

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

<b>FSIS PHIS DIRECTIVE</b>	9900.5	5/24/12
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**LABEL VERIFICATION OF IMPORTED MEAT, POULTRY,  
AND EGG PRODUCTS**

**DO NOT IMPLEMENT THIS DIRECTIVE UNTIL MAY 29, 2012.**

**I. PURPOSE**

This directive provides instruction to import inspection personnel for conducting label verification procedures (LVP) on imported meat, poultry, and egg products. The instructions for Canadian shipment and nutritional labeling verification are revised for clarity. The section on un-marked carcasses, primal parts, and other products identified for further processing (Intended Use) are revised for clarity. This directive incorporates instructions related to the Public Health Information System (PHIS).

**II. CANCELTION**

FSIS Directive 9500.3 dated 2/2/2010

**III. [RESERVED]**

**IV. REFERENCES**

9 CFR 301.2, 317, 319.1, 327.6, 327.14 and 15, 381, Subpart N, 381.204, 205 and 206, 381, Subpart Y, 424, Subpart C, 590.410, 590.950, 955, and 956

FSIS Directive 7235.1 – Mandatory Safe Handling Statements on the Labeling of Raw and Partially Cooked Meat and Poultry Products

FSIS Labeling Policy Requirements Guide

([http://www.fsis.usda.gov/pdf/Labeling\\_Requirements\\_Guide.pdf](http://www.fsis.usda.gov/pdf/Labeling_Requirements_Guide.pdf) )

The PHIS User Guide is available via the FSIS Intranet on the PHIS page under Resources

**V. BACKGROUND**

Foreign establishments exporting to the United States are required to adhere to the labeling requirements in the Federal meat, poultry and egg product regulations in 9 Code of Federal Regulations. Import inspection personnel verify compliance with labeling regulations for imported product presented for reinspection by examining the labeling features on shipping and immediate containers.

## VI. LABEL VERIFICATION PROCEDURES (LVP)

A. Import inspection personnel are to verify that shipping containers, immediate containers, protective coverings, primal parts, and carcasses meet FSIS labeling or marking requirements on every lot presented for inspection.

B. Import inspection personnel are to:

1. Select the number of sample units (pallet, tote, carcasses) from the presented lots using Table A below.
2. Generate random numbers in order to determine which units in the presented lot are to be identified as the LVP sample units.
3. Based on the number of units in the presented lot, examine the designated sample units (e.g. 15 pallets in presented lot = 2 pallets) after the lot is staged for general condition examination.

<b>Number of Units in Presented Lot</b>	<b>Sample Units (Number of Pallets/Totes/Carcasses)</b>
<b>1-10</b>	<b>1</b>
<b>11-20</b>	<b>2</b>
<b>21-30</b>	<b>3</b>
<b>31-40</b>	<b>4</b>
<b>41-50</b>	<b>5</b>
<b>51 or more</b>	<b>5 plus 1 additional sample unit for every increase in lot size by 10 units or parts thereof.</b>

C. Sample units may need to be moved into the import establishment inspection room, and the shipping container opened, to determine which label requirements, if any, need to be verified on the interior products or containers (e.g., protective coverings, immediate containers).

D. Import inspection personnel are to perform label verification on Canadian shipments on one shipping unit from each lot on the inspection certificate assigned only a Certification and Label Verification type of inspection (TOI). The label verification is to be performed at the rear of the open shipping conveyance backed into the unloading dock at the official import inspection establishment. Import establishment management may rearrange the containers to facilitate the label verification. If import inspection personnel observe or suspect problems, the suspect

lots are to be staged in the official import inspection establishment and reinspected as appropriate.

E. Lots that receive more TOIs than just Certification and Label Verification are to be staged in an approved staging area in the official import inspection establishment where reinspection, including label verification, will occur.

**NOTE:** When carcasses, sides, or quarters of livestock or ratites are presented for reinspection on a pallet or in a tote, one unit from each pallet or tote comprises the sample unit for the pallet or tote. When carcasses, sides, or quarters of livestock are presented in a trailer as a "Hanging Carcass," one side will comprise a sample unit.

## VII. VERIFICATION PROCEDURE

A. When conducting the LVP, Import inspection personnel are to verify that labels are:

1. Mechanically printed, stenciled, or stamped directly on the shipping container or on a self-adhesive label affixed to the shipping container. Hand written (except for the actual catch net weight) labels or label information are not acceptable; and
2. In the English language. **EXCEPTION:** Products distributed solely in Puerto Rico may be labeled in Spanish only (317.2(b)).

