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QUESTIONS AND ANSWERS - NUTRITION
LABELING OF MEAT AND POULTRY PRODUCTS

I. PURPOSE

This directive provides an attachment of commonly asked questions and answers in response to the final rule titled "Nutrition Labeling of Meat and Poultry Products" which was published in the Federal Register on January 6, 1993. The final rule is effective on July 6, 1994. This is the first set of questions and answers on this subject and covers the mandatory and voluntary programs, exemptions, nutrients, and formats. Additional questions and answers on serving sizes, nutrient content claims, and compliance and database issues will follow.

II. [RESERVED]

III. [RESERVED]

IV. REFERENCES

MPI Regulations, Sections 317.3, 320.1, 381.175, and 381.4;
FDA Regulations, 21 CFR 101;
FSIS Directive 7220.1, Rev. 2, Amend. 13, Policy Memoranda, dated 1/27/93; and
FSIS Notice 4-93, dated 2/9/93.

V. POLICY

It is FSIS's policy to provide additional information whenever a complex and/or significant regulation is published. The nutrition labeling regulations substantially affect the manner in which most meat and poultry products are labeled. The attached set of questions and answers is issued to assist manufacturers of these products to meet the requirements of the regulations and to disseminate information to other interested parties.

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Deputy Administrator
Regulatory Programs

Attachment

QUESTIONS AND ANSWERS ON NUTRITION LABELING

OF MEAT AND POULTRY PRODUCTS

I. MANDATORY AND VOLUNTARY PROGRAMS

1. Question: Does the implementation date of July 6, 1994, require that all product produced on and after that date comply with the regulations, or does it require that all product in the market on and after that date comply?

   Answer: Neither. Compliance with the implementation date is not defined in terms of the time at which product is manufactured or shipped into commerce. It is defined as the time at which product is labeled so that labels applied to products on and after July 6, 1994, must conform to the requirements of the regulations.

2. Question: In the case of domestic product, who has the responsibility for ensuring that product is properly labeled, e.g., the producing establishment whose number appears on the label; the company listed on the address line on a label; a firm which co-packs for a different firm; or, a firm which repacks product originated at another company?

   Answer: The official, inspected establishment whose number appears on the label is responsible for properly labeling the product. However, multi-plant companies may maintain the records supporting the labels at the headquarter's office from which the labels are often generated.

3. Question: How is imported product affected by the regulations?

   Answer: Imported product is subject to the identical requirements as domestic product.

4. Question: In the case of imported product, is the exporter or the importer responsible for ensuring that the product is properly labeled?

   Answer: The foreign facilities permitted to export to the U.S. and producing the product are responsible for proper labeling unless the importer reprocesses or repackages the product under official inspection, whereupon the importer becomes responsible.

5. Question: How should information be presented on nutrition labels between January 6, 1993 and July 6, 1994?

Answer: The nutrition information may be presented in format and content to conform either to the new regulations or to existing policy. A combination of the two approaches is not allowed. [The inclusion of thiamin, riboflavin, and niacin is now optional under both approaches.]

6. Question: Do previously approved labels need to be resubmitted for prior label approval if only a nutrition panel is added to the label and it is not part of the principal display panel?

   Answer: Yes. See the answer to the following question.

7. Question: What will be the approval process during the interim period for labels with nutrition information?

   Answer: The only change to the process is that the requirement for submission of analytical data at time of label approval and need for a Nutrition Labeling Verification procedure or Partial Quality Control program are removed. Official establishments are encouraged to submit one label application for a product produced in multiple plants under the same ownership when the products have identical formulations, although package sizes may vary and each label must bear the appropriate establishment number before use. Official establishments using labels for products of identical formulation that represent different brand names may also submit one label application for approval with a separate written request listing each such label, date of previous approval, and approval number for each. Further details on procedures are contained in FSIS Notice 4-93 dated 2/9/93.

8. Question: Does FSIS have official label approval services for products of foreign countries being exported to the U.S. and, if not, where can companies get their labels checked?

   Answer: All such labels must be prior approved by the Food Labeling Division, Regulatory Programs.

9. Question: Is ground beef only containing beef a processed product and subject to mandatory labeling or is it considered a single-ingredient beef cut?

   Answer: Ground beef, which is not seasoned, is a single-ingredient, raw product falling under the voluntary labeling program. Any product which does not require ingredient labeling and which is not subjected to a processing procedure that would significantly alter nutrient content, such as thermal processing, qualifies for the voluntary labeling category even when the product has been subjected to mechanical treatments such as slicing and chopping.

10. Question: The regulations state that single-ingredient, raw products under the voluntary program include those that have been previously frozen. Does this mean that products sold frozen, as opposed to thawed, are under the mandatory labeling program?

    Answer: No. Both frozen and previously frozen products are under the voluntary program. FSIS does not believe that freezing is a processing procedure that would significantly alter nutrient content.

11. Question: Under the guidelines for the voluntary program, the regulations refer to a retailer providing information on labels of single-ingredient, raw products without referring to a manufacturer. Does this mean that FSIS makes a distinction between these products when packed and labeled at official establishments and at the retail level?

    Answer: No. The term "retailer" as used in this context includes a manufacturer. FSIS makes no distinction between these products when packed and labeled at official establishments, as is typical of poultry products, and those packed and labeled at retail, as generally occurs with most meat products. The site where the product is packed and labeled has no relevance to its inclusion in or exclusion from the voluntary program.

12. Question: Can a claim be made on a shipping container, e.g., "our low fat chicken breast," without nutrition labeling the shipping container?

    Answer: Yes. However, the packaged product within the shipping container must be nutrition labeled because a claim is made about the product.

13. Question: If a nutrition claim is made on a product destined for food service, e.g., a case of 8-piece hams, can the nutritional information be printed on an informational insert for placement in the case with the product?

    Answer: Yes. The insert is considered to be labeling and is an appropriate vehicle for transmitting the nutrition information for products destined for food service.

14. Question: Would you label a cured ham that comes with a glaze package with one or two labels?

Answer: Either is acceptable. The entire packaged product is an assortment of foods presented to be consumed together, and the nutrient content may be expressed for each individual product or for the entire package contents. If nutrient profiles are given for each product on the outer container of the entire packaged product, they may be presented in two columns in the same "Nutrition Facts" display. The profile for the combination of ham plus glaze could be given additionally in a separate "Nutrition Facts" display or as the sole display on the outer container. The reference amount customarily consumed (RACC) for the combination is the sum of the RACCs for the ham (85 g) and the glaze (amount to make 1/4 cup if not prepared for use).

15. Question: If a package contains a single-ingredient, raw product, e.g., a turkey breast, as well as a gravy packet, is the product under the mandatory program and how should it be labeled?

Answer: The product represents two separately packaged foods that are packaged and presented to be consumed together and, as such, is under the mandatory program. As with the preceding ham and glaze example, the manufacturer has the option to label each food individually or the entire contents of the package. If the raw turkey breast is labeled individually, it would be labeled "as packaged," i.e., raw, in this case, and may also be labeled "as consumed," i.e., cooked. Also, the nutrient profile for the gravy mix must be given for the dry mix and may be shown optionally on an "as prepared," i.e., reconstituted, basis. If the manufacturer chooses to label the combination in a "Nutrition Facts" panel on the outer container of the entire package, one column would be used to show a single set of values for the raw breast and dry gravy mix, and a second column could be used to show a single set of values for the cooked breast with prepared gravy.

16. Question: What are the definitions of "as packaged," "as consumed," and "as prepared"?

Answer: "As packaged" refers to the state of the product as it is marketed for purchase. "As consumed" and "as prepared" are synonymous terms, but FSIS applies "as consumed" to raw meat and poultry products (i.e., those that are purchased ready-to-cook) after they have been cooked. FSIS uses "as prepared" to describe foods sold fully cooked or that require only minimal preparation (i.e., those that are ready-to-eat or heat-and-serve) after they have been prepared for consumption, e.g., condensed soup or dry gravy mix that has been reconstituted.

