

UNITED STATES DEPARTMENT OF AGRICULTURE  
FOOD SAFETY AND INSPECTION SERVICE  
WASHINGTON, DC

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<b>FSIS NOTICE</b>	15-12	2/28/12
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**VERIFYING NUTRITION LABELING FOR THE MAJOR CUTS OF SINGLE-  
INGREDIENT, RAW MEAT AND POULTRY PRODUCTS AND GROUND OR  
CHOPPED MEAT AND POULTRY PRODUCTS**

**I. PURPOSE**

This notice provides instructions to inspection program personnel (IPP), Import Inspection Personnel, Import Surveillance and Liaison Officers (ISLOs) and Compliance and Investigations Division (CID) Investigators for enforcing the final rule “Nutrition Labeling of Single-Ingredient Products and Ground or Chopped Meat and Poultry Products” that will be effective on March 1, 2012. This notice includes the first instructions for enforcing the final rule. Additional notices and instructions will be issued as necessary.

**II. BACKGROUND**

A. On December 29, 2010, The Food Safety and Inspection Service (FSIS) published the final rule “[Nutrition Labeling of Single-Ingredient Products and Ground or Chopped Meat and Poultry Products](#)” (75 FR 82148). This rule amends the Federal meat and poultry products inspection regulations to require nutrition labeling of the major cuts of single-ingredient, raw meat and poultry products on labels or at point-of-purchase, unless an exemption applies. FSIS is also amending its regulations to require nutrition labels on all ground or chopped meat and poultry products, with or without added seasonings, unless an exemption applies. In addition, the rule provides that, when a ground or chopped product does not meet the regulatory criteria to be labeled “low fat” (as defined in 9 CFR 317.362(b)(2) and 381.462(b)(2)), a lean percentage statement may be included on the label or in labeling as long as a statement of the fat percentage that meets the specified criteria also is displayed on the label or in labeling.

B. The original effective date of the final rule was January 1, 2012. On December 9, 2011, FSIS published a [Federal Register Notice](#) delaying the effective date of the final rule until March 1, 2012 (76 FR 76890).

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**DISTRIBUTION:** Electronic

**NOTICE EXPIRES:** 3/1/13

**OPI:** OPPD

### III. EXEMPTIONS

A. The final rule includes the following exemptions from nutrition labeling requirements for the major cuts of single-ingredient, raw meat and poultry products and ground or chopped meat and poultry products, with or without added seasonings:

1. Products intended for further processing, provided that the labels for these products bear no nutrition claims (e.g., “good source of protein”) or nutrition information;
2. Products that are not for sale to household consumers (e.g., hotels, restaurants, and institutions), provided that the labels for these products bear no nutrition claims or nutrition information;
3. Products in small packages that are individually wrapped packages of less than ½ ounce net weight, provided that the labels for these products bear no nutrition claims or nutrition information;
4. Products that are custom slaughtered or prepared; and
5. Products intended for export.

B. The final rule also provides the following additional exemptions for ground or chopped products, with or without added seasonings:

1. Ground or chopped products that qualify for the small business<sup>1</sup> exemption in 9 CFR 317.400(a)(1) and 381.500(a)(1);
2. Products that are ground or chopped at an individual customer’s request and that are prepared and served or sold at retail, provided that the labels for these products bear no nutrition claims or nutrition information;
3. Ground or chopped products in packages that have a total surface area for labeling of less than 12 square inches, provided that the product’s labeling includes no nutrition claims or nutrition information and provided that an address or telephone number that a consumer can use to obtain the required information is included on the label; and
4. Ground products produced by small businesses that use statements of percent fat and percent lean (e.g., 90%Lean/10%Fat) on the label or in labeling, provided they include no other nutrition claims (e.g., 0 grams trans fat, good source of iron, high in protein, 300mg omega-3 fatty acids, or no sugar added) or nutrition information on the product labels or labeling.

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<sup>1</sup> Under §§ 317.400(a)(1) and 381.500(a)(1), a small business is any single-plant facility or multi-plant company/firm that employs 500 or fewer people and produces no more than 100,000 pounds of the product per year.