B. **Shipping Containers (meat and poultry)** – Import inspection personnel are to verify that the shipping containers (the outside container) of the selected sample meet the following requirements:

1. The name of the country of origin preceded by "Product of;"

**NOTE:** If the name of the country appears in the foreign country's mark of inspection, or if the shipping container contains fully labeled immediate containers, the phrase "Product of" need not appear. (9 CFR 327.14)

2. The establishment number assigned by the foreign inspection system;
3. The name of the product;
4. The name and address of the foreign establishment, distributor, or importer, unless it appears on the labels of the immediate containers, if applicable.
5. A shipping mark. This unique mark is used to link the product to the foreign health certificate;
6. A special handling statement, where applicable, such as "Keep Refrigerated," "Keep Frozen," "Perishable, Keep Under Refrigeration," or such other statement as FSIS's Labeling and Program Delivery Division (LPDD) may approve in specific cases (9 CFR 317.2); and
7. Sufficient space on the main display panel for the USDA mark of import inspection (not applicable for products from Canada).

**C. Immediate Containers (meat and poultry)** - If the shipping containers contain fully labeled immediate containers, import inspection personnel are to verify that the immediate containers bear all of the mandatory label features, as required by 9 CFR 317.2 and 381.116.

**NOTE:** 9 CFR 301.2 defines the *immediate container* as “the receptacle or other covering in which any product is directly contained or wholly or partially enclosed.” If the product inside the box is not fully labeled, then the outside container (i.e., shipping container) needs to bear all required labeling features of an immediate container including those stated in section B. Some features may not be included because of the type of product; (e.g., if the product is fully cooked, it does not need safe handling instructions; if the product is not sold at retail, and it doesn't bear a nutrient content claim, then it doesn't need nutrition labeling).

The required mandatory features to be verified by examining the immediate container labels include:

1. Name of product or descriptive designation of product;
2. Ingredients statement, if the product is fabricated from two or more ingredients;
3. Foreign establishment number (canned products must comply with 9 CFR 327.14 (b) (2));
4. Handling statements, such as "Keep Frozen" or "Keep Refrigerated," if applicable;
5. Net quantity of contents, if applicable;
6. Manufacturer's or distributor's name and address;
7. Nutrition labeling, if applicable;
8. Name of the country of origin, preceded by the words "Product of." The phrase "Product of" is required on immediate containers of meat and poultry products; and
9. Safe handling instructions for Not-Ready-To-Eat (NRTE) meat and poultry products that have not undergone further processing that would render them Ready-To-Eat (RTE) and are destined for the consuming public.

**NOTE:** Exemptions to the safe handling instructions include imported products identified in writing by the applicant for further processing at an FSIS official establishment (see Section F). Import inspection personnel are to refer to 9 CFR 317. 2 (k) and 381.125 for further information on special handling statements.

**D. Protective Coverings** - If shipping containers contain product wrapped in protective coverings, import inspection personnel are to verify that the protective coverings meet the regulatory requirements in 9 CFR 317.1(a),

1. Import inspection personnel are to verify that protective coverings on unprocessed meat products:
  - a. bear the name of the country of origin (the words “Product of” are not required); and

- b. bear the foreign establishment number.

**NOTE:** Protective coverings do not need to be marked with an official mark of inspection if the product is marked with the official mark of inspection that is clearly visible through the transparent protective covering.

2. Optional information is allowed on protective coverings, including:
  - a. company brand names;
  - b. trademarks; and
  - c. code numbers.
3. When any other mandatory labeling feature appears on a protective covering for primal parts or other product, import inspection personnel are to consider the protective covering an immediate container and thus verify all regulatory requirements for labels on immediate containers are met (see paragraph C of this section).

**E. Marked Carcasses and Primal Parts** - If shipping containers hold carcasses or primal parts, inspection program personnel are to verify that the requirements of 9 CFR 316.9 (b), 327.14 (a), and 327.14(b) (1) are met by observing the carcass or primal part surfaces. The phrase "Product of" is not required on a carcass, primal, or sub-primal cut that prominently displays the name of the foreign country within the marking itself. Products required to bear an inspection legend include: red meat carcasses, each primal part of a red meat carcass, beef liver, beef tongue, and beef hearts.

**F. Un-Marked Carcasses Primal Parts, and other products identified for further processing (Intended Use)** - If shipping containers contain unmarked carcasses, primal parts, or products intended for further processing, import inspection personnel are to allow the movement of the product to an FSIS official establishment for further processing, provided the shipping container is sealed to prevent tampering or substitution of product.