17. Question: Can manufacturers label packages of whole turkeys without including the neck and giblets in the nutrition profile when the products are basted and fall under the mandatory program?

Answer: Yes. FSIS believes consumers frequently do not consume these items or eat them as part of the whole bird. Because the neck and giblets are tissues in the package, a footnote should be used to indicate that values exclude neck and giblets when this is the case.

18. Question: If a recipe is placed on the label of a product, does the nutritional profile of the recipe have to be included on the label?

Answer: No. Such information would not be included in the nutrition panel except when a product is commonly combined with other ingredients before eating, such as dry soup mix prepared with milk.

19. Question: Are labels for game meat slaughtered and processed under voluntary inspection and receiving either the Federal Triangle Brand or an official State Meat Inspection Program brand subject to FSIS or FDA requirements for nutrition labeling and exemptions?

Answer: FDA is responsible for the regulation of all meats not covered by USDA under the Federal Meat and Poultry Products Inspection Acts and has determined that labeling of game meats (e.g., deer, bison, rabbit, wild turkey, or ostrich) is mandatory. The products are subject to FDA requirements for nutrition labeling and exemptions regardless of receiving treatment as described above.

20. Question: What are the labeling requirements for product consisting of primarily game meat, but containing more than three percent raw meat from amenable species?

Answer: The product is subject to FSIS requirements for the mandatory labeling program.

21. Question: When are point-of-purchase (p-o-p) materials considered labeling?

Answer: They are labeling when they accompany the product for display at the point of purchase or the manufacturer causes them to be present where the product is sold.

22. Question: Will p-o-p materials that are not considered labeling be used in measuring significant participation in the voluntary program?

Answer: Yes. Labels applied to products and all p-o-p materials which meet the guidelines for the voluntary program will be used to measure participation.

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QUESTIONS AND ANSWERS - NUTRITION
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23. Question: What requirements of the mandatory labeling program must be met by manufacturers of products falling into the voluntary category if they elect to 1) label the package, 2) use p-o-p material, 3) make a nutrition claim on the label, or 4) make a claim on the p-o-p material?

Answer: All requirements for nutrient content, criteria for claims, and format must be met except as shown below.
1) Label the package. Values may be declared "as consumed" or "as packaged," number of servings per container need not be included, an optional second column may be used to present information on separable lean of meat and skinless poultry when the products in the package are meat cuts with external cover fat or poultry cuts with skin on, and the simplified format may be used since all food products in the voluntary category meet its use criteria.
2) Use p-o-p material. Values may be declared "as consumed" or "as packaged;" values may be presented on the basis of the RACC since there is no container; values must be declared for meat cuts with external cover fat and skin on poultry and may be declared additionally for separable lean of meat and poultry flesh without skin; the presentation of nutrition information as percent of Daily Values (DV) and listing of Daily Reference Values (DRV) for two calorie levels

is voluntary; and, format requirements, e.g., graphic elements and column layouts, are eliminated due to limited space in grocery stores, diversity of current formats for these types of materials, and lack of information on effectiveness of any particular p-o-p format over others.
3) Make a claim on the label. Same as 1 but claims can not be made with reference to an optional second column.
4) Make a claim on the p-o-p material. Same as 2 but the presentation of percent DVs for each nutrient is required and claims can not be made with reference to optional declarations.

24. Question: Can a food falling into the voluntary program category be labeled both "as consumed" and "as packaged"?

Answer: No. The final rule specifies that values be declared either "as consumed" or "as packaged."

25. Question: When can dual declarations be made?

Answer: Dual declarations can be made to declare both "as packaged" and "as consumed" or "as prepared" values for products under the mandatory program; to declare both values for meat with cover fat and separable lean only or poultry with and without skin for products under the voluntary program; to declare both values for the serving size and 100 grams, 100 milliliters, or one ounce for products under both programs; to declare both values for the serving size and one unit of a product in a multi-serving container where the serving size is more than one unit; and, to list separate declarations for Daily Values on foods purported to be for use both by infants and children under 4 years of age.

26. Question: Can values representing more than one cooking procedure be shown in optional columns?

Answer: Yes. The criteria are only limited in that the preparation and cooking instructions are clearly stated.

II. EXEMPTIONS

1. Question: If a product is produced and sold in the same state, i.e., not shipped in interstate commerce, is it exempt from these regulations? If a product is shipped directly to a state from Canada or another foreign country and sold only in that state, does it become exempt?

Answer: No to both questions. The only exemptions from the regulations are those listed at 9 CFR sections 317.400 and 381.500.

2. Question: Would it be useful for labels of products that are exempt to carry a disclaimer such as "not intended for retail sale" or "for further processing"?

   Answer: It is up to the manufacturer to determine its own exemption status, and such a statement can not be used to avoid compliance with the regulations.

3. Question: Under the small business exemption, are the companies or the products exempted?

   Answer: The criteria for both are applied and neither one alone can be used to qualify for an exemption. First, the business must have 500 or fewer employees, which is the Small Business Administration's definition. Second, the product must be produced in less than the allowed amount, i.e., 250,000 or less pounds from July 1994 to July 1995; 175,000 or less pounds from July 1995 to July 1996; and, 100,000 or less pounds in each year after July 1996. If a business has 500 or fewer employees, it does not have to label product produced at 250,000 or less pounds during the first year but does have to label product produced in amounts over 250,000 pounds. If a business has over 500 employees, it can not be exempt based on production and would have to label product produced at 250,000 or less pounds in the first year.

4. Question: Over what period of time should the calculation for the amount of pounds produced be based?

   Answer: FSIS intends to amend the regulations to clarify that the most recent 2-year average of business activity should be used.

5. Question: Would the time frame run from July to July?

   Answer: No. It would be based on a company's usual yearly business activity or fiscal reporting periods, which might differ among businesses.

6. Question: How is a business defined?

   Answer: A business is a single-plant facility or multi-plant company/firm. The qualification for a multi-plant company entails the total annual production and total number of employees for all facilities under the multi-plant company, not for each individual facility.

7. Question: Is a firm exempt when it is a partially

owned subsidiary of a multi-plant firm and would otherwise qualify for exemption because it has less than 500 employees?

Answer: If the parent company has a controlling interest in the firm, i.e., the parent concern owns, controls, or has power to control 50 percent or more of its voting stock, the firm is not exempt. Affiliation through stock ownership is described more fully in 13 CFR, Chapter 1, Small Business Administration, at section 121.401(e).

8. Question: In determining the 500 employee exemption level, are the number of employees on board during seasonal peaks counted or are the number of employees averaged across seasons? How are part-time employees counted? Over what period of time should the determination be made?

   Answer: Following the Small Business Administration's guidelines, the number of employees, which includes employees of domestic and foreign affiliates, would be averaged over the preceding completed 12 calendar months. Part-time and temporary employees are counted as full-time employees over the same period. See 13 CFR at sections 121.404 and 121.407.

9. Question: Are contractors considered to be employees of a business?

   Answer: In certain circumstances employees of an independent contractor may be considered to be employed on another basis. Examples of such circumstances are described in 13 CFR section 121.404.

10. Question: Where firms have been in business less than 2 years or products have not been produced for 2 years, how would the exemption be determined?

    Answer: FSIS intends to amend the regulations to allow such firms to make reasonable estimates that the number of employees and pounds of products will not exceed the allowed levels on an annual basis.

11. Question: If a business qualifies for an exemption but, during the course of future business activity, loses the exemption status, how long will it have to come into compliance with the regulations?

    Answer: The business will have one year in which to comply.

12. Question: Is a product defined as one that is approved on a single label request for the purpose of the small

business exemption?

