

Policy for Advertising Services And Marks

August 2009



SEAFOOD INSPECTION PROGRAM

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Glossary

HACCP - Hazard Analysis Critical Control Point

IQA - Integrated Quality Assurance

NOAA - National Oceanic and Atmospheric Administration

PUFI - Processed Under Federal Inspection

USDC - United States Department of Commerce

References

Title 50, Code of Federal Regulations, Part 260 - regulations governing processed fishery products

Fishery Products Inspection Manual- USDC inspection procedures and guidance

General Requirements

Policy for Advertising Services and Marks

This document was developed to assist program participants and marketers of inspected products to achieve their marketing goals while maintaining compliance with the applicable federal regulations and policies. It is the USDC policy to work cooperatively and constructively with program participants and users of inspected products. Violations of the *Policy for Advertising Services and Marks* will be referred to NOAA's Office of the General Counsel for Fisheries on a recommendation for civil or criminal action.

Program participants and marketers are required to comply with the following:

1. Labeling bearing designs, marks, and statements referencing participation in the USDC seafood inspection program must be reviewed and approved by the Seafood Inspection Program.
2. The United States Department of Commerce and the National Oceanic and Atmospheric Administration seals may not be used in advertising and marketing.
3. All designs, marks, and statements must be truthful, not false or misleading, and comply with all federal laws and regulations. For example, the type of services received under the inspection program must be accurately conveyed in all product markings and advertising.
4. Original and private label logos/brand names and their supporting statements may not use, incorporate, reference or closely resemble any official USDC mark, or be displayed in close proximity to an official USDC mark.
5. All products marked at point-of-sale or cited in advertisements as having received USDC inspection services must be supported by USDC approved specifications or U.S. grade standards, and USDC approved labels.
6. When a mix of USDC inspected and non-inspected products is offered at point-of-sale or in advertising, use of official marks or statements must appear on, or next to, inspected products only. Inspected products must be distinguished from non-inspected products.
7. When a mix of U.S. Grade A, PUFIs or "lot inspected" products is in advertisements, the majority of product must be U.S. Grade A and/or PUFIs in order to use the statements, "Federally Inspected" or "USDC Inspected" over the entire ad, or to reference all products included in the advertisement.
8. When a mix of U.S. Grade A, PUFIs and lot inspected products is offered together at point-of-sale or in the same advertisement, it is appropriate to use the phrases "Federally Lot Inspected" or "USDC Lot Inspected" over the entire ad, or to reference all products when the majority of product has received USDC lot inspection services. Facilities that participate in a sanitation only program, must not state or infer that their products are USDC inspected.
9. The statement, "U.S. Grade A Available," can be used by Approved Establishments. The statements "USDC Lot Inspection Available" or "Federal Lot Inspection Available," may not be used in advertising and marketing.

Agency Point of Contact

Should you have any questions
or require assistance
in applying the policies, call or write:

Industry and Consumer Liaison
Seafood Inspection Program, F/SI
NOAA Fisheries
U.S. Department of Commerce
1315 East-West Highway
Silver Spring, MD 20910

PHONE: (301) 713-2355 or
800-422-2750

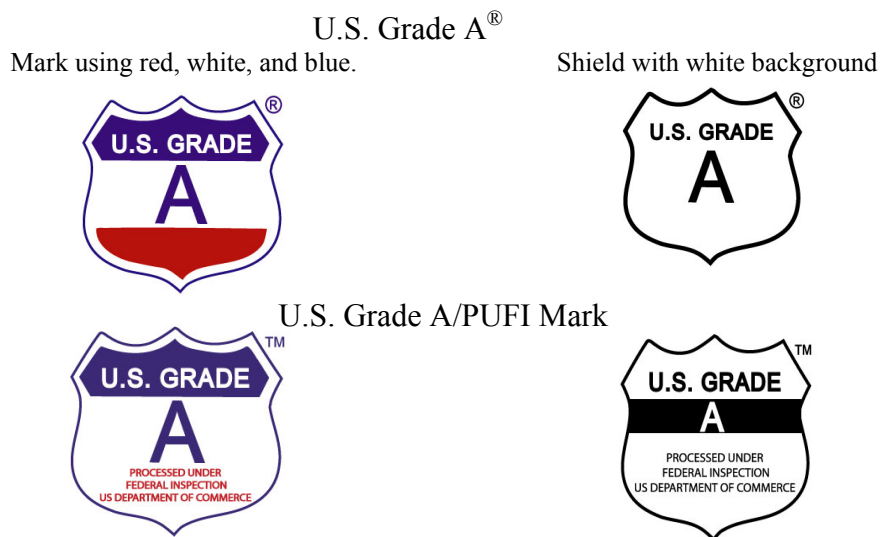
FAX: (301) 713-1081
Website: seafood.nmfs.noaa.gov

