



Food Safety and Inspection Service
U.S. DEPARTMENT OF AGRICULTURE

A background image showing a food preparation scene. In the foreground, a white plate is filled with cubed raw meat. Behind it, a white cutting board holds skewers of meat, tomatoes, and green peppers, along with more whole peppers and a red and white plaid cloth. The scene is set against a light-colored brick wall.

Donation of Meat, Poultry & Egg Products to Non-Profit Organizations

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Our Mission

The Food Safety and Inspection Service is responsible for ensuring that meat, poultry and egg products are safe, wholesome and properly labeled.

Our Vision

Everyone's food is safe.



Federal Acts Governing FSIS



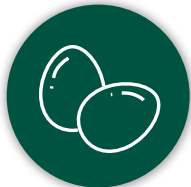
Federal Meat Inspection Act (FMIA), 1906



Agricultural Marketing Act (AMA), 1946



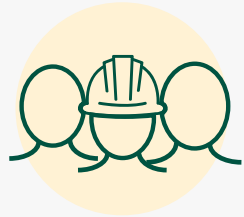
Poultry Products Inspection Act (PPIA), 1957



Egg Products Inspection Act (EPIA), 1970

**Humane Methods of Livestock Slaughter Act,
1958**

Our Presence



8,700
FSIS EMPLOYEES



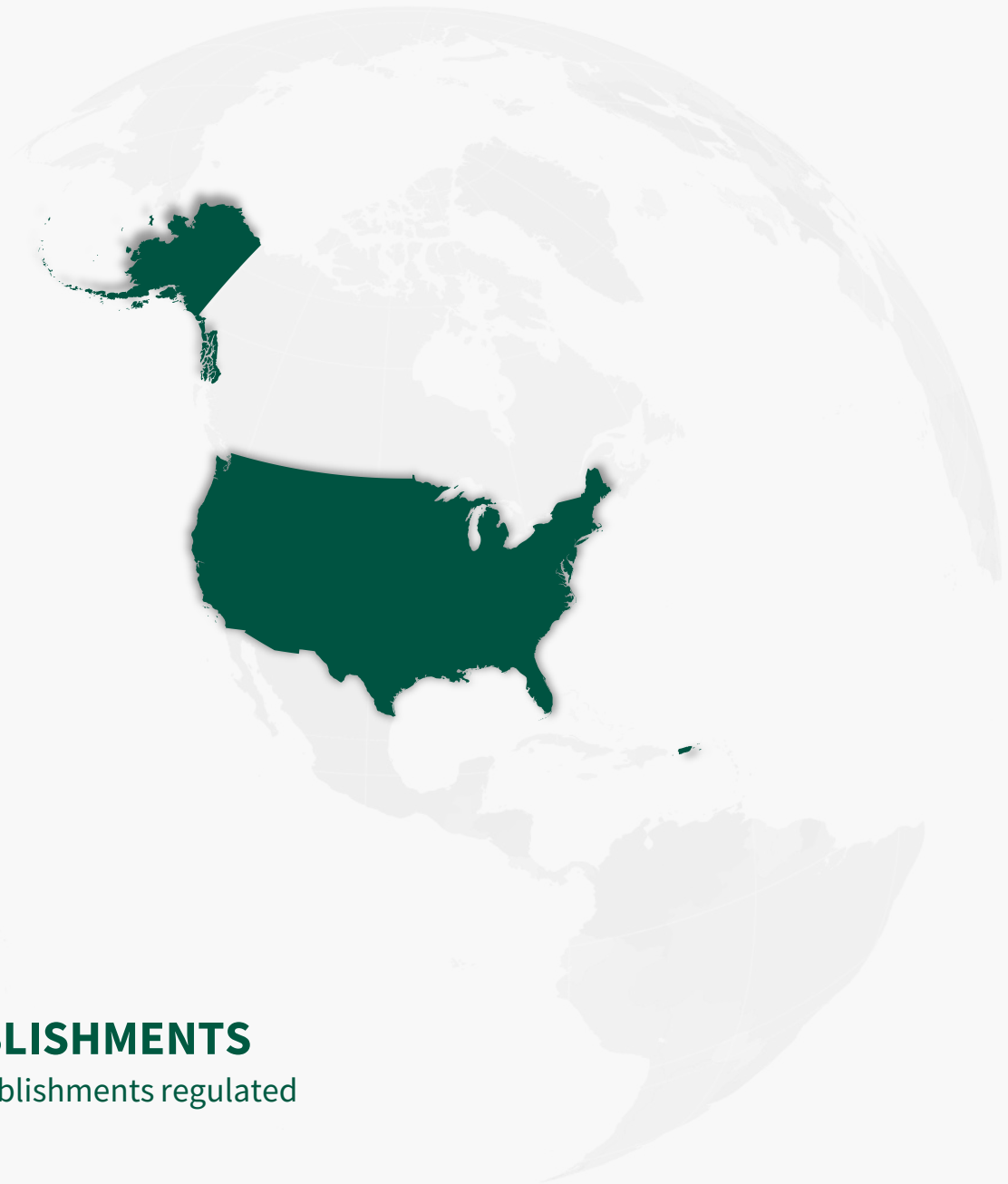
7,600
FRONT LINE WORKFORCE

Frontline employees are inspection personnel, lab employees, and investigators.

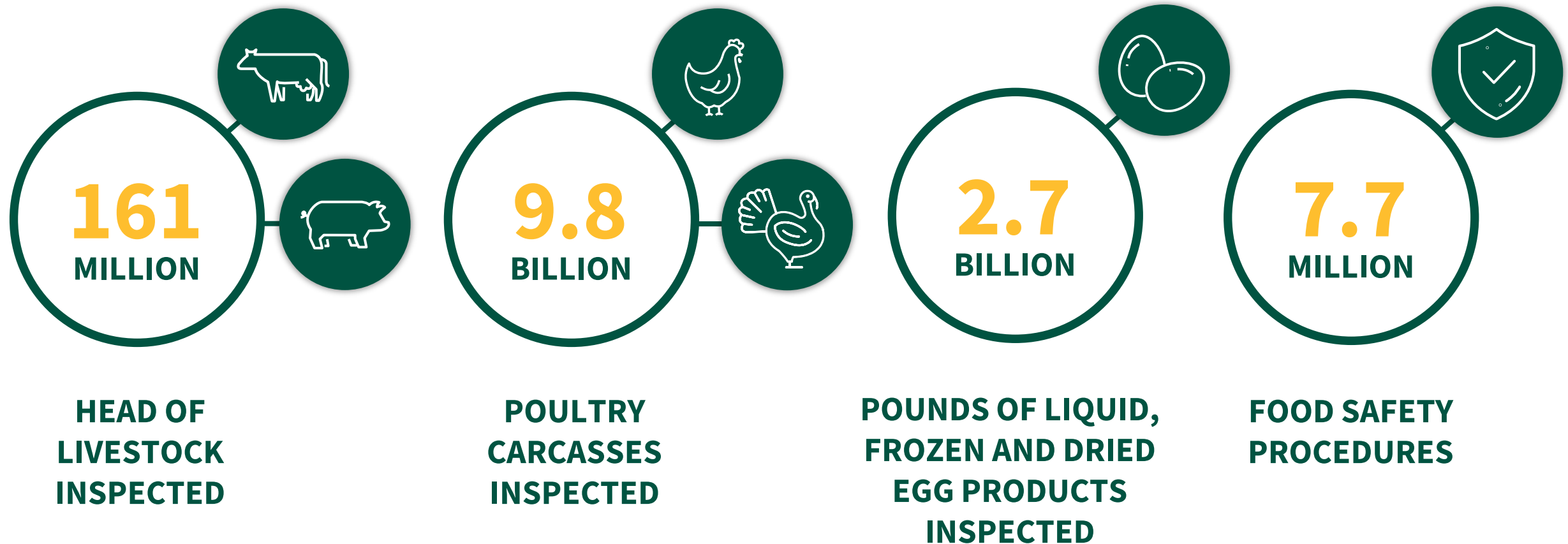


6,900
FEDERALLY REGULATED ESTABLISHMENTS

Over 95% of the slaughter and processing establishments regulated by FSIS are considered small or very small.