Answer: No. The product is defined as a formulation, exclusive of flavors which do not significantly alter nutrient content, sold in any size package in commerce.

13. Question: What are examples of flavors that might meet these conditions?

Answer: Examples are flavor extracts, food colors, many herbs, many spices and spice blends, and dehydrated condiment-type vegetables when used at low levels. However, not all flavors contain insignificant amounts of required nutrients when used at low levels, e.g., paprika, red pepper, and chili powder.

14. Question: During the third year of implementation, if a new product is produced in an amount nearing 100,000 pounds within 6 months, can the formulation be changed, such as by substituting one vegetable for another, and the second formulation qualify for the exemption?

Answer: No. The second formulation would be viewed as a replacement or variation of the first product and would reasonably be expected to be produced annually at a 200,000 pound level based on performance of the initial product.

15. Question: A company produces a ham product of a particular formulation and part is sold fully cooked and part is sold uncooked. Are these hams considered to be the same product because the ingredients are identical?

Answer: No. The manufacturing process is part of the formulation and these two products would have significantly different nutrient profiles due to the heat treatment applied. These are two distinct products.

16. Question: A company produces a ham product and part is destined to be sold at retail and part sold by the company in gift packs which also contain pancake mix and syrup produced by a different company. For purposes of counting production of the ham product towards a small business exemption, would it be considered as one product and who is responsible for labeling the pancake mix and syrup if the individual foods are labeled as opposed to the entire contents of the gift pack?

Answer: The ham product is a single product and the first company selling the gift pack is responsible for ensuring that the gift pack is properly labeled.

Labeling of gift packs is flexible in that package inserts may be used.

17. Question: If a company qualifies for the small business exemption based on number of employees and produces a product sold at retail in less than the allowed poundage and to food service in over the allowed poundage, is the product sold at retail exempt?

    Answer: No. The food service and small business exemption can not be combined.

18. Question: If a company qualifies for the small business exemption based on number of employees and produces a product for food service at over allowed amounts but sells part of the product at discount rates to its own employees, must the product sold to the employees be labeled?

    Answer: Yes. Because the product is offered for sale to the employees, that part of the product must be labeled.

19. Question: Does the small business exemption apply to foreign firms exporting to the U.S. and on what basis - total production of a product or only production for the export market?

    Answer: Exemptions for foreign firms are the same as for U.S. firms and would apply to total production. The exemption size is a measure of the firm's ability to nutrition label its products without undue economic hardship. The exemption for U.S. firms also is based on total production including export market.

20. Question: For product imported into the U.S., does the exporter or the importer get the exemption?

    Answer: The exporter would get the exemption unless the importer reprocesses or repackages the product under official inspection.

21. Question: What type of records need to be kept on number of employees and product production to substantiate a small business exemption, and will FSIS be maintaining copies of any records for this exemption?

    Answer: It is up to each company to maintain records adequate to support such an exemption. FSIS will not maintain copies of these records but will review company records on an ongoing basis as directed by Regulatory Programs.

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22. Question: How will the small business exemption need to be substantiated by foreign manufacturers? Will some sort of certification or substantiation be required of a manufacturer qualifying for exemption when product comes into a port of entry without the required labeling so that the product will not be detained?

Answer: Qualification for a small business exemption is a self certification and the product will not be detained for lack of nutrition labeling. Some foreign countries have expressed interest in certifying the small business status of qualifying firms and FSIS will check exemption status of foreign firms as directed by FSIS headquarters.

23. Question: What will be required of deli products, i.e., products sold from the deli case and intended to be sliced?

Answer: These products are exempt unless they bear a nutrition claim or nutrition information because they are portioned at the store to the customers' specifications and rewrapped.

24. Question: If the store does not slice the products but sells them whole or in chunks, are they still exempt?

Answer: If manufacturers have reasonable expectations that their products will be sold under conditions where they are portioned and packaged to the customers' specifications, as in a retail store deli, they are exempt. Identical bulk packaged products sold through wholesale clubs and like outlets, where they are not generally portioned and packaged to customer specifications, are not exempt.

25. Question: Are items exempt that are tray-packed at a plant versus a supermarket and intended to be sold in the deli department as ready-to-consume?

Answer: No.

26. Question: Does the definition of processing as it pertains to retail outlets include repackaging of food sold in bulk packages into retail size packages at the store level?

Answer: Yes. For example, a 25-pound package of hot dogs that will be repackaged at retail would not have to be nutrition labeled unless a nutrition claim was made or nutrition information was provided. However, if the bulk package will be sold directly to consumers, such as through a wholesale club, it would have to be nutrition labeled.

27. Question: If a product with a nutrition claim in the brand name is sold in chubs intended for slicing in a supermarket deli where it will be displayed or promoted by brand name, how can the nutrition information be conveyed by the retailer?

Answer: The manufacturer would be required to nutrition label the chubs. Since the retailer would also be making a nutrition claim by virtue of using the brand name, he needs to provide either labels or labeling consistent with the requirements of the regulations to supply the nutrition information to customers. While not required to do so, the manufacturer could provide these as a courtesy to the retailer.

28. Question: Does FSIS recognize FDA's "less than 12 square inch" package size exemption policy or only the "40 or less square inch" policy?

Answer: FSIS exempts products weighing less than 1/2 ounce net weight without qualification. FSIS does not exempt products whose labels have 40 or less square inches of available space but allows use of a modified format to present the information. FSIS did not recognize the "less than 12 square inch" policy that allows a label to carry an address or telephone number consumers can use to obtain nutrition information not required to appear on the label. However, FSIS is considering amending its regulations to make this allowance. This option could not be used to meet the requirements of the regulations until it became final.

III. NUTRIENTS

1. Question: What is the order of appearance of the optional vitamins and minerals?

Answer: Optional vitamins and minerals are listed after the four underlined mandatory nutrients in the following order: Vitamin A, vitamin C, calcium, iron, vitamin D, vitamin E, thiamin, riboflavin, niacin, vitamin B6, folate, vitamin B12, biotin, pantothenic acid, phosphorus, iodine, magnesium, zinc, and copper.

2. Question: Must International Units (IU) be used in calculating a Reference Daily Intake (RDI) for vitamin A and how are Retinol Equivalents (RE) converted to IU?

Answer: The RDI for vitamin A for foods for adults and children over 4 years of age is set at 5,000 IU and assumes 2,500 IU as retinol and 2,500 IU as Beta-carotene. The 5,000 IU allowance value is equivalent to 1,000 RE. When measuring the vitamin A activity of individual foods, the following conversions are used: One IU is equivalent to 0.3 microgram (mcg) of retinol, 0.6 mcg of Beta-carotene, or 1.2 mcg of other provitamin A carotenoids; one RE is equivalent to 1 mcg of retinol, 6 mcg of Beta-carotene, or 12 mcg of other provitamin A carotenoids; and, one RE equals 3.33 IU of retinol or 10 IU of Beta-carotene or other carotenoids.

3. Question: What Daily Reference Values (DRVs) and RDIs are established for protein for the purpose of listing protein as a percent of Daily Value (percent DV)?

Answer: The DRV for protein for adults and children 4 or more years of age is 50 grams. The RDIs for protein for children less than 4 years of age, infants, pregnant women, and lactating women are established at 16 grams, 14 grams, 60 grams, and 65 grams, respectively.

4. Question: Can protein be expressed as percent DV on foods for adults and children over 4 and how should it be calculated?

Answer: The percent DV for protein must be listed for these foods when a claim is made about protein, and it may also be presented voluntarily. When protein is listed as a percent of the 50 gram DRV and expressed as percent DV, the actual amount of protein in grams per serving is first corrected by multiplying the amount by its amino acid score corrected for protein digestibility before dividing by 50 grams and converting to percent.

5. Question: Will the values for the RDIs for adults and children over 4 years of age, which are the same as the U.S. RDAs established in 1973, be changed in the near future?

