

FEDERAL FOOD, DRUG, AND COSMETIC ACT

[As Amended Through P.L. 114–89, Enacted November 25, 2015]

CHAPTER I—SHORT TITLE

SECTION 1. [21 U.S.C. 301] This Act may be cited as the Federal Food, Drug, and Cosmetic Act.

CHAPTER II—DEFINITIONS¹

SEC. 201. [21 U.S.C. 321] For the purposes of this Act—²

(a)(1) The term “State”, except as used in the last sentence of section 702(a), means any State or Territory of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(2) The term “Territory” means any Territory or possession of the United States, including the District of Columbia, and excluding the Commonwealth of Puerto Rico and the Canal Zone.

(b) The term “interstate commerce” means (1) commerce between any State or Territory and any place outside thereof, and (2) commerce within the District of Columbia or within any other Territory not organized with a legislative body.

(c) The term “Department” means the Department of Health and Human Services.

(d) The term “Secretary” means the Secretary of Health and Human Services.

(e) The term “person” includes individual, partnership, corporation, and association.

(f) The term “food” means (1) articles used for food or drink for man or other animals, (2) chewing gum, and (3) articles used for components of any such article.

(g)(1) The term “drug” means (A) articles recognized in the official United States Pharmacopeia, official Homeopathic Pharmacopeia of the United States, or official National Formulary, or any supplement to any of them; and (B) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in

¹The following additional definitions applicable to this Act are provided for in other Acts:

Butter. The Act of March 4, 1923 (21 U.S.C. 321a), defines butter as “the food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter, and containing not less than 80 per centum by weight of milk fat, all tolerances having been allowed for.”

Package. The Act of July 24, 1919 (21 U.S.C. 321b), states “The word ‘package’ shall include and shall be construed to include wrapped meats inclosed in papers or other materials as prepared by the manufacturers thereof for sale.”

Nonfat Dry Milk, Milk. The Act of July 2, 1956 (21 U.S.C. 321c), defines nonfat dry milk as “the product resulting from the removal of fat and water from milk, and contains the lactose, milk proteins, and milk minerals in the same relative proportions as in the fresh milk from which made. It contains not over 5 per centum by weight of moisture. The fat content is not over 1½ per centum by weight unless otherwise indicated.”, and defines milk to mean sweet milk of cows.

²See footnote for section 403(h)(3) regarding the stylistic use of a list consisting of “(a)”, “(b)”, etc.