POLICY FOR ADVERTISING SERVICES AND USE OF MARKS OF THE U.S. DEPARTMENT OF COMMERCE

The following are detailed requirements for the advertising and marketing use of any official USDC mark and/or service.

I. U.S. GRADE A

Identifies fishery products processed under USDC inspection in an approved establishment, and meets the highest quality level established by the applicable U.S. Grade Standard, published in the Inspection Manual.



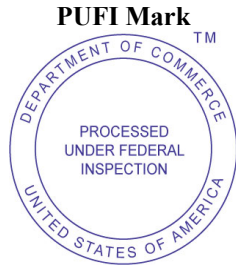
U.S. GRADE A MARK

- may be used for:
 - retail packages
 - cases or shipping cartons
 - point-of-sale notices
 - advertisements/promotional literature

- requires that the:
 - participant be under USDC contract agreement for in-plant inspection service
 - facility/vessel meets applicable USDC sanitation requirements
 - labels be approved by USDC
 - product be processed and packaged under USDC approved inspection program
 - product meets established U.S. Grade A criteria in a U.S. grade standard
 - product meets principal display panel declarations
 - U.S. Grade A mark or statement be affixed only on or next to certified U.S. Grade A products

II. PROCESSED UNDER FEDERAL INSPECTION (PUFI)

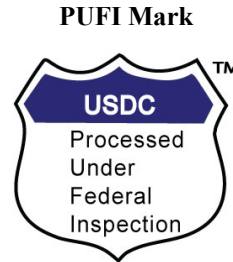
Identifies fishery products processed under USDC inspection in an approved establishment, inspected for safety, wholesomeness and proper labeling, and conforms to quality and other criteria in an approved specification.



PUFI Statement using the company name:

PROCESSED BY™

UNDER FEDERAL INSPECTION
U.S. DEPT. OF COMMERCE



PUFI Statement:

Processed Under Federal Inspection™
U.S. DEPARTMENT OF COMMERCE

PUFI MARK

- may be used for:
 - retail packages
 - cases or shipping cartons
 - point-of-sale notices
 - advertisements/promotional literature
- requires that the:
 - participant be under USDC contract agreement for in-plant inspection service
 - facility/vessel meets applicable USDC sanitation requirements
 - product specifications and labels be approved by USDC
 - products conform to USDC approved specifications
 - product meets principal display panel declarations
 - PUFIMark or statement be affixed to or next to certified PUFIMark products only
 - product be processed and packaged under USDC approved inspection program

III. "FEDERALLY INSPECTED" OR "USDC INSPECTED" STATEMENT

- may be used for:
 - retail packages
 - cases or shipping cartons
 - point-of-sale notices

- advertisements/promotional literature requires that the:
- participant be under USDC contract agreement for in-plant inspection service
- facility/vessel meets applicable USDC sanitation requirements
- product specifications and labels be approved by USDC
- products conform to USDC approved specifications
- product meets principal display panel declarations
- statements be affixed to or next to certified U.S. Grade A or PUF1 products only

IV. LOT INSPECTION MARKS

Lot inspected products are finished products, officially sampled according to USDC approved specifications.

A. USDC LOT INSPECTED SHIELD

USDC Lot Inspection Shield



- may be used for:
 - retail packages
 - cases or shipping cartons
 - point-of-sale notices
 - advertisements/promotional literature
- requires that the:
 - participant be under USDC contract agreement for inspection service
 - product specifications and labels be USDC approved
 - lot be USDC officially sampled and inspected, and conform to approved specifications
 - product meets principal display panel declarations

B. ACCEPTED PER SPECIFICATIONS MARK;

Identifies lot inspected products for which **no public claims** will be made regarding USDC inspection.