#### **IV. RETAIL STORES**

Retail stores must comply with the nutrition labeling final rule, unless an exemption applies. For example, to qualify for the small business exemption for ground or chopped products, a retail store must either be a single retail store or a multi-retail store operation that employs 500 or fewer people and produces no more than 100,000 pounds of each ground product per year (75 FR 82159).

**NOTE:** Nutrition information panels are not required on package labels for the major cuts of raw, single-ingredient meat or poultry products that do not have nutrition claims on their labels. Retailers only have to display point-of-purchase materials for these products.

#### **V. INSPECTION PROGRAM PERSONNEL RESPONSIBILITIES**

A. After March 1, 2012, IPP in meat and poultry establishments are to verify, when performing the Public Health Information System (PHIS) General Labeling task, that:

1. All ground or chopped meat and poultry products that are not subject to one of the exemptions above (9 CFR 317.400 and 381.500), with or without added seasonings, labeled on March 1, 2012, or later, bear nutrition information panels titled “Nutrition Facts” on their labels;

**NOTE:** These are products labeled “ground \_\_\_\_\_,” e.g., ground beef or ground turkey, not sausage products.

2. The establishment has approved labels on file for all ground or chopped meat and poultry products with “Nutrition Facts” panels on their labels (9 CFR 320.1(b)(11) and 381.175(b)(6)); and
3. The establishment has documentation to support that any ground or chopped meat or poultry product, with or without added seasonings, that does not bear a “Nutrition Facts” panel on its label is exempt from the nutrition labeling regulations under 9 CFR 317.400 or 381.500.

B. If any ground or chopped meat or poultry product, with or without added seasonings, is not being labeled with a “Nutrition Facts” panel, and IPP have determined that the product is not exempt from the nutrition labeling regulations, the Inspector-in Charge (ICC) is to:

1. Meet with establishment management and inform them that the products must be labeled according to the nutrition labeling regulations;
2. Tell establishment management that the following information can be found on the FSIS website to help the establishment comply with the final rule:

- a. A copy of the final rule (available at <http://www.fsis.usda.gov/Regulations & Policies/2010 Interim & Final Rules Index/index.asp>);
  - b. A copy of the delay of effective date notice (available at <http://www.fsis.usda.gov/Regulations & Policies/Interim & Final Rules/index.asp>);
  - c. A PowerPoint presentation that gives an overview of the requirements of the nutrition labeling final rule and the exemptions (available at <http://www.fsis.usda.gov/Regulations & Policies/2010 Interim & Final Rules Index/index.asp>);
  - d. Answers to questions received on *askFSIS* (available at <http://www.fsis.usda.gov/Regulations & Policies/2010 Interim & Final Rules Index/index.asp>); and
  - e. Examples of nutrition facts panels for ground product (available at <http://www.fsis.usda.gov/Regulations & Policies/Nutrition Labeling/index.asp>).
3. IPP are not responsible for guiding the establishment through the nutrition labeling materials available on the FSIS website. Establishments that produce ground or chopped product are required to comply with the nutrition labeling regulations unless an exemption applies. If establishments have questions on the nutrition labeling regulations, IPP are to advise them that they should submit them through askFSIS.
  4. In PHIS, document the meeting in a memorandum of interview (MOI). At a minimum, the MOI is to include a list of participants in the meeting, materials provided, and items discussed with establishment management. Provide a copy of the MOI to establishment management.
  5. At this time, IPP are not to retain ground or chopped meat or poultry products, or take any other regulatory control action or withholding action, because the products do not have “Nutrition Facts” labels.

## **VI. CID INVESTIGATORS’ AND ISLOS’ RESPONSIBILITIES**

A. After March 1, 2012, CID Investigators and ISLOs conducting in-commerce surveillance activities at retail stores are to verify that:

1. Retail stores that are selling the major cuts<sup>2</sup> of raw, single-ingredient meat and poultry products have posted signs or provided brochures with nutrition information for the major cuts near their point-of-purchase.

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<sup>2</sup> The major cuts of raw, single-ingredient meat and poultry products are listed in 9 CFR 317.344 and 381.444. They are: beef chuck blade roast, beef loin top loin steak, beef rib roast large end, beef round eye steak, beef round top round steak, beef round tip roast, beef loin sirloin steak, beef round bottom

2. All ground and chopped meat and poultry products packaged or ground at retail bear “Nutrition Facts” panels on their labels, unless an exemption<sup>3</sup> applies.