Answer: Under the provisions of the Dietary Supplement Act of 1992, FDA may propose after December 31, 1993 new values for these RDIs, establish RDIs for new nutrients for this group, and establish RDIs for other specific groups for which label reference values are not codified now. FSIS can not speculate further on actions FDA may take in this area.

6. Question: Does total carbohydrate include dietary fiber?

Answer: Yes. Total dietary fiber must also be listed separately as a subcomponent under total carbohydrate.

7. Question: Does total fat, which is defined as total lipid fatty acids expressed as triglycerides, include cholesterol?

Answer: No.

8. Question: When grams of saturated, monounsaturated, and polyunsaturated fat are calculated for listing on the nutrition panel, how is the glycerol component of fat dealt with in determining amounts of specific fatty acids?

Answer: Values are expressed as free fatty acids and the glycerol portion is not included in the gram amount per serving. If the fatty acids are measured as their esters, the ester weight of a fatty acid is converted to the fatty acid weight using conversion factors based on the molecular weights of the individual esters and corresponding free fatty acids.

9. Question: Should the sum of saturated, monounsaturated, and polyunsaturated fatty acids equal the total fat content?

Answer: No. The sum of the fatty acids is lower than the weight of total fat by the weight of trans fatty acids, glycerol, and other non-fatty acid components of structural lipids that are not triglycerides.

IV. FORMATS

1. Question: When can the FSIS simplified format be used?

Answer: The simplified format, which FSIS formerly called abbreviated, may be used when one or more required nutrient other than a core nutrient (calories, total fat, sodium, total carbohydrate, or protein) is present in an insignificant amount. The insignificant nutrient(s) may be omitted from the vertical column in the display area, provided a statement "Not a significant source of________." appears on the nutrition panel with the blank space containing the name(s) of the insignificant nutrient(s).

2. Question: What are insignificant amounts of nutrients?

Answer: These are amounts that are permitted to be shown as zero on the nutrition panel, e.g., less than 5 calories, except that for total carbohydrate, protein, and dietary fiber, the amount is less than 1 gram. A technical amendment will be made to indicate that an insignificant amount of sugars is also less than 1 gram.

3. Question: If only one core nutrient out of the 14 required nutrients were present in an insignificant amount, could a simplified format be used and how would that core nutrient be listed?

Answer: The simplified format could not be used. The core nutrient would be listed in the vertical column as zero unless it were total carbohydrate or protein in an amount between 0.5 gram up to but not including 1 gram, in which case it could be listed either as 1 gram or with a statement "Contains less than 1 gram" or "less than 1 gram" next to the name of the nutrient.

4. Question: If a product qualifies to use the simplified format, but the company wants to list a voluntary nutrient or make a claim about a required or voluntary nutrient, can it still use the simplified format?

Answer: Yes. The manufacturer only needs to add the voluntary nutrient at its appropriate display position.

5. Question: Is the entire footnote used with the standard format, which lists DRVs as Daily Values for 2,000 and 2,500 calorie diets and the caloric conversion information, required to be used on the simplified format and the modified format for intermediate sized packages with 40 or less square inches of available space?

Answer: No. The footnote can be shortened to include only the statement "Percent Daily Values are based on a 2,000 calorie diet." If the term Daily Value is not spelled out in the heading but abbreviated as "DV," a statement to the effect that "DV" represents Daily Value is required.

6. Question: If a product qualifies to use the simplified format but the manufacturer elects to list the insignificant level nutrient(s) as zero in the vertical

column as opposed to showing it by name in the statement at the bottom of the panel, can the footnote still be shortened?

Answer: Yes.

7. Question: What is the primary difference between the FSIS simplified format and FDA's simplified format and why didn't FSIS elect to use the FDA simplified format?

Answer: FDA's simplified format differs in that it can only be used with foods for adults and children over 4 years when the foods contain insignificant amounts of 7 or more of 13 required nutrients (calories from fat are excluded). FSIS does not use this criterion because virtually all meat and poultry products, including muscle meats, would fail to meet it and be precluded from using the format. Both simplified formats allow for optional inclusion of the footnote with the DRVs for two or more calorie levels and the caloric conversion information.

8. Question: The nutrition panel of a product that qualifies to use FDA's simplified format and neither contains added vitamins or minerals nor declares voluntary nutrients does not have to include non-core required nutrients present in insignificant amounts in the display area or by name in the statement "Not a significant source of ________." at the bottom of the panel. Does FSIS have the same provision?

Answer: No. When using the FSIS simplified format, non-core required nutrients must be listed either in the display area or by name in the statement.

9. Question: Can nutrients be listed as zero at the bottom of the panel instead of using the wording "not a significant source of" in order to save space?

Answer: No.

10. Question: What is the difference between FDA's shortened format and the FSIS simplified format?

Answer: FDA's shortened format allows for listing of any non-core nutrient present in insignificant amounts to be shown at the bottom of the panel in the statement "Not a significant source of ________." regardless of the number of nutrients present in insignificant levels and the footnote with the DRVs and caloric conversions may not be dropped. FSIS allows the same listing in its simplified format but the footnote may be dropped.

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11. Question: Is a break in the vertical alignment allowed with the standard format?

Answer: Yes. One break is always allowed wherein the footnote may be placed to right side of the panel; however, there can be no intervening information.

12. Question: When can tabular and linear (string) displays be used?

Answer: Use of both of these displays is restricted to products with 40 or less square inches of labeling space. The tabular display may be used only when the package shape and size can not accommodate a column display on any label panel. The linear display may be used only if the tabular display does not fit on the label.

13. Question: Can a tabular display be used when the label has space for the long format but it will wrap around the product and might be inconvenient to read?

Answer: On a case-by-case basis, FSIS will consider allowing the tabular display for packages larger than 40 square inches that have a surface area which precludes the presentation of the full nutrition label.

14. Question: When will an example of a linear display be available?

Answer: Examples of linear displays are under review by FDA and FSIS at this time, but this review does not preclude use of a linear display. A sample string for a nutrient with a subcomponent might read as follows: 13 g Total Fat is 20 percent DV* (5 g of Sat Fat is 25 percent DV) with the footnote following the completed string for all nutrients. Since this is a modified format, the full footnote is not required.

15. Question: Are abbreviations for other than Daily Value allowed?

Answer: Yes. Seven abbreviations are allowed on tabular and linear displays as follows: Serving size - Serv. size; Servings per container - Servings; Calories from fat - Fat cal; Saturated fat - Sat fat; Cholesterol - Cholest; Total carbohydrate - Total carb; Dietary fiber - Fiber. The abbreviations for the nutrients, which are those whose names exceed 10 characters, may be used in the footnote with Daily Values for 2,000 and 2,500 calorie diets.

16. Question: Can the product name be place within the nutrition panel?

Answer: No. The name can be placed just above the box.

17. Question: When using a dual declaration, such as for a condensed soup and its prepared form, can the actual quantitative amounts be listed for the prepared form?

Answer: Yes. The additional quantitative amounts can be given immediately adjacent to the required quantitative information for the product described in the first column or the amounts can be given in a footnote.

18. Question: When less than 0.5 gram of dietary fiber or saturated fat is present in a serving of a product, the amounts would be shown as zero on the label. However, when the percent DV is calculated based on an actual unrounded fiber or saturated fat content of 0.2 grams per serving, the calculation yields 1 percent. Will consumers be confused to see a gram weight of zero in conjunction with 1 percent DV for the same nutrient and should the percent DV be expressed as zero in these cases?

Answer: The regulations do not contain a proviso that percent DV should be expressed as zero when rounding of quantitative information results in a value of zero. FSIS is considering amending the regulations to avoid this situation.

19. Question: When percent DVs for protein and potassium are included on the nutrition panel on foods for adults and children over 4 years, where is the DRV information placed?

