehicle where corn meal or corn grits may be found for the purpose of enforcing this chapter and may take samples of and inspect and analyze corn meal and corn grits which are offered for sale or which have been sold or exchanged for services or goods.

HISTORY: 1962 Code Section 32‑1556; 1952 Code Section 32‑1556; 1949 (46) 131.

CROSS REFERENCES

Process, arrest, searches and seizures, generally, see Sections 17‑13‑10 et seq.

LIBRARY REFERENCES

36A C.J.S., Food Section 12(7).

**SECTION 39‑29‑80.** Enforcement; promulgation of rules and regulations.

 This chapter shall be enforced by the Commissioner who may make rules and regulations for carrying out the provisions thereof. The Commissioner may adopt by regulation such regulations, in conformity with the primary objectives of this chapter, as have been or may be adopted by the appropriate Federal agency under the Federal Food, Drug and Cosmetic Act, prescribing with respect to corn meal and corn grits:

 (1) The vitamins and minerals and the amounts thereof required or permitted to be contained therein;

 (2) The manner of enrichment with vitamins and minerals;

 (3) Methods of testing to determine conformance with the provisions of law; and

 (4) Labeling requirements.

HISTORY: 1962 Code Section 32‑1557; 1952 Code Section 32‑1557; 1949 (46) 131.

CROSS REFERENCES

Rules and regulations promulgated under authority of this section, see Rules and Regulations, Agriculture Commissioner R. 5‑1 et seq.

LIBRARY REFERENCES

36A C.J.S., Food Sections 39 et seq.

**SECTION 39‑29‑90.** Commissioner may act through officers or employees.

 The authority vested in the Commissioner by this chapter may be exercised by him through such officers or employees of the Department of Agriculture of this State as he may designate.

HISTORY: 1962 Code Section 32‑1558; 1952 Code Section 32‑1558; 1949 (46) 131.

**SECTION 39‑29‑100.** Penalties.

 Any person found guilty of violating any provision of this chapter or any rule or regulation made by authority thereof shall be subject for each and every offense to imprisonment not exceeding thirty days or a fine of not more than one hundred dollars.

HISTORY: 1962 Code Section 32‑1559; 1952 Code Section 32‑1559; 1949 (46) 131.

CROSS REFERENCES

Application of this section to violation of requirements for selling corn meal in packages of ten pounds or less, see Section 39‑29‑50.

LIBRARY REFERENCES

36A C.J.S., Food Section 49.