

1976 S.C. Op. Atty. Gen. 115 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4294, 1976 WL 22914

Office of the Attorney General

State of South Carolina

Opinion No. 4294

March 11, 1976

\*1 Mr. James K. McMillan, Jr.  
Food & Cosmetic Section  
Department of Agriculture  
Box 11280  
Columbia, South Carolina 29211

Dear Mr. McMillan:

Your letter of January 15, 1976, has been received by this Office. Your question concerns whether or not, under the South Carolina Food and Cosmetic Act, the Department of Agriculture has the authority and responsibility to inspect community canneries including school canneries and federally funded canneries.

Section 32-1526.17(h) of the South Carolina Food and cosmetic Act makes provisions for the automatic adoption of federal regulations.

With reference to the federal regulations, Section 128b.1(d) defines a commercial processor as follows:

‘A ‘commercial processor! shall include any person engaged in commercial, custom and so-called sportsman processing or institutional (church, school, penal, or other organizations) processing of food.’

This definition in the statute clearly reads that commercial processing shall go beyond what we usually consider large scale commercial canning to include canning done on a smaller level. It even specifically includes school canning as coming under the Act. The purpose of the Act is to protect people from the harms of improper processing of foods.

Reading the sections of the Federal Act, along with the South Carolina Food and Cosmetic Act, there is authority and responsibility to inspect community canneries including school and federally funded canneries.

Sincerely,

A. Camden Lewis  
Assistant Attorney General

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