

Meat of Tuberculosis Animals, When May Be Used for Human Consumption. Tuberculosis Animals, When Meat of May Be Used. State Sanitary Board, Authority to Issue Rule Regulating the Sale of Meat of Tuberculosis Animal.

Where no lesion is found which affects the value of meat for human consumption, or if the tuberculosis is not extensive or generalized and its presence does not affect the value of the meat for human consumption, the same may be sold for food without violating any provision of the laws of this state, and a rule or regulation to that effect issued by the state sanitary board is a proper rule.

May 10, 1911.

Dr. M. E. Knowles,
State Veterinarian,
Helena, Montana.

Dear Sir:

I am in receipt of your letter of May 5th, stating that some time ago the sanitary board issued an order permitting the use for human consumption of carcasses of cattle killed on account of tuberculosis, where the lesions were small and inconsiderable, confined to the bronchial glands; or the mesenteric glands where the disease had made slight progress, and requesting my opinion as to whether or not the board had a right to issue such an order. By reference to the laws and regulations of the Montana live stock sanitary board, I find that the rule to which you have reference is contained on page 16 of your pamphlet of rules dated January 1, 1910, and is as follows:

"The carcasses of all cattle slaughtered on account of tuberculosis may be sold for beef for human consumption, providing the carcasses pass the inspection of the official veterinary surgeon, who must not permit any carcass to be disposed of for human food if the tuberculosis is generalized. Only carcasses will be allowed to be sold where the infection is confined to the Mediaastinal and mesentric lymphatics to slight degree."

Subdivision 3 of Section 1890, Revised Codes of 1907, provides:

"When no lesion is found and the value of the meat for human consumption has not been affected, the veterinary surgeon holding autopsy shall issue a permit of sale and the carcass may be sold for food, after inspection and proper certification of such fact is made by the state veterinary surgeon or deputy."

Section 1520, Revised Codes, provides:

"It shall be unlawful to sell or offer for sale, buy or offer to buy, take or give away, for the purpose of food, any animal suffering from * * * extensive or generalized tuberculosis."

These are the only two provisions of our code bearing on your question, and it would appear that if no lesion is found which affects the value of the meat for human consumption, or if the tuberculosis

is not extensive or generalized and its presence does not affect the value of the meat for human consumption—the same may be sold for food without violating any provision of the laws of this state. I see no objection to the rule of the board above quoted, but, of course, the official inspecting the carcasses would not be allowed to pass the same as fit for food for human consumption if any lesion was found which affects the value of the meat for human consumption or if the tuberculosis is found to be “extensive or generalized.”

In this connection, as a matter of scientific research, our attention has been called to the fact that Prof. Ostertag in his hand book of meat inspection, pages 634 and 635, states that local tuberculosis in an animal does not render the meat harmful for human consumption, using the following language:

“The belief that the meat of tuberculosis animals is, as a rule, harmless and that only in exceptional cases does it possess harmful properties must be looked upon as scientifically well founded.

“It is one of Johne’s great merits that he introduced clear conceptions concerning the harmfulness of the meat of tuberculosis animals in the place of the previously prevailing vague and ill-defined ones. Johne established the proposition that “the gist of the question regarding the point of time from which the meat of tuberculous animals is to be considered as infected and therefore infectious is not, as maintained by Gerlach, determined by the affection of the lymphatic glands of the neighboring organs, but simply by the demonstration of generalized tuberculosis. This alone furnishes positive proof of the fact that the virus has entered into the systemic circulation and has infected the meat. Not until this point of time, therefore, are we justified in unconditionally excluding from the market a given piece of meat. Thus formulated, this principle constitutes a great stride in advance as contrasted with the general, meaningless phrases which formerly passed current regarding the judgment of the meat of tuberculous animals and which are, unfortunately, still to be found in some regulations concerning meat inspection.

“The conception of the generalization of tuberculosis which Weigert introduced into pathological anatomy has become an axiom in meat inspection since Johne. At present, the view is generally entertained that in undoubted cases of local tuberculosis the meat is harmless, while in generalized cases it is harmful. In cases intermediate between the local and generalized forms, according to the rules which serve for the guidance of sanitary police, viz., to assume in dubio the less favorable condition, the meat is to be suspected of possessing harmful properties and is to be treated accordingly.

“The first point, the assumption of the harmlessness of meat in cases of undoubted local tuberculosis, will probably remain for all time as an immutable dogma of meat inspection.

The second proposition, on the other hand, viz., that the generalization of tuberculosis is always associated with a harmful property of meat, can no longer be maintained. Only under certain conditions and not uniformly does the generalization of tuberculosis produce a harmful property in the meat."

You are, therefore, advised that the rule or regulation which the live stock sanitary board has adopted is not in conflict with the laws of this state, and it also appears to be a reasonable and proper rule from a scientific standpoint as shown by the above quotation from Dr. Ostertag's text, but the official inspector must be careful to resolve every doubt in favor of the public, and not permit any carcass to be used for food if there remains any doubt as to its fitness for that purpose.

Yours very truly,

ALBERT J. GALEN,

Attorney General.