

**RULES
OF
GEORGIA DEPARTMENT OF AGRICULTURE**

**CHAPTER 40-7-5
ADDITIONAL REGULATIONS APPLICABLE TO
RETAIL SALE OF FRESH AND FROZEN SEAFOOD, MEAT,
POULTRY AND OTHER FOODS FROM MOBILE VEHICLES**

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40-7-5-.01 Definition. Mobile vehicle is interpreted as any vehicle that is mobile and includes land vehicles, air vehicles, and water vehicles (shrimp boats and other vessels which are mobile by water.)

Authority O.C.G.A. Secs. 26-2-1 et seq., 26-2-410. **History.** Original Rule entitled "Scope of Regulations" adopted. F. and eff. June 30, 1965. **Repealed:** New Rule entitled "Definition" adopted. F. Apr. 30, 1996; eff. May 20, 1996. **Amended:** F. November 10, 2010; eff. November 30, 2010.

40-7-5-.02 Retail Sale of Fresh Seafood, Meat or Poultry from Mobile Vehicles.

- (1) A license must be obtained for each vehicle in operation prior to putting each vehicle into service. The original license shall be conspicuously displayed on the vehicle during sales. The vehicle shall be made available for inspection prior to the licensing process and once every six months thereafter, for as long as it remains in service.
- (2) The vehicle's storage and sales areas shall be completely enclosed. Screens are acceptable only to make the vehicle enclosed at the time the vehicle is stopped to sell. Screens shall be of a sufficient mesh size to eliminate the entry of flies and other insects. Air screens that are adequate and effective can be used in lieu of screens.
- (3) Floors and walls of vehicle shall be made of material having a smooth surface and maintained in a clean and sanitary condition.
- (4) The vehicle shall have adequate toilet & facilities unless such facilities are readily accessible.
- (5) The vehicle shall have lavatory facilities with hot and cold running water under pressure and cake, powder or liquid soap shall be made available with individual paper, individual cloth, or other type towels.
- (6) The vehicle shall be equipped with approved sink having at least two compartments. This sink shall have hot and cold running water under pressure.
- (7) Water used in this operation shall be potable and from an approved source. The vehicle shall have an approved storage tank of such size which would be adequate for the vehicle's operation, unless, the vehicle can be connected to a water supply at each point of operation.
- (8) Liquid waste shall drain into an approved holding tank for disposal later in an approved manner, unless the vehicle can be connected to an approved disposal system at each point of operation.
- (9) All products stored or offered for sale shall be held in leak proof containers unless a method is devised so water accumulation from the melting of ice on the produce can drain into a liquid waste disposal system as described in (8) above.

(10) All fresh seafood or poultry shall be maintained at 40 degrees Fahrenheit or less. This can be accomplished by maintaining adequate ice on the seafood or poultry without mechanical refrigeration or a combination of ice and mechanical refrigeration. All meat shall be maintained at 40 degrees Fahrenheit or less by mechanical refrigeration only.

(11) Oysters in the shell shall only be sold from vehicles that have mechanical refrigeration sufficient to maintain this product at 40 degrees Fahrenheit or less.

(12) All food shall be protected from contamination, from dust, dirt, foreign or injurious contamination and from cross-contamination by other type food products.

(13) All phases of the retail transaction shall be accomplished within the enclosed vehicle. This would include obtaining the particular product requested by a customer from storage within the vehicle, weighing the product and packaging the product.

(14) An approved scale shall be used in weighing products for sale and the scale shall be placed so that the customer can easily see the weight registered.

(15) The name, address and telephone number of the firm shall be conspicuously displayed on the vehicle during sales.

(16) Advertisements must be completely in accordance with the labeling of the containers. The price per pound of each product must be included in the advertisement.

(17) Approved storage facilities to service the vehicle shall be used.

(18) In addition to the above, applicable parts of the Georgia Department of Agriculture laws, rules and regulations covering foods would also apply.

(19) Firms presently licensed for sale from vehicles must comply with these regulations within 90 days from the date of their adoption.

Authority O.C.G.A. Sec. 26-2-1 et seq. **History.** Original Rule entitled "Floors" adopted. F. and eff. June 30, 1965. **Repealed:** New Rule entitled "Retail Sale of Fresh Seafood, Meat or Poultry from Mobile Vehicles" adopted. F. Apr. 30, 1996; eff. May 20, 1996.

40-7-5-.03 Retail Sale of Frozen Seafood, Meat, Poultry and Other Food.

(1) A license must be obtained for each vehicle in operation prior to putting each vehicle into service. The original license shall be conspicuously displayed on the vehicle during sales. The vehicle shall be made available for inspection prior to the licensing process and once every six months thereafter, for as long as it remains in service.

(2) Advertisements must be completely in accordance with the labeling on the containers. The price per pound of random weight products must be included in the advertisement. Standard weight packages may show a total price only in the advertisement.

(3) An approved scale shall be available and placed so that the customer can easily see the weight registered.

(4) Toilet and lavatory facilities must be available and conveniently located. Lavatories shall have hot and cold running water under pressure and cake, powder or liquid soap shall be made available with individual paper, individual cloth or other type towels. Hot water shall be made available.

(5) Refrigerated vehicles must have a workable mechanical refrigeration system as the primary refrigeration source. Products shall remain in the vehicle until sold. Product temperature of 0 degrees Fahrenheit or less must be maintained at all times and all sales must be by unbroken box or package. A maximum increase of ten (10) degrees Fahrenheit in product will be allowed for a reasonable time during defrost cycle.

(6) The name, address and telephone number of the firm shall be conspicuously displayed on the vehicle at all times during sales.

(7) Sample boxes shall not be displayed off refrigeration. Products sold to customers at locations other than the vehicle must be picked up by the customer from the vehicle.

(8) Approved storage facilities to service the vehicle shall be used.

(9) In addition to the above, applicable parts of the Georgia Department of Agriculture laws, rules and regulations covering foods would also apply.

(10) Firms presently licensed for sale from vehicles must comply with these regulations within 90 days from the date of their adoption.

Authority O.C.G.A. Secs. 26-2-1, 26-2-411 (Ga. L. 1956, p.195 as amended). **History.** Original Rule entitled "Water" adopted. F. and eff. June 30, 1965. **Repealed:** New Rule entitled "Retail Sale of Frozen Seafood, Meat, Poultry and Other Food" adopted. F. Apr. 30, 1996; eff. May 20, 1996. **Amended:** F. Aug. 12, 2005; eff. Sept. 1, 2005. **Amended:** F. November 10, 2010; eff. November 30, 2010.