

OPINION 55

OFFICIAL OPINION NO. 55

November 25, 1958

Dr. Joe W. Green  
State Veterinarian  
Indiana State Livestock Sanitary Board  
Room 422, Park Building  
611 N. Park Avenue  
Indianapolis 4, Indiana

Dear Dr. Green:

We are in receipt of your letter, dated September 12, 1958, requesting an Official Opinion. The question is stated as follows:

“Does the exception of animals slaughtered for human consumption as provided in section 701 (a) of the Act extend to animals intended for human consumption at the time of slaughter but later found to be unfit for human consumption upon post-mortem examination at the slaughtering establishment?”

Acts of 1951, Ch. 80, Sec. 700, as found in Burns' (1957 Supp.), Section 16-2201, sets out the purpose of the act as follows:

“\* \* \* to control and regulate the transportation over the highways of this state and the disposal of the carcasses of dead animals, not slaughtered and intended for human food, to the end that the spread of animal diseases in this state be controlled and also that the public health and welfare of the citizens of this state shall be conserved and protected against dangers, annoyances and nuisances that might arise from such carcasses and from such transportation and disposal thereof, \* \* \*.”

Acts of 1951, Ch. 80, Sec. 701, as found in Burns' (1957 Supp.), Section 16-2202, sets out an exception to this policy. There it states in part:

“Nothing contained in this act shall apply to or affect any of the following persons, matters, or vocations, to-wit:

“(a) To any person slaughtering, butchering, manufacturing, or selling, in any manner, any animal flesh and products, where such animals are killed for the purpose of being used solely for human consumption, or to persons engaged in transporting and disposing of the dead bodies of any such animals so killed or of any parts or products thereof to any persons *solely for such purpose and use.* \* \* \*” (Our emphasis)

The exception set out in subsection (a) of Section 701, *supra*, is clear. Those who are transporting bodies of dead animals slaughtered solely for human consumption, where they are being transported solely for such purpose and use, are exempt from provisions of the act. This exception is not inconsistent with the purpose of the statute, since there is little or no danger of spreading animal disease by transporting animals fit for human consumption. On the other hand, to interpret the section as exempting persons who are carrying over the highways animals killed for use for human consumption and later found to be diseased would be clearly contrary to the expressed purpose and intent of the Legislature. While there may be some vagueness in the wording of the exception, the rule is that where any ambiguity appears it should be interpreted in accordance with legislative intent.

Standard Accident Insurance Co. v. Pet Milk Co.  
*et al.* (1948), 118 Ind. 477, 78 N. E. (2d) 672.

Here, legislative intent has been clearly expressed in Section 700, *supra*, and we must, if possible, interpret subsection (a) of Section 701, *supra*, in conformance thereto.

It is, therefore, my conclusion that the exceptions provided for in Acts of 1951, Ch. 80, Sec. 701, subsection (a), *supra*, do not extend to animals intended for human consumption at the time of slaughter but later found to be unfit for human consumption upon post-mortem examination at the slaughtering establishment. Once it is determined that the carcass is unfit for human consumption the carcass must be transported in compliance with the Acts of 1951, Ch. 80, Sec. 700 *et seq.*, *supra*, since we cannot presume that the carcass will thereafter be transported to any person for human consumption as contemplated in the exception in question.