Answer: Protein should be listed in the footnote under dietary fiber with the DRV inserted on the same line in the numeric columns. The DRV for protein is based on 10 percent of calories as protein, which equates to 50 grams for a 2,000 calorie diet and 65 grams (62.5 rounded up to 65) for a 2,500 calorie diet. Similarly, potassium would be listed in the footnote under sodium. The DRV for potassium is 3,500 milligrams for both the 2,000 and 2,500 calorie diets.

20. Question: The percent DV column and the footnote with DRV and calorie conversion information may not be included on foods for children less than 4 years of age, except that listing of the percent DV for protein is required if the protein quality meets certain minimal requirements. The regulations do not contain a provision for placement of the percent DV for protein. Should it appear in the upper or lower panel?

    Answer: The regulations will be amended to accommodate the percent DV listing for protein.

21. Question: Where should the nutrition information be placed on the label?

    Answer: The nutrition information can appear on the principle display panel or on the information panel, which is the first usable surface, i.e., excluding those with folded flaps, tear strips, etc., to the right of the principal display panel. On intermediate sized packages with 40 or less square inches of available space, the information may appear on any label panel.

22. Question: What is contained on the information panel and what are the location requirements, e.g., right side, left side, or in conjunction with the ingredient statement or signature line, for the nutrition information?

    Answer: The information panel may contain mandatory information including nutrition information, the ingredients statement, and the firm's name and address and, on cylindrical cans, the inspection legend and number. Policy Memo 007, Information Panel, specifies that, when a surface is larger than needed to accommodate the mandatory information, it should be located in one place without intervening non-mandatory information, e.g., UPC codes, recipes, etc., and on the left side of the surface. It may be positioned near the top, middle, or bottom, but all mandatory information must appear together. This Policy Memo will be rescinded on July 6, 1994 because FSIS received numerous requests to remove these requirements to allow flexibility in placement of the information. FSIS believes that the mandatory information need only be placed to read in the same direction and be generally in the same proximity anywhere on the usable surface area.

23. Question: Can nutrition labeling be included on a multi-layer label or as a foldout or pamphlet attached to the primary label for products under the mandatory program?

Answer: Yes. However, the mandatory information must be visible to the consumer.

24. Question: What is the status of a product that has always used a label that is too small to accommodate a nutrition label, i.e., a 2" X 2" tag attached to a stick of dry sausage which may weigh anywhere from 0.75 to 10 pounds?

Answer: Use of tag labels that can not accommodate the mandatory information would not be considered acceptable for containers that have available surface space to carry the required information.

25. Question: What does FSIS consider to be the surface area available to bear labeling?

Answer: The surface area available to bear labeling includes all the surface area of the container even if it is not traditionally used, e.g., jar lids, bottle necks, or if it is an odd shaped part of a package because there are different opinions about what is practically available or usable space.

26. Question: Would the total wrap around a package of frankfurters be considered available space for labeling?

Answer: Yes.

27. Question: Does FSIS have provisions other than modified displays and small package exemption to allow for use of labeling on foods when lack of space makes it impracticable to provide the information on a label, e.g., on a very small label of a product weighing less than 1/2 ounce which has a nutrient content claim in the brand name?

Answer: No. At this time, the regulations do not contain a provision for other alternative means such as a telephone number or address for consumers to use to obtain the nutrition information for the product. Until such a provision is made final, the information would have to be provided by other means, such as a tag affixed to the product, the appropriateness of which would be evaluated at label approval.

28. Question: A company produces a variety pack consisting of several single-serve varieties packed together in

four or six packs. These are placed on corrugated trays and then a clear shrink wrap is applied to the entire package. Although the wrap is clear, there is no way to ensure the containers would be orientated so the nutritional panel would be visible. If the product must be nutrition labeled, what information would be required on the label and would the information be allowed to be placed on the bottom of the tray prior to assembly so that the shrink wrap could protect the integrity of the print?

Answer: If the information is obscured on the individual units, the entire package should be nutrition labeled. The information panels for the units could be reproduced on a label and placed on the bottom of the tray as described in the question as long as it is visible to the consumer at the point of purchase.

29. Question: If the nutrition label were to cover most of the surface of a meat or poultry product, such as a marinated cut, where consumers might want to see the actual meat surface, would this be sufficient reason to use a modified label or alternate placement?

Answer: Perhaps. Such allowance could be considered on a case-by-case basis at time of label approval.

30. Question: Is use of Franklin Gothic Heavy or Helvetica Black and Regular type style required?

Answer: No. A single easy-to-read type style is required of which these are examples.

31. Question: Is it necessary to use a nutrition display with a box shape on a round package?

Answer: Yes. The nutrition information must be set off in a box.

32. Question: Can selective highlighting, e.g., colored bars, or reverse printing, be used?

Answer: No. Allowing optional highlighting schemes will lead to less consistency among labels. The regulations require that the headings, i.e., Nutrition Facts, Amount per Serving, and percent Daily Value* and the names of all required nutrients in the upper panel that are not indented, i.e., Calories, Total Fat, Cholesterol, Sodium, Total Carbohydrate, and Protein, and their percentage amounts (percent DV) be highlighted by bold or extra bold type or other highlighting (but not reverse printing as a form of highlighting) that distinguishes them from other information.

33. Question: Does "neutral" background refer to the background color of the package and could you use a red background with black type?

Answer: The nutrition information in the box should generally be in dark or one color type on a white or neutral background, when practical. However, flexibility in type color and background is allowed. Reverse printing can also be used although it might be less legible. It would not be acceptable to use light letters on a light background or dark letters on a dark background to the point that readability suffers. If contrast is adequate and the type legible, black type on a red background could be used.

34. Question: Can the print be condensed?

Answer: Yes; however, the letters should not touch.

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PART 5 OF 6

QUESTIONS AND ANSWERS ON NUTRITION LABELING
OF MEAT AND POULTRY PRODUCTS

Amendment 1
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V. SERVING SIZES

1. Question: How are serving sizes expressed on the label?

Answer: Depending on the type of product, serving sizes are expressed as household measures (cups, tablespoons, teaspoons), units (slices, links, trays, jars, fractions of large units that are evenly divided before serving, etc.), or ounces. The label statement of serving size must be followed by the gram (g) equivalent weight in parentheses, except for single-serving containers and meal-type products that carry the gram weight as part of the net weight statement. The ounce (oz) quantity equivalent to the metric weight may be included within the parentheses separated from the metric measure by a slash when household measures and units are used. Sample statements are Serving Size 1 cup (245g) and, optionally, Serving Size 1 cup (245g/8.8 oz).

2. Question: Can the term "portion size" continue to be used?

Answer: No. The definition of portion has been deleted.

3. Question: What increments are used for the serving sizes and servings per container?

Answer: The reporting increments are as follows:

- Cup (no abbreviation): 1/4 or 1/3 cup
- Tablespoon (tbsp): 1 tbsp less than 1/4 cup & greater than or equal to 1 tbsp
- Teaspoon (tsp): 1 tsp if less than 1 tbsp & greater than or equal to 1 tsp; 1/4 tsp if less than 1 tsp
- Units which are not sliced: Whole numbers
- Large units which are evenly sliced: Fractions of 1/2, 1/3, 1/4, 1/5, 1/6, or smaller fractions that are divisible by 2 or 3, e.g., 1/10 and 1/15
- Ounces: 0.5-ounce increments with rounding indicated by use of the term "about"
- Gram metric equivalent: 1 g greater or equal to 5 g; 0.5 g greater than 2 g & less than 5 g; 0.1 g greater than 2 g
- Ounce quantity equivalent to metric quantity: 0.1 oz
- Servings per container: 1 less than 5; 0.5 less than 2 & greater than 5
- Whenever a serving size is exactly halfway between two increments, the value should be rounded up. For example, 1.5 tablespoons would be declared as 2 tablespoons.

