

FOOD LAW (EXCERPT)
Act 92 of 2000

289.2105 Seizure or embargo of food without warrant; tag or marking as notice of adulterated or misbranded food; complaint; findings and order of court.

Sec. 2105.

(1) When necessary for the enforcement of this act, the director may seize without formal warrant any food found to be sold, held for sale, or exposed for sale in violation of this act or rules promulgated under this act.

(2) If the director finds or has probable cause to believe that any food is adulterated or so misbranded as to be dangerous to public health or fraudulent, within the meaning of this act, he or she shall affix to the food a tag or other appropriate marking giving notice that the food is, or is suspected of being, adulterated or misbranded and has been seized or embargoed. A person shall not remove or dispose of the food tagged or marked as embargoed or seized, by sale or otherwise, until permission for removal or disposal is given by the director or a court of competent jurisdiction.

(3) If food seized or embargoed under subsection (1) or (2) is determined by the director to be adulterated or misbranded, he or she shall cause a petition to be filed in circuit court in whose jurisdiction the food is seized or embargoed for a complaint for condemnation of the food. Seized or embargoed food shall be destroyed at the expense of the claimant of the food, under the supervision of the director, and the court may order the payment of the costs and fees and storage and other proper expenses by the claimant of the food or his or her agents. However, if the court finds that adulteration or misbranding can be corrected by proper labeling or processing of the food, after entry of the order; payment of the costs, fees, and expenses; and execution of a good and sufficient bond conditioned that the food shall be so labeled or processed, the court may direct the food to be delivered to the claimant for labeling or processing under the supervision of the director. The claimant shall pay the expense of the supervision. The food shall be returned to the claimant of the food on the representation to the court by the director that the food is no longer in violation of this act and that the expenses of supervision have been paid. If the director determines that the food so seized or embargoed is not adulterated or misbranded, he or she shall remove the tag or other marking.

History: 2000, Act 92, Eff. Nov. 8, 2000

Compiler's Notes: Sec. 1117 of Act 92 of 2000 provides: "Sec. 1117. (1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment. "(2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act. "(3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act."