1. Import inspection personnel are to allow an alternative to the sealing of the trailers, such as tamper-proof sealing of shipping containers of unmarked foreign products that bear the official inspection legend on the sealing or wrap.
2. Import inspection personnel are to verify that shipping conveyances containing unmarked product are resealed after the LVP or any other type of inspection.
3. Import inspection personnel are to refuse entry to any shipments of unmarked products intended for further processing that are not tamper-resistant sealed, or for which final destination information is not provided. Import inspection personnel are to fail the LVP TOI in PHIS.
4. Import inspection personnel are to hold any shipment of unmarked carcasses or of primal parts that arrives without tamper-proof sealing and are to notify the RIFO for further instructions.

**G. Qualifier, Claims, Grade, or Declaration Concerns** - If import inspection personnel have concerns regarding special nutrition claims, qualifiers, the use of grading terminology, or declarations (e.g., “For Cooking Only,” “Not for Grinding”), they are to use the Lot Tracking function in PHIS, place the lot on hold and contact the RIFO.

**NOTE:** All labels with claims must be evaluated by FSIS Labeling Policy Division (LPD) prior to use. For labeling guidance available to industry, see:

[http://www.fsis.usda.gov/Regulations & Policies/Labeling Guidance/index.asp](http://www.fsis.usda.gov/Regulations%20&%20Policies/Labeling%20Guidance/index.asp)

**H. Egg Products-** Import inspection personnel are to adhere to the following instructions for imported egg products when conducting a label verification TOI:

1. **Shipping Container:** Verify that shipping containers bear the following information (required under 9 CFR 590.955):

- a. the name of the product;
- b. the name of the country of origin;

**NOTE:** The name of the country may appear in the inspection mark.

- c. the foreign establishment number where the egg product was processed or packed;
- d. the mark of inspection of the foreign country of origin; and
- e. the lot number or production code, and
- f. the shipping mark (a unique identifier linking the product to the inspection certificate).

2. **Immediate Container and Placards on Tankers :** Import inspection personnel are to verify that the immediate container or placard bears the following mandatory labeling features, as applicable (required under 9 CFR 590.950):

- a. the name of product;
- b. the name of the country of origin of the product, on packaged products preceded by the words “Product of” and plant number at which the egg product was processed or packaged;
- c. the ingredient statement (for non-single ingredient items);
- d. the manufacturer’s, packer’s, or distributor’s name and address;
- e. the net quantity of content (net weight);
- f. the inspection mark of the country of origin;
- g. the date of production (production code); and

- h. handling statement such as “Keep Refrigerated” as required.

## VIII. LOT DISPOSITION

A. When a sample unit fails to meet FSIS’s labeling regulatory requirements, the import inspector needs to identify the entire lot as “fail” under the Label Verification TOI in PHIS. This result will automatically refuse entry to the entire lot.

**NOTE:** The applicant may appeal the refused entry (9 CFR 327.24) or request the opportunity to correct the labeling noncompliance in writing to the RIFO. The applicant has 30 days for egg products and shell eggs, and 45 days for meat or poultry products, after notice is given by FSIS to the Director of Customs at the original port of entry to take the action required by 9 CFR 327.13(a)(2), 381.202(a)(2), or 590.945(a) for product that has been refused entry.

B. Import inspection personnel are to allow shipping or immediate container labels to be brought into compliance as stated below.

1. Non-Compliant Containers - For refused entry lots, the importer, applicant, or representative may request that the shipment be allowed to be sorted to remove all non-complying containers. Non-compliant containers are to be refused entry until corrected.
2. Labels - The importer may correct any label deficiency, except shipping marks, by stenciling or stamping and obliterating the incorrect markings and labels on all non-complying containers. Import inspection personnel are to verify correction.

**NOTE:** Hand written labels are not acceptable.

3. Movement to a FSIS Inspected Official Establishment - For refused entry product that is not properly marked, or shipments refused entry for label defects on protective coverings, the applicant may request to correct the noncompliance by diverting the product to an FSIS-inspected official establishment for further processing. Import inspection personnel receiving rectification requests of this nature need to forward them to the RIFO for a determination. These requests are to be considered on a case-by-case basis. If approved, the RIFO is to notify import inspection personnel through PHIS. The RIFO is also to communicate with the OFO DO with jurisdiction over the destination establishment.
4. Immediate Containers – The sorting or re-labeling of immediate containers is to be approved on a case by case basis by the RIFO and Import Inspection Division headquarters (IID-HQ), taking into consideration the importer’s written plan describing how the labels will be corrected.
5. Import inspection personnel are to bring any other request to correct label noncompliance to the attention of the RIFO for approval.

