

**TITLE 21 - FOOD AND DRUGS**  
**CHAPTER 9 - FEDERAL FOOD, DRUG, AND COSMETIC ACT**  
**SUBCHAPTER III - PROHIBITED ACTS AND PENALTIES**

**§ 337. Proceedings in name of United States; provision as to subpoenas**

(a) Except as provided in subsection (b) of this section, all such proceedings for the enforcement, or to restrain violations, of this chapter shall be by and in the name of the United States. Subpoenas for witnesses who are required to attend a court of the United States, in any district, may run into any other district in any proceeding under this section.

(b) (1) A State may bring in its own name and within its jurisdiction proceedings for the civil enforcement, or to restrain violations, of section 341, 343 (b), 343 (c), 343 (d), 343 (e), 343 (f), 343 (g), 343 (h), 343 (i), 343 (k), 343 (q), or 343 (r) of this title if the food that is the subject of the proceedings is located in the State.

(2) No proceeding may be commenced by a State under paragraph (1)—

(A) before 30 days after the State has given notice to the Secretary that the State intends to bring such proceeding,

(B) before 90 days after the State has given notice to the Secretary of such intent if the Secretary has, within such 30 days, commenced an informal or formal enforcement action pertaining to the food which would be the subject of such proceeding, or

(C) if the Secretary is diligently prosecuting a proceeding in court pertaining to such food, has settled such proceeding, or has settled the informal or formal enforcement action pertaining to such food.

In any court proceeding described in subparagraph (C), a State may intervene as a matter of right.

(June 25, 1938, ch. 675, § 310, formerly § 307, 52 Stat. 1046; Sept. 3, 1954, ch. 1263, § 37, 68 Stat. 1239; Pub. L. 101-535, § 4, Nov. 8, 1990, 104 Stat. 2362; renumbered § 310, Pub. L. 102-282, § 2, May 13, 1992, 106 Stat. 150.)

### **Amendments**

1990—Pub. L. 101-535 substituted “(a) Except as provided in subsection (b) of this section, all” for “All” and “any proceeding under this section” for “any such proceeding” and added subsec. (b).

1954—Act Sept. 3, 1954, struck out reference to section 654 of title 28.

### **Effective Date of 1990 Amendment**

Amendment by Pub. L. 101-535 effective 24 months after Nov. 8, 1990, except that such amendment effective Dec. 31, 1993, with respect to dietary supplements of vitamins, minerals, herbs, or other similar nutritional substances, see section 10(a)(1)(C) of Pub. L. 101-535, set out as a note under section 343 of this title.

### **Construction of Amendments by Pub. L. 101-535**

Amendments by Pub. L. 101-535 not to be construed to alter authority of Secretary of Health and Human Services and Secretary of Agriculture under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), and the Egg Products Inspection Act (21 U.S.C. 1031 et seq.), see section 9 of Pub. L. 101-535, set out as a note under section 343 of this title.