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Code:  Section:

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**HEALTH AND SAFETY CODE - HSC**

**DIVISION 104. ENVIRONMENTAL HEALTH [106500 - 119406]** ( *Division 104 added by Stats. 1995, Ch. 415, Sec. 6.*  )

**PART 5. SHERMAN FOOD, DRUG, AND COSMETIC LAWS [109875 - 111929.4]** ( *Part 5 added by Stats. 1995, Ch. 415, Sec. 6.*  )

**CHAPTER 5. Food [110425 - 111224.6]** ( *Chapter 5 added by Stats. 1995, Ch. 415, Sec. 6.*  )

**ARTICLE 9. Frozen Foods [110965- 110965.]** ( *Article 9 added by Stats. 1995, Ch. 415, Sec. 6.*  )

**110965.** (a) No retail food production and marketing establishment shall advertise, label, or otherwise hold out as fresh any meat or fish that has been previously frozen.

(b) For purposes of this section:

(1) "Frozen" means any meat or fish stored in a room or compartment in which the temperature is plus five degrees Fahrenheit or lower.

(2) "Retail food production and marketing establishment" means any room, building, or place, or portion thereof, maintained, used, or operated for, or in conjunction with, the retail sale of food, or preparation of food. "Retail food production and marketing establishment" does not include any food facility, such as any "mobile food preparation unit" any "vehicle," and any "vending machine" as defined in Chapter 4 (commencing with Section 113700) of Part 7; any wholesale food manufacturing, distributing, or storage establishment, including, but not limited to, the licensed premises or branch office of any winegrower, any brandy manufacturer, or any wine blender, subject to Chapter 4 (commencing with Section 111950) of Part 6; any frozen food locker plant subject to Chapter 7 (commencing with Section 112500) of Part 6; any health facility subject to Chapter 2 (commencing with Section 1250) of Division 2 and Section 127050; any community care facility subject to Chapter 3 (commencing with Section 1500) of Division 2; or any "official establishment" subject to Chapter 4 (commencing with Section 18650) of Part 3 of Division 9 of the Food and Agricultural Code.

(c) On and after the effective date of the act that added this subdivision to this section during the 1993–94 Regular Session, Section 26661 of the Food and Agricultural Code shall apply, to the exclusion of any provision of this section, with respect to the advertising, labeling, or otherwise holding out, of poultry.

(*Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.*)