B. CID Investigators and ISLOs are to bring point-of-purchase materials for the major cuts (Attachment I) with them when conducting in-commerce surveillance activities at retail stores. If a retail store that sells the major cuts of raw, single-ingredient products has not posted signs or provided brochures with nutrition information for the major cuts, CID Investigators and ISLOs are to give management of the retail store the point-of-purchase materials in Attachment I and instruct the store to post them near the point-of-purchase to comply with the nutrition labeling regulations.

C. If ground or chopped meat and poultry products do not have “Nutrition Facts” panels on their labels, and the products are not exempt (see exemptions in 9 CFR 317.400 and 381.500), CID Investigators and ISLOs are to inform management of the retail store that the products need “Nutrition Facts” panels on their labels and refer them to the nutrition labeling regulations and the materials available on the FSIS website and listed in Section V.B.2. of this notice.

D. At this time, CID Investigators and ISLOs are not to initiate a product control action or detain or seize ground or chopped meat and poultry products that do not have “Nutrition Facts” panels on their labels and are not exempt from the nutrition labeling regulations.

E. Upon completion of the surveillance activity, the CID Investigator or ISLO is to document his or her findings in the In-commerce Surveillance System (ICS).

## **VII. IMPORT INSPECTION PERSONNEL RESPONSIBILITIES**

A. After March 1, 2012, Import Inspection Personnel are to verify at reinspection during label verification procedures outlined in FSIS Directive 9500.3, that ground and chopped meat and poultry products in consumer packages bear “Nutrition Facts” panels on their labels, unless an exemption applies.

B. If during label verification procedures, Import Inspection Personnel find that the products do not bear “Nutrition Facts” panels on their labels and no exemption applies, Import Inspection Personnel are to:

1. Notify the Regional Import Field Office.

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round steak, beef brisket (whole, flat half, or point half), beef rib steak small end, beef loin tenderloin steak, beef chuck arm pot roast, pork loin chop, pork loin country style ribs, pork loin top loin chop boneless, pork loin rib chop, pork spareribs, pork tenderloin, pork shoulder blade steak, pork loin top roast boneless, pork sirloin roast, lamb shank, lamb shoulder arm chop, lamb shoulder blade chop, lamb rib roast, lamb loin chop, lamb leg (whole, sirloin half, or shank half), veal shoulder arm steak, veal shoulder blade steak, veal rib roast, veal loin chop, veal cutlets, whole chicken (without neck and giblets), chicken breast, chicken wing, chicken drumstick, chicken thigh, whole turkey (without neck and giblets; separate nutrient panels for white and dark meat permitted as an option), turkey breast, turkey wing, turkey drumstick, and turkey thigh.

<sup>3</sup> The exemptions from the nutrition labeling regulations are discussed in Section III of this notice and are listed in 9 CFR 317.400 and 381.500.

2. Notify Import Inspection Division Headquarters by e-mail at [importinspection@fsis.usda.gov](mailto:importinspection@fsis.usda.gov) for any correspondence to the foreign country.

C. At this time, Import Inspection Personnel are not to refuse entry on ground or chopped meat or poultry products, or take any other regulatory control action, if the products do not have “Nutrition Facts” labels.

Refer questions regarding this notice to the Labeling and Program Delivery Division through askFSIS at <http://askfsis.custhelp.com> or by telephone at 1-301-504-0878. To submit a question through askFSIS, follow the instructions provided in [How to Submit a Question in askFSIS](#). When submitting a question via askFSIS, use the Submit a Question tab, and enter the following information in the fields provided:

Subject Field: **2010 Nutrition Labeling Final Rule**

Question Field: **Enter your question with as much detail as possible.**

Product Field: Select **Labeling** from the drop down menu.

Category Field: Select **Labeling Regulations, Policies & Claims** then **Nutrition Facts** from the drop-down menu.

Policy Arena: Select **Domestic (U.S.) Only** or **International (Import/Export)** from the drop-down menu.

Once all fields have been completed, press the **Submit** button.

A handwritten signature in black ink, appearing to read "David J. Seibert". The signature is fluid and cursive, with a prominent initial "D".

Assistant Administrator  
Office of Policy and Program Development