4. Question: Is the gram equivalent weight of the ounce 28 grams or the commonly used unrounded value of 28.35 grams?

Answer: One ounce is defined as 28 grams for nutrition labeling purposes.

5. Question: What conversion factor should a manufacturer use to convert a product's nutrient values to an 8-ounce serving size when they are obtained on a per-100-gram basis?

Answer: The values per 100 grams should be multiplied by the gram equivalent weight divided by 100. This gram weight is used for compliance purposes. If the grams declared in the label serving size statement are 224 (8 oz x 28 g/oz), the factor is 2.24. If the gram equivalent weight only appears in the net weight statement, a factor of 2.27 (8 oz x 28.35 g/oz) is used.

6. Question: What are the types of products for which there are different guidelines for converting reference amounts customarily consumed (RACC) to serving sizes?

Answer: There are six types of products as follows:
1) Discrete units, e.g., hot dogs, chicken wings, individually wrapped items in a multi-serving package,
2) Single-serving containers and meal-type products,
3) Large discrete units that are divided into fractions for consumption, e.g., a pizza or quiche,
4) Nondiscrete bulk products, e.g., bulk containers of lasagna, soup, or chicken stew,
5) Mixed discrete units, such as mixed poultry cuts, and large items that are usually cut or sliced into pieces before serving, e.g., a corned beef brisket, a whole turkey, an unsliced chub of luncheon meat,
6) Variety packs and assortments of foods.

7. Question: When is an item considered to be large or bulk?

Answer: Large or bulk items are products with contents that are 200 percents or more of the RACC for the product category.

8. Question: How is the serving size determined for products that are discrete units, such as hot dogs?

Answer: For products like hot dogs, the serving size is the number of units, e.g., links, closest to the RACC for the product category, which is 55 grams in this case. For links weighing 67 percents to less than 200 percent of the RACC, (37 to 109 g), the serving size is 1 link. For links weighing over 50 percents but less than 67 percents (28 to 36 g), the manufacturer may declare either 1 or 2 links as the serving. For links weighing 50 percents or less (27 g or less), the serving size is the number of links closest to 55 grams, e.g., 4 links if each weighs 15 grams (55 g/15 g/link = 3.7 rounded to 4). For a large link, such as a dinner frank weighing 200 percents or more of the RACC (110 g or more), which can reasonably be consumed at one eating occasion, the manufacturer may declare 1 link as a serving.

9. Question: For a discrete unit that is over 200% of the RACC, how can one determine if the amount could reasonably be consumed per eating occasion?

Answer: This information might be obtained from food consumption survey percentile distributions for quantities consumed per eating occasion for the type of food product.

10. Question: What is the serving size for bologna packaged in 1-ounce slices?

Answer: The serving size may be declared either as 1 slice (28g) or as 2 slices (56g) at the manufacturer's discretion.

11. Question: Does the serving size weight include the weight of bone for bone-in meat and poultry cuts?

Answer: No. The serving size weight must reflect the edible portion of the product.

12. Question: How should servings per container be expressed for discrete units?

Answer: Declare the approximate number of servings per container based on the exact serving size. If the number of servings is rounded, the term "about" is used. For example, if a package contains ten 15-gram sausage links with the serving size expressed as 4 links (60g), the servings per container would be 150 (10 links x 15 g/link) divided by 60 grams, which equals 2.5 servings per container. If the package had contained thirty such links, the servings per container would be 300 (10 links x 30 g/link) divided by 60 grams, which equals 7.5 servings per container. Because the 7.5 servings is greater than 5, it would be rounded and expressed as Servings Per Container about 8.

13. Question: Is the product of the number of servings multiplied by the parenthetical metric equivalent of the serving size expected to equal the net quantity of the product declared on the principal display panel?

Answer: No. One ounce is defined as an unrounded number for determination of the net quantity of contents and a rounded 28 grams for the purpose of labeling serving size. The number of servings per container is usually an approximate number.

14. Question: How would a manufacturer label product consisting of 1-pound packages of links weighing between 2.6 and 3.2 ounces apiece?

Answer: When products vary naturally in size due to nature, such as chicken breasts, or due to processing limitations, such as in this case, they should be labeled to the average serving size weight and the average number of servings per container.

15. Question: If a packaged product consists of six individually wrapped items, such as six sausage biscuits, how is the serving size determined?

Answer: When items are individually wrapped packages within a package, i.e., in a multi-serving container, the serving size is determined in the same manner as for discrete units.

16. Question: What is a single-serving container and what options are available for expressing its serving size?

Answer: A single-serving container is any product packaged and sold individually and which contains less than 200 percents of the RACC for the product category. The serving size is the entire contents of the container except for those products with a RACC of 100 or more grams. Manufacturers of such products may determine whether there are 1 or 2 servings in packages that contain more than 150 percents but less than 200 percents of the RACC. For example, a 15-ounce can of beef stew could be labeled with either 1 or 2 servings. If labeled at 2 servings, the product ceases to be a single-serving container. Packages sold individually and weighing more than 200 percents of the RACC can also be labeled as 1 serving if obviously intended to be consumed as such, e.g., a sandwich or a product labeled "singles."

17. Question: How is the serving size for a single-serving container and a meal-type product expressed?

Answer: The serving size is expressed as the entire contents of the container and, unless the serving size is for a drained weight or the net weight includes refuse, e.g., bone in a fried chicken dinner containing a bone-in cut, the metric equivalent is not required if it appears in the net weight statement. The household unit for a single-serving container and meal-type product is not "ounce." It is the description of the container or, optionally, product in the case of a meal, e.g., tray, package, carton, box, meal, dinner, etc. An example of a declaration is Serving Size 1 carton.

18. Question: If the gram equivalent weight is given voluntarily in the label statement of serving size on a single-serving container (or meal-type product), such as a 3-ounce jar labeled 1 jar (84g) with the 84 grams equal to 28 g/oz x 3 oz, and the metric equivalent is also listed in the net weight statement as net wt. 3 oz (85g) with the 85 grams equal to 28.35 g/oz x 3 oz, should the two different sets of values be used on the

same label?

Answer: No. The declaration from the net contents statement should be used in the serving size statement in the event of a discrepancy in gram weights due to different rounding rules for serving size and net contents. In this case, the serving size statement should be 1 jar (85g).

19. Question: Can the term "cup" be used as the common household measure describing the container for a single-serving container?

    Answer: Yes. While the term "cup" is defined in the regulations as 240 milliliters, cup-shaped containers are used and recognized as common household equipment to package some ready-to-serve food products, such as soups, that may come in single-serving containers. However, if the single-serving container is one envelope of dry mix to prepare a cup of soup, the measurement is 1 envelope and not 1 cup. Descriptive phrases may be used, such as 1 envelope dry mix makes 1 cup prepared soup.

20. Question: Can a meal-type product use common household measures, such as cups, instead of meal, dinner, tray, etc.?

    Answer: No. A meal-type product must use a description of the product or container as the common household unit.

21. Question: How are servings per container declared for single-serving containers and meal-type products?

    Answer: Since the entire contents of the container constitute a serving, the servings per container is always one and need not be listed.

22. Question: To determine if a single-serving container contains less than 200% but more than 150% of the RACC from the net weight, are rounded or unrounded numbers used to convert ounces to grams?

    Answer: Net ounce weights of packages are based on unrounded numbers, i.e., 28.35 grams per ounce. To calculate the percentage of the RACC from the net weight, divide the net weight in grams by the RACC in grams and multiply by 100. For example, a 15-ounce can of chili has a RACC of 1 cup. If 1 cup of the chili should weigh 225 grams, the can contains 189 percent of the RACC [[(15 oz x 28.35 g/oz)/225 g] x 100].

