

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

FSIS NOTICE	77-11	12/28/11
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THIS NOTICE CANCELS FSIS NOTICE 43-11 TO CHANGE THE EFFECTIVE DATE FROM JANUARY 1, 2012 TO MARCH 1, 2012

UPDATED: ANNOUNCING THE FINAL RULE REQUIRING NUTRITION LABELING OF THE MAJOR CUTS OF SINGLE-INGREDIENT, RAW MEAT AND POULTRY PRODUCTS AND GROUND OR CHOPPED MEAT AND POULTRY PRODUCTS

FINAL RULE NEW EFFECTIVE DATE: March 1, 2012

I. PURPOSE

The purpose of this notice is to inform Inspection Program Personnel (IPP) of the delay in the implementation date of the final rule requiring nutrition labeling of the major cuts of single-ingredient, raw meat and poultry products and ground or chopped meat and poultry products. This notice also instructs IPP to make establishments aware of where to find information about the final rule and the delay in the implementation date of the final rule.

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 §§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).

DISTRIBUTION: Electronic

NOTICE EXPIRES: 1/1/13

OPI: OPPD

III. EXEMPTIONS

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:

- Products intended for further processing, provided that the labels for these products bear no nutrition claims or nutrition information,
- Products that are not for sale to consumers (e.g., hotels, restaurants, and institutions), provided that the labels for these products bear no nutrition claims or nutrition information,
- 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,
- Products that are custom slaughtered or prepared, and
- Products intended for export.

The final rule also provides the following additional exemptions for ground or chopped products:

- Ground or chopped products that qualify for the small business¹ exemption in §§ 317.400(a)(1) and 381.500(a)(1),
- Products that are ground or chopped at an individual customer's request and that are prepared and served at retail, provided that the labels or labeling of these products bears no nutrition claims or nutrition information,
- 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
- 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 of ground products, 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.

IV. IMPLEMENTATION

A. The new regulation will be effective on March 1, 2012.

B. The final rule and additional information about the rule, including a presentation that gives an overview of the nutrition labeling final rule and its requirements, and answers to questions received on *askFSIS* are available at:

¹ 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.

<http://www.fsis.usda.gov/Regulations & Policies/2010 Interim & Final Rules Index/index.asp>

V. AWARENESS MEETING WITH MANAGEMENT OF THE ESTABLISHMENT

A. At the weekly meeting following issuance of this notice, the Inspector-in-Charge (IIC) is to have an awareness meeting with the management of the establishment to inform them of the delay of the effective date of the final rule.

B. At the weekly meeting following issuance of this notice, the IIC will also tell the management of the establishment that the following information can be found on the FSIS website to help the establishment comply with the final rule:

- A copy of the final rule (available at <http://www.fsis.usda.gov/Regulations & Policies/2010 Interim & Final Rules Index/index.asp>);
- A copy of the delay of effective date notice (available at <http://www.fsis.usda.gov/Regulations & Policies/Interim & Final Rules/index.asp>);
- 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>);
- Answers to questions received on *askFSIS* available at <http://www.fsis.usda.gov/Regulations & Policies/2010 Interim & Final Rules Index/index.asp>
- Examples of nutrition facts panels for ground product (available at <http://www.fsis.usda.gov/Regulations & Policies/Nutrition Labeling/index.asp>); and
- FSIS will host webinars on the nutrition labeling final rule on January 18, 2012, and February 28, 2012 at 2 p.m. ET. To access the webinar, go to <https://connect16.uc.att.com/usda/meet/?ExEventID=85277207> and follow the on-screen instructions. For questions, contact Kristin Goodwin at (301) 504-0878 or kristin.goodwin@fsis.usda.gov.

C. The IIC is to 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 the establishment. The MOI is to be kept in the inspection file, with a copy provided to the management of the establishment. Under the Public Health Information System (PHIS), the MOI will be maintained electronically.

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.



Assistant Administrator
Office of Policy and Program Development