

**WYOMING DEPARTMENT OF AGRICULTURE
CONSUMER HEALTH SERVICES**

FOOD DONATION POLICY

(Revised) **16 DECEMBER 2014**

Background: The purpose for having a policy for donating foods is to allow unwanted wholesome foods to be given to nonprofit organizations so that waste is reduced. Inspectors should act as educators and consultants in a way that allows us to combine our knowledge of public health principles and good communication skills. If we can combine these two elements, we have a good chance of making positive, lasting improvements to the safety of the foods being donated. Inspectors should thoroughly explain the donation process to all interested parties. The donation of food shall comply with Wyoming Statute 35-7-1301.

Procedures: Any establishment, group or individual may donate wholesome products provided they have been processed in a licensed establishment. Products may only be donated to nonprofit organizations or fund raising events.

Meat and Poultry Products

1. Red meat and poultry, listed as amenable in the Federal Meat Inspection Act (FMIA) (ie: beef, pork, lamb, goat, ratites, turkeys, chickens) must be slaughtered in either a Federally inspected or Wyoming State inspected meat plant facility under the supervision of a USDA or WDA inspector. Custom slaughtered animals may not be donated, raffled or fed to the public under any circumstance.
2. Meat and poultry products previously slaughtered under inspection and amenable to the FMIA, may be processed under inspection or retail exemption for donation purposes. Products processed under custom not for sale may not be donated, raffled or fed to the public under any circumstance.
3. The nonprofit organization may sell donated packaged meat provided the product was slaughtered and processed under Wyoming or Federal inspection. Retail exempt product may only be sold as a meal or entrée and served in that manner.
4. Animals amenable to the Federal Meat Inspection Act (i.e. beef, pork, lamb, goat, etc) may NOT be custom slaughtered or processed for donation purposes, pursuant to the **Code of Federal Regulations, Title 9, Part 303.1.**
5. Exotic animals (ie: bison, farm-raised deer & elk, etc.) which are not amenable to the Federal Meat Inspection Act may be custom slaughtered and processed in a licensed and inspected meat establishment and donated to nonprofit organizations. Only healthy animals can be donated when custom slaughtered and processed with no known health concerns. On-the-farm slaughters are not permitted for donations.
6. Donated custom meat products of exotic species may not be bought, sold or offered for sale or barter by any person. They may be served as a meal or entree. Monetary

donations may be requested by the nonprofit organization. However, if a person chooses not to donate to the meal, they may not be excluded from receiving the meal.

7. Labeling requirements for donated custom meat products of exotic species shall bear:
Place of origin (business name & address of processor)
Not For Sale (in letters not less than three-eighths (3/8) of an inch in height)
Product Name (include name of species)

8. Labeling requirements for retail-exempt products that were previously slaughtered under inspection include:
Place of origin (business name & address of processor)
Product Name

9. Wholesomeness of product must be maintained by using proper temperature controls and preventing cross contamination.

10. Certain misbranded product may be donated to non-profit organizations. Examples of wholesome misbranded product that may be donated include product that is labeled with incorrect net weight, or product that does not meet purchase specifications.

11. Economically adulterated product under section 1(m)(8) of the FMIA or section 4(g)(8) of the PPIA may be donated to non-profit organizations.

12. WDA Will NOT allow misbranded product that contains unlabeled ingredients of public health concern to be donated without temporary label approval because these unlabeled ingredients are associated with adverse reactions, such as food allergies and intolerances.

13. Adulterated product may never be donated to a non-profit organization.

14. If wholesome misbranded product or economically adulterated product is donated then the following information is required for bills of lading:

- A. The quantity of the donated product.
- B. A description of the donated product.
- C. The reason product is diverted for donation (e.g., incorrect net weight).
- D. A statement that the product is "Not For Sale."

If the above information is not available then the product is not eligible to move in commerce.

15. The Wyoming Dept. of Agriculture shall have the authority to examine, sample, seize or condemn any donated meat or poultry product if the department has reason to believe the meat is unwholesome under the **Wyoming Food, Drug and Cosmetic Safety Act**.

Wild Game Products

1. Any wild game animal, harvested by a licensed hunter or seized by Wyoming Game & Fish Department, may be donated to a nonprofit organization under the provisions of **Wyoming Statute 35-7-1301 & 1302** to feed individuals in need.
2. The wild game animal shall be in apparent good health prior to harvest. Road-killed animals shall not be eligible for donation.
3. The wild game animal shall be processed in a licensed and inspected meat or game processing establishment. Game processing establishments that are not licensed and inspected may not donate to nonprofit organizations.
4. Each package of wild game meat shall bear the following label requirements:
 - Place of origin (business name & address of processor)
 - Not For Sale* or Species identification
 - Product Name
5. Donated wild game meat products may not be bought, sold, or offered for sale or barter by any person. They may be served as a meal or entrée by the nonprofit organization to feed a particular group of the public. Monetary donations may be requested by the nonprofit organization. However, if a person chooses not to donate to the meal, they may not be excluded from receiving the meal.
6. Wild game meat may not be raffled.
7. Wholesomeness of product must be maintained by using proper temperature controls and preventing cross contamination.
8. The Wyoming Dept. of Agriculture shall have the authority to examine, sample, seize or condemn any donated wild game meat product if the department has reason to believe the meat is unwholesome under the **Wyoming Food, Drug and Cosmetic Safety Act**.

Raffles

1. Meat being raffled shall have been slaughtered in either a Federally inspected or Wyoming State inspected meat plant under the supervision of a USDA or WDA inspector. Custom slaughtered animals may not be raffled under any circumstance, pursuant to the **Code of Federal Regulations, Title 9, Part 303.1**.
2. Federal or state inspected meat carcasses may be processed under inspection or retail exemption for raffle purposes. Products processed under custom not for sale may not be raffled under any circumstance.
3. If a hanging carcass is being raffled, the winner of the raffle may decide to have it

custom processed for personal use and shall be labeled 'Not for Sale.'

4. Raffles are not allowed for custom slaughtered animals of any species, pursuant to the **Code of Federal Regulations, Title 9, Part 303.1**. Also, raffles are not allowed for wild game animals.

Perishable Products (Foods, non-meat)

1. All perishable products shall be donated from a licensed and inspected food establishment to a nonprofit organization.
2. Perishable products shall come from an approved source.
3. Labels shall be intact.
4. Perishable products shall not be out-dated.
5. Wholesomeness of product must be maintained by using proper temperature controls and preventing cross contamination.
6. When transporting perishable products, foods shall be properly contained, delivered in a sanitary manner and at proper temperatures.
7. Catered foods must be prepared and handled in a safe manner and delivered by the caterer.

Nonperishable Products (Foods, non-meat)

1. Packaged items shall have label and packaging intact.
2. Canned foods shall not be compromised (i.e: dents, rust, or bulges). Only licensed individuals such as salvaged goods operators may donate distressed cans that have been deemed safe for human consumption.
3. Nonperishable products must come from an approved source. **No home canned foods allowed.**
4. Dates shall not have expired on medicines or baby foods.
5. Only wholesome products may be donated.