

limits the use of the product compared to the use of the standardized product defined in subpart P of this part, the label shall include a statement in accordance with § 381.413(d)(1) and (2) of this part, that informs the consumer of such differences (*e.g.*, if appropriate, “not recommended for frozen storage” or “not suitable for roller grilling”). Deviations from the ingredient provisions of the standard must be the minimum necessary to qualify for the nutrient content claim, while maintaining similar performance characteristics.

(c) *Ingredients used in substitute products.* (1) Ingredients used in the product shall be those ingredients provided for in the standard as defined in subpart P of this part, except that safe and suitable ingredients permitted for use in poultry products as provided in a regulation permitting that use in this subchapter or in 9 CFR Chapter III, Subchapter E, or in 21 CFR Chapter I, Subchapter A or Subchapter B, may be used at the minimum level necessary to improve texture and prevent syneresis, so that the substitute product is not inferior in performance characteristics from the standardized product defined in subpart P of this part for which it is a substitute.

(2) An ingredient that is specifically required by the standard prescribed in subpart P of this part shall not be replaced or exchanged with a similar ingredient from another source, for example, extruded turnips shall not replace noodles in poultry with noodles.

(3) An ingredient that is specifically prohibited from use in any poultry product by subpart P of this part shall not be added to the substitute poultry product under this section.

(4) Unless otherwise specified in this part, a substitute poultry product must meet all other requirements of the applicable standards of identity or composition.

(5) Water and fat-replacers (*e.g.*, binders), in combination, may be added to replace fat in accordance with paragraph (c) of this section.

(6) Textured vegetable protein may be used by itself or in combination with other binders and water as a fat replacer in accordance with paragraph (c) of this section.

(d) *Nomenclature.* The name of a substitute poultry product that complies with this section is the appropriate expressed nutrient content claim and the applicable standardized term.

(e) *Label declaration.* (1) Each of the ingredients used in the substitute poultry product shall be declared on the label as required by this section and subpart N of this part.

(2) Ingredients not provided for, and ingredients used in excess of those levels provided for, by the standard as defined in subpart P of this part, shall be identified as such with an asterisk in the ingredients statement. The statement “*Ingredients not in regular _____” (the blank shall be filled in with the name of the traditional standardized product) or “**Ingredients in excess of amounts permitted in regular _____” (the blank shall be filled in with the name of the traditional standardized product), or both, as appropriate, shall immediately follow the ingredients statement in the same type and size.

EFFECTIVE DATE NOTE: At 70 FR 33818, June 10, 2005, § 381.172 was added, effective Jan. 1, 2008.

§ 381.173 Mechanically Separated (Kind of Poultry).

(a) “Mechanically Separated (Kind of Poultry)” is any product resulting from the mechanical separation and removal of most of the bone from attached skeletal muscle and other tissue of poultry carcasses and parts of carcasses that has a paste-like form and consistency, that may or may not contain skin with attached fat and meeting the other provisions of this section. Examples of such product are “Mechanically Separated Chicken” and “Mechanically Separated Turkey.”

(b) “Mechanically Separated (Kind of Poultry)” shall not have a bone solids content of more than 1 percent. At least 98 percent of the bone particles present in “Mechanically Separated (Kind of Poultry)” shall have a maximum size no greater than 1.5 mm (millimeter) in their greatest dimension and there shall be no bone particles larger than 2.0 mm in their greatest dimension.

(c) “Mechanically Separated (Kind of Poultry)” shall not have a calcium

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content exceeding 0.235 percent when made from mature chickens or from turkeys as defined in §381.170(a)(1)(vi) and (vii) and (a)(2), respectively, or 0.175 percent when made from other poultry, based on the weight of product that has not been heat treated, as a measure of a bone solids content of not more than 1 percent.

(d) "Mechanically Separated (Kind of Poultry)" may be used in the formulation of poultry products in accordance with §381.174 and meat food products in accordance with subchapter A of this chapter.

(e) Product resulting from the mechanical separation process that fails to meet the bone particle size or calcium content requirements for "Mechanically Separated (Kind of Poultry)" shall be used only in producing poultry extractives, including fats, stocks, and broths and labeled as "Mechanically Separated (Kind of Poultry) for Further Processing."

[60 FR 55983, Nov. 3, 1995]

§ 381.174 Limitations with respect to use of Mechanically Separated (Kind of Poultry).

(a) A poultry product required to be prepared from a particular kind of poultry (e.g., chicken) shall not contain "Mechanically Separated (Kind of Poultry)" described in §381.173, that is made from any other kind of poultry (e.g., Mechanically Separated Turkey).

(b) "Mechanically Separated (Kind of Poultry)" described in §381.173 may be used in the formulation of any poultry or meat food product, provided such use conforms with any applicable requirements of the definitions and standards of identity or composition in this subchapter or part 319 of this chapter, and provided that it is identified as "Mechanically Separated (Kind of Poultry)."

[60 FR 55983, Nov. 3, 1995]

Subpart Q—Records, Registration, and Reports

§ 381.175 Records required to be kept.

(a) Every person within any of the classes specified in paragraph (a) (1), (2), or (3) of this section is required by the Act to keep such records as are

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properly necessary for the effective enforcement of the Act:

(1) Any person that engages in the business of slaughtering any poultry or processing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, of any poultry, for commerce, for use as human food or animal food;

(2) Any person that engages in the business of buying or selling (as a poultry products broker, wholesaler, or otherwise) or transporting, in commerce, or storing in or for commerce, or importing, any carcasses, or parts or products of carcasses, of any poultry;

(3) Any person that engages in business, in or for commerce, as a renderer, or engages in the business of buying, selling, or transporting in commerce, or importing, any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter.

(b) The required records are:

(1) Records, such as bills of sale, invoices, bills of lading, and receiving and shipping papers, giving the following information with respect to each transaction in which any poultry or poultry carcass, or part or product of a poultry carcass, is purchased, sold, shipped, received, transported, or otherwise handled by said person in connection with any business subject to the Act.

(i) The name or description of the poultry or other articles;

(ii) The net weight of the poultry or other articles;

(iii) The number of outside containers;

(iv) The name and address of the buyer of the poultry or other articles sold by such person, and the name and address of the seller of the poultry or other articles purchased by such person;

(v) The name and address of the consignee or receiver (if other than the buyer);

(vi) The method of shipment;

(vii) The date of shipment; and

(viii) The name and address of the carrier.

(2) Guaranties provided by suppliers of packaging materials under §381.144.