23. Question: How would one label a 7.5-ounce can of chili

and a 15-ounce can of chili?

Answer: The RACC for this product category is 1 cup. Assuming 1 cup of chili weighs 225 grams, the 7.5-ounce and 15-ounce cans contain 94 percents and 189 percents, respectively, of the RACC. The 7.5-ounce can would be labeled as a single-serving container, i.e., 1 can, and servings per container need not be listed. The 15-ounce can may be labeled either as a single-serving container, i.e., 1 can, or, because the can contents weigh between 150 and 200 percents of the RACC, which at 1 cup is over 100 grams, the product can be labeled at 2 servings. In the latter case, the serving size statement would read Serving Size 1 cup (225g) and Servings Per Container about 2. The servings per container based on the net weight statement is actually 1.89 [(15 oz x 28.35 g/oz)/225 g], which is rounded to 2 for the label statement.

24. Question: What are meal-type products and are they single-serving containers?

Answer: Meal-type products are those weighing at least 6 ounces but no more than 12 ounces, containing ingredients from at least 2 of 4 food groups (breads and cereals, fruits and vegetables, dairy products, meat and meat alternates), and represented as a dinner or other meal, entree, or pizza. Single-serving containers are defined in terms of reference amounts, which are not established for meal-type products. However, meal-type products are intended for consumption by one person and the serving size is the entire edible content of the package.

25. Question: Can the serving size of a meal-type product be declared as 1 meal (10 oz)?

Answer: Yes, if the gram equivalent weight appears in the net weight statement. If the gram equivalent weight does not appear in the net weight statement, the product would be labeled as Serving Size 1 meal (280g/10 oz).

26. Question: How is the serving size determined for large discrete units that are usually divided into fractions for consumption?

Answer: The serving size is the fractional unit that is closest to the RACC, e.g., 1/4 pizza for a 20-ounce pizza.

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QUESTIONS AND ANSWERS ON NUTRITION LABELING
OF MEAT AND POULTRY PRODUCTS

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27. Question: For pizza-type products, how is the gram weight of the fraction to be determined when it varies from pizza to pizza as well as from batch to batch?

Answer: The gram weight equivalent of a fraction can be determined by actually weighing the fractions from replicate pizzas or by dividing the net weight of the packages in grams by the number of fractions. Generally, the second procedure is used and overfill is ignored. If the first procedure is used and the amount of overfill is so large as to result in a whole unit change in the servings per container, the net weight should be used to avoid a large inconsistency. For example, a pizza labeled at a 20-ounce net weight would yield 4 5-ounce slices; however, if the overfill is 20 percents, as might occur with these products, the actual pizza would yield almost 5 5-ounce slices. In this example, the product should be labeled at 1/4 pizza (140g). Compliance of the nutrient values will be determined based on the 140 gram equivalent weight of the serving size stated on the label.

28. Question: What is the serving size measurement for lasagna?

Answer: Lasagna was shown incorrectly as an example of the product category of mixed dishes not measurable with a cup. A technical amendment will be made to place this product in the category of mixed dishes measurable with a cup. The common household measurement for lasagna is a cup.

29. Question: Could the measurement for a large tray of lasagna be shown as a slice or piece?

Answer: If the product were presliced, which is usually not the case, the serving size would be the weight of the number of slices or pieces closest to the weight of a cup.

30. Question: Can "mini" or "bite" size egg rolls, pizza rolls, burritos, or meat topped bagels use the 30-gram RACC for the snack food category?

Answer: No. A large percentage of people consume these products in amounts over 4.5 ounces per eating occasion so that the 5-ounce RACC for mixed dishes not measurable with a cup is appropriate for these food products.

31. Question: How is the serving size determined for nondiscrete bulk products, e.g., large containers of soup or beef stew?

Answer: The serving size is the amount in cups, tablespoons, or teaspoons closest to the RACC.

32. Question: How should a manufacturer determine the serving size and servings per container for a 10.75-ounce can of condensed soup that is to be prepared with water?

Answer: The RACC for soup is 245 grams for the product "as prepared," i.e., diluted 1 to 1 by volume with water. Since 1/2 cup of water weighs 118 grams, the manufacturer needs to weigh out 127 grams of soup and determine the closest household measure, e.g., 1/3 cup, 1/2 cup, or 2/3 cup. In this case, the 1/2 cup measure will likely be closest and becomes the labeled serving size. The manufacturer then measures the actual weight of 1/2 cup of condensed soup, which becomes the gram equivalent weight on the label. Assuming 1/2 cup actually weighed 130 grams, the label statement would read Serving Size 1/2 cup (130g). Based on the net weight statement, the can contains 305 grams (10.75 oz x 28.35 g/oz) and the servings per container is "about 2.5" (305 g/130 g = 2.35 rounded to 2.5).

33. Question: Can descriptive phrases be used with a serving size, e.g., Serving Size 4 oz (112g) (Yields 3 oz cooked serving) for uncooked or "as packaged" marinated meat?

Answer: Yes.

34. Question: For a dry mix that requires preparation, should the labeled serving size reflect the amount needed to prepare a measure of the finished product closest to the RACC, e.g., 1/2 cup, or the amount of product needed to make a RACC, e.g., 125 grams, of reconstituted product?

Answer: It should reflect the amount needed to prepare a measure of the finished product closest to the RACC.

35. Question: What would be the serving size measurement for a package containing chicken breasts and legs?

Answer: Because the product consists of two distinctly different discrete units, there is no single applicable unit so that ounces would be used as the measurement.

36. Question: What is the serving sire is no single applicable unit so that ounces would be used as the measurement.

36. Question: What is the serving size measurement for large

items that are usually cut or sliced into pieces before serving, e.g., a 5-pound chub of unsliced bologna?

Answer: The serving size for these types of products is the number of ounces closest to the RACC. The RACC for bologna is 55 grams. The closest number of ounces to 55 grams in 0.5-ounce increments is 2 so that the label statement would read Serving Size 2 oz (56g).

37. Question: When serving sizes are expressed in ounces, is a visual representation, such as "a 1/2 inch slice," required?

    Answer: No.

38. Question: When using the ounce serving size measurement, when would the term "about" be used?

    Answer: The term "about," which is used to indicate rounding, may have to be used when a food is in unprepared form. For example, if a manufacturer wanted to label a 10-pound chub of seasoned ground meat on a raw basis, the product's RACC is the amount of raw food to prepare the cooked RACC for the product category, which is 85 grams. If the ground meat has a cooked yield of 65 percents, the raw RACC is 131 grams (85 g/0.65 = 131 g). The 131 gram weight is equal to 4.68 ounces (131 g/28 g/oz = 4.68 oz). The closest ounce measurement expressed in 0.5-ounce increments is 4.5 ounces obtained by rounding. The serving size would be expressed as Serving Size about 4.5 oz (131g).

39. Question: Can manufacturers determine their own uncooked to cooked yield factors when the regulations list a cooked and uncooked RACC, e.g., 85 grams cooked and 106 grams uncooked for entrees without sauce, which includes cuts of meat and poultry, beef patties, and various other different products?

    Answer: Yes. The values in the RACC tables for ready-to-cook reference amounts are for use at manufacturers' discretion. They may also use their product-specific values or values for specific cuts from Agriculture Handbook No. 8 (AH-8) or other sources. The 106 gram figure in the RACC tables is being corrected to read 114 grams to reflect a 75 percent yield. This is only an approximate value that is not specific for a particular cooking method or cut of meat or poultry, hamburger, or other products in the category.

40. Question: What would be the serving size and servings per container for a 12-ounce T-bone steak labeled on an uncooked basis?