USDC Accepted Per Specifications mark

- may be used on:
 - cases or shipping cartons or



- requires that the:
 - product specifications be approved by USDC
 - lot be USDC officially sampled and inspected, and conform to an approved specification
 - product meets principal display panel declarations

C. OFFICIALLY SAMPLED MARK

Identifies lot inspected products for which **no public claims** will be made regarding USDC inspection.

USDC Officially Sampled mark



- may be used on:
 - cases or shipping cartons only
- requires that the:
 - lot be USDC officially sampled and inspected for wholesomeness, condition, and other factors as requested

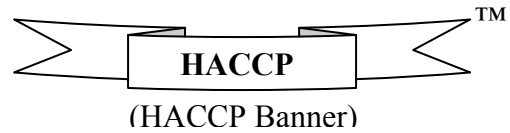
V. THE “USDC APPROVED ESTABLISHMENT” STATEMENT

Identifies fishery products processed under a resident USDC inspector or an approved HACCP Quality Management Plan. Products are processed under a process control system that identifies controls for management commitment, food safety, wholesomeness, proper labeling, and sanitation.

- may be used for:
 - advertisements/promotional literature/labels
- requires that the:
 - facility/vessel be a USDC approved establishment
 - facility/vessel be under USDC contract agreement for in-plant services
 - advertisements/labels must **not** imply that products are inspected, graded, or certified when they are not
 - imported product does not imply it is product of USA
 - no border encompasses the statement
 - labels and/or statements be pre-approved per Program policy and procedures

Example: “Product of Vietnam processed in an establishment approved by the USDC Seafood Inspection Program.”

VI. SEAFOOD WITH CONFIDENCE MARK



(Company Logo – Octagon)

- may be used for:
 - advertisements/promotional literature
 - packaging/labeling
 - point of sale notices
 - retail packages
 - menus
- Colors within the mark are subject to approval by USDC prior to printing. Additionally, company logos may be used in place of “company name” upon approval by USDC.
- The HACCP banner or statement must appear directly below the appropriate inspection mark, i.e., U.S. Grade, or PUF1. “HACCP” statement/banner must be in a type size at least equal to the largest type inside the mark. The HACCP octagon may be used alone **or** in conjunction with a USDC Grade mark on private label packaging with prior approval from USDC.
- Truthful phrases to indicate participation in the USDC HACCP-based service can be made in advertising and promotions.
- requires that the:
 - facility be under USDC contract agreement for HACCP in-plant inspection service
 - facility/vessel meets all USDC HACCP QMP Program requirements
 - product specifications and/or labels be approved by USDC
 - product be processed, packaged, and/or inspected under USDC approved inspection program
 - product conform to USDC approved specifications and/or meet established U.S. Grade mark criteria
 - lot be USDC officially sampled and inspected, and conform to approved specifications
 - product meets principal display panel declarations

VII. VOLUNTARY RETAIL SERVICES MARK



- may be used for:
 - advertisements/promotional literature
 - point-of-sale notices
 - menus
- requires that the:
 - establishment be a USDC approved establishment
 - product specifications and labels be approved by USDC
 - all product must be processed and packaged under USDC approved inspection program
 - mark **not** to be used on product labels or containers

VIII. CONTINUOUS INSPECTION STATEMENT

Identifies fishery products inspected during processing in an approved establishment for safety, wholesomeness and proper labeling by a USDC inspector.

“This product was inspected and certified by an on-site USDC Inspector”

- may be used for:
 - retail packages
 - cases or shipping cartons
 - point-of-sale notices
 - advertisements/promotional literature
- requires that the:
 - participant be under USDC contract agreement for in-plant inspection service
 - facility/vessel meets applicable USDC requirements
 - labels and specifications be approved by USDC
 - product be processed and packaged while a USDC inspector is present
 - products conform to USDC approved specifications
 - product meets principal display panel declarations
 - statement be placed on the label under certified U.S. Grade A or PUFIs marks