C. Procedures for Correcting Shipping Marks – During the LVP, import inspection personnel are to verify that any shipping container on which a portion of the shipping mark is missing or illegible, or on which the entire shipping mark is missing, incorrect, or completely illegible (e.g., no character of the shipping mark is identifiable), is removed from the lot.

1. When a portion of a shipping mark is missing or illegible, and the remaining identifying characters are the same as the shipping mark of the other containers in the lot, import inspection personnel are to fail the lot for the Label Verification TOI in PHIS, which will result in the lot being refused entry. Import inspection personnel are to send a Form 9840-3 notice to the importer. The importer has the option to rectify (re-apply or correct) the shipping mark by either re-labeling or by stenciling the complete shipping mark on all containers in which only part of the shipping mark is legible before the shipment can be released.
2. When there are containers on which the shipping mark is missing, completely illegible, duplicate, or incorrect, import inspection personnel are to fail the Certification TOI and refuse to let those containers enter. The containers are to be sorted by the import establishment and removed from the lot. Import inspection personnel are to handle the sorted product in accordance with FSIS Directive 9900.8, Meat, Poultry, Egg Products, and Shell Eggs Refused Entry into the United States (U.S.), unless the importer requests permission from the import inspection personnel, in writing, to rectify the refused entry by having the shipping mark re-applied.
  - a. An official representative of the foreign inspection system may seek to obtain approval from the RIFO to re-certify and re-mark the product;
  - b. The official representative of the foreign inspection system is to present documentation to support re-certifying the product. This documentation may be a replacement inspection certificate or a letter on the foreign country letterhead;
  - c. If the RIFO decides to permit e-certifying and remarking of the product, he or she is to advise the official representative that the representative may re-apply the shipping mark to the containers in accordance with FSIS label requirements under the supervision of import inspection personnel at an official import inspection establishment.
3. Verification of Corrected Lots –Import inspection personnel are to observe the remarking. After the remarking is complete, import inspection personnel are to reinspect the lot following the procedures set out in Section VII of this directive.
4. Import inspection personnel are to complete the disposition of the original lot in PHIS as outlined below:
  - a. If a new shipping mark was applied (e.g. a replacement shipping mark for a duplicate shipping mark error), or, if the original shipping mark was re-applied to the noncompliant cartons from the original lot (and the remainder of the lot was inspected and passed and released into commerce):
    - i. Access the application and lot in PHIS and unlock the original application.
    - ii. In PHIS, copy the original lot from the original application. This creates a new lot for the remarked product with the original application. Adjust the shipping mark, number of containers, and net weight, as applicable. Save and submit the application.

- iii. Access the application and new lot in PHIS. From the Lot Manager screen, receive the lot.
  - iv. Access the application and the original lot in PHIS from the Lot Manager screen, select Refused Entry, and complete disposition (e.g., remarked with new shipping mark) of the refused entry product.
- b. If the original shipping mark was applied (shipping mark on original inspection certificate) but is missing, completely illegible, duplicate, or an incorrect shipping mark, and the entire lot or remainder of the lot was held pending the re-application of the shipping mark:
- i. Access the application and lot in PHIS. From the Lot Manager screen, select Refused Entry and complete disposition (e.g., remarked with original shipping mark) of the refused entry product.
  - ii. Perform any remaining reinspections on the lot.

## **IX. HANDLING OF REFUSED ENTRY**

Import inspection personnel are to refer to FSIS Directive 9900.8, Meat, Poultry, Egg Products, and Shell Eggs Refused Entry into the United States (U.S.), for guidance on managing refused entry product.

## **X. DATA ANALYSIS**

Quarterly, the Data Analysis and Integration Group (DAIG) within the Office of Data Integration and Food Protection (ODIFP) will review the PHIS data on the import labeling procedure starting 90 days after full implementation of Import PHIS. DAIG will analyze the data for potential trends in rejected or partially rejected lots that could lead to improvements in import reinspection procedures or guidance to foreign countries. Results from the analysis will be shared with the Office of International Affairs (OIA) and the Office of Policy and Program Development (OPPD) to identify whether follow up action on imported products that were mislabeled or incorrectly classified as RTE or NRTE is necessary.

Refer questions through supervisory channels or submit questions through *askFSIS* at <http://askfsis.custhelp.com>.



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