Answer: The product should be labeled in ounces closest to the RACC. It can also be labeled as one discrete unit at the manufacturer's discretion. The RACC for the product category is 85 grams cooked or the amount to prepare 85 grams cooked for product labeled on an uncooked basis. Using T-bone steak data from AH-8-13 (items 13233 and 13234), 1 pound of raw steak with refuse (22 percent bone) yields 254 grams broiled steak, edible portion. The cooking yield is 56% [(254 g/454 g) x 100]. The amount of raw bone-in steak to prepare 85 grams cooked steak, edible portion, is 152 grams (85 g/0.56). The amount of edible portion is 119 grams (152 g x 0.78), which is equal to 4.25 oz (119 g/28 g/oz), and becomes the raw RACC. The closest ounce measurement expressed in 0.5-ounce increments is 4.5 ounces (4.25 oz rounded to 4.5). The serving size is expressed as about 4.5 oz (119g). The 12-ounce raw steak weighs 340 grams (12 oz x 28.35 g/oz) and the edible portion weighs 265 grams (340 g x 0.78). The servings per container would be about 2 (265 g/119 g = 2.23 rounded to 2) but would not have to be declared if the product were a single-ingredient, raw product. If labeled as one unit, the serving size would be expressed as about 9 oz (265g). The 9-ounce value is obtained by multiplying the 340 gram weight with bone by 0.78 to convert the steak to an edible portion basis (340 g x 0.78 = 265 g; 265 g/28 g/oz = 9.46 oz rounded to 9).

41. Question: How are random weight products labeled with number of servings?

Answer: Because the net quantity of contents can vary widely from package to package of the same product, the servings per container may be declared as varied when the serving size is based on the RACC expressed in ounces.

42. Question: If the serving size of a random weight product, e.g., marinated chicken breasts, is expressed in units instead of ounces, how is servings per container declared?

Answer: It can be declared as varied.

43. Question: Can the manufacturer give the typical number of servings in parenthesis after the term "varied"?

Answer: Yes. Examples of statements might include the following: Usually 5 servings, about 4 to 6 servings, or approximately 8 per pound.

44. Question: If a product is not catch weighed but is exempt from net weight labeling, e.g., because it is not sold at retail intact, and the preprinted package does not carry a net weight statement, how is the number of servings declared?

Answer: It can be expressed either as varied or listed based on the actual content of the container.

45. Question: There are many companies that produce a variety of sizes of the same product, e.g., 12 sizes of identically formulated, unsliced summer sausages weighing between 4 and 19 ounces, and the only difference in the Nutrition Facts panel would be the number of servings per container based on the net weight. Can the servings per container be shown as servings per pound or ounce in these circumstances to avoid printing multiple labels?

    Answer: No. The regulations do not provide for expressing number of servings on a base weight unit. Descriptive phrases of this type may be used only when servings per container are varied. It would be necessary to petition the Agency to change the regulations to relieve this situation.

46. Question: The regulations state that if products in the category of canned meats and poultry are packed or canned in liquid, the RACC is for the drained solids. If the canned meat or poultry product is used as a base for preparing soups and stews and the liquid is customarily consumed, what is the RACC?

    Answer: A technical amendment will be made to clarify that if products are packed or canned in liquid, the RACC is for the drained solids, except for products in which both the solids and liquids are customarily consumed.

47. Question: Is canned ham required to use the RACC of 55 grams shown for canned meats?

    Answer: No. The preamble to the regulations specifies that manufacturers can decide the intended use of their products and notes, using ham as an example, that certain products are frequently used as either deli meats or entrees. It is widely recognized that a number of products in the luncheon meat and entree without sauce categories are used interchangeably. Products like canned ham and smoked turkey could be positioned as either entrees without sauce with a 85-gram RACC or as luncheon meats with a 55-gram RACC. The manufacturer may choose either category for the targeted market use.

48. Question: Does this leeway for manufacturers to select their own product category apply to other types of products with more than one use, e.g., chili that also might be used as a hot dog condiment, or to products used as an ingredient in the preparation of other items, e.g., barbecued meats in sauce that also are commonly used as sandwich fillings?

Answer: The established product categories are intended to categorize similar foods by the same reference amounts representing customarily consumed amounts of the foods based on consumption data. Manufacturers may select the category that is appropriate for their product's intended use. The Agency recognizes that manufacturers can promote multiple uses of foods through advertising, vignettes, recipes, preparation instructions, etc. (e.g., barbecued meat in sauce as a sandwich filling instead of as an entree with sauce) and that in some instances the established RACC clearly does not represent the customarily consumed amount for a product's promoted use. The regulations provide for a process to petition the Agency to establish or amend a product category and/or RACC if manufacturers believe their products are not properly categorized.

49. Question: Besides submitting a petition for a new product category, what are the options for labeling products having more than one use, e.g., canned barbecue and meat products which can be used and marketed as sandwich fillings, when the RACC for the item is too large for that use?

    Answer: There is no provision for manufacturers to use their own serving size in a dual column nor does FSIS require they show nutrient values in the serving size for the promoted use even if the serving size differs considerably from the use upon which the RACC is based. Manufacturers may declare values for one ounce of product in a second dual column. They can indicate in serving instructions how many sandwiches the first primary column set of values makes or how many ounces of a second dual ounce set of values are needed to make one sandwich.

50. Question: What is the serving size measure for canned products like chicken and ham?

    Answer: The measure is the cup if the products are not single-serving containers or intact pieces that will be sliced or cut. If the products are intact pieces, the measure is ounces.

51. Question: If a canned meat or poultry product has surface fat and cooking instructions advise removal before preparation, must the fat be included as part of the nutrient profile?

    Answer: Yes. There is no guarantee consumers will remove the fat, and it is part of the "as packaged" product.

52. Question: What information must be supplied with a label application for a case-by-case evaluation to use the option to label special case products, such as fresh sausage, on an "as consumed" basis only?

Answer: The manufacturer should submit values representing the mandatory nutrients present in significant amounts in both the raw and cooked forms of the food, the cooking yields, and the cooking method. The source of the data should be identified, e.g., company or AH-8 data. The information should be submitted in a letter accompanying the application or on the application itself.

53. Question: Will FSIS consider industry-wide requests with data submission to enable all manufacturers of specific special case products to label them only on an "as consumed" basis?

Answer: Yes. FSIS has reviewed recently such a submission for bacon that obviates the need for case-by-case evaluation for this special case product. Manufacturers of bacon with cooking yields under 40 percents, which represents the bulk of the market, no longer need to submit supporting evidence to label their products only on an "as consumed" basis.

54. Question: If a product is partially cooked or is fully cooked but requires further cooking before consumption, can it use the ready-to-serve RACC to determine serving size?

Answer: A partially cooked product should not use the ready-to-serve RACC and a fully cooked product requiring further cooking, as opposed to thawing and reheating, should not either. The manufacturer needs to determine a RACC for these products that yields the ready-to-serve value shown in the RACC tables. It may or may not equal the ready-to-cook RACC figures included for certain food items.

55. Question: When multiple cooking methods are listed on the label of a product carrying "as consumed" nutrient values, how should the cooking method upon which the nutrition information is based be indicated?

Answer: Options might include using an asterisk; listing the procedure as part of the serving size statement, e.g., 2 skillet cooked slices; and, using a symbol, e.g., a picture of a skillet next to the serving size and next to the applicable cooking instruction.

56. Question: Can the servings per container for sliced bacon be listed as a range?

Answer: No. While a statement of the number of slices in a package may be given as a range due to variable slice size, that range is not in itself a statement of the number of servings.

57. Question: Will the declared count quality control program

for slice count verification be rescinded since slices are servings and servings per container will appear on labels?

Answer: No. The declared count programs are intended to apply to declarations or vignettes on the principle display panel and not the Nutrition Facts panel.

58. Question: Why are there no product categories for plain meats/poultry for infants and meat/poultry sticks for toddlers?

Answer: These items were inadvertently omitted and FSIS intends to amend the regulations to include them as product categories with RACCs of 55 grams.