Our Inspection by the Numbers (Fiscal Year 2023)



FSIS Guideline to Assist with the Donation of Eligible Meat, Poultry & Egg Products to Non-Profit Organizations

Help Establishments and Non-Profits:

- Helps establishments that donate, and non-profit organizations that receive, meat, poultry, or egg products.
- Contains information on 1) the products eligible or ineligible for donation, 2) the shipping of donated products, 3) the donation of products produced under exemptions from inspection, and 4) guidance for non-profit organizations that receive donations.

Reduce Food Loss and Waste:

- Food waste accounts for between 30-40 percent of the food supply.
- Wasted food is nourishment that could help feed those in need.
- FSIS encourages establishments to donate meat, poultry and egg products to non-profit organizations.

Products Eligible for Donation

- **Federally Inspected and Passed Products**
- **Misbranded and Economically Adulterated Products**
- **Products Intended for Export**
- **Sample Products**
- **State-Inspected Products**
- **Expired Products**
- **Incorrect Standards of Identity**
- **Statement of Limited Use/Distribution**
- **Certain Products Produced Under Exemptions from Inspection**

Products Eligible for Donation

Federally Inspected and Passed

Meat, poultry, and egg products establishments may always donate federally inspected and passed meat, poultry, and egg products that are safe, wholesome, and not misbranded to nonprofit organizations.

Examples of Nonprofit Organizations or other Receiving Operations (not meant to be an all-inclusive list)

- Charitable institutions
- Food banks
- Correctional facilities
- Child welfare facilities
- Homes for senior populations
- Institutions for the physically or mentally ill

Products Eligible for Donation

Misbranded Products

A product is misbranded when:

- Its labeling is false or misleading
- It is offered for sale under the name of another product
- It is an imitation of another food without proper labeling
- It meets any other definition of “misbranded” under the FMIA at 21 USC 601(n), PPIA at 21 USC 453(h), or EPIA at 21 USC 1033(l).

Economically Adulterated Products

A product is economically adulterated when:

- Any valuable constituent (micronutrients and macronutrients) in whole or in part has been omitted or removed;
- Any less valuable substance (inferior quality or lower graded ingredient) has been substituted;
- Any substance is added or mixed; or
- Packaging misrepresents the weight or bulk making it appear to be of greater value.

Products Eligible for Donation

- **IF...** a misbranded or economically adulterated product is safe and wholesome, yet contains an ingredient of public health concern that is not correctly labeled
- **Then...** the establishment may only donate it after:
 1. Attaining a temporary label approval from FSIS; and
 2. Placing a “Not For Sale” statement on each immediate container along with identification of all the ingredients.

Ingredients of Public Health Concern

The “Big 9” Allergens:

1. wheat
2. crustacean shellfish
3. eggs
4. fish
5. peanuts
6. milk
7. tree nuts
8. soybeans
9. sesame, and...

Other ingredients that cause food intolerance, (e.g., sulfur-based preservatives, lactose, Yellow 5, gluten, and monosodium glutamate).

Products Eligible for Donation

IF... a misbranded or economically adulterated product is safe, wholesome, and either:

1. Does not contain an ingredient of public health concern; or
2. Contains such an ingredient, but it is properly labeled...

THEN... the product may be donated with a Bill of Lading that includes:

1. The quantity of the donated products;
2. A description of the donated products;
3. The reason products are diverted for donation (e.g., incorrect net weight); and
4. A statement that the products are “Not for Sale.”

Products Eligible for Donation

Products Intended for Export:

- May be donated if safe and wholesome.
- FSIS typically requires a temporary label approval for donated products originally intended for export.
- If any language on the products' labeling is not translated into English, the translation will need to accompany the application for temporary approval to provide the Agency with adequate information.

Products Eligible for Donation

Sample Products:

- Produced under inspection;
- Made available for pre-market consumer testing;
- Available to the general public; and
- Not for sale.

Imported sample products that are commercial shipments must meet all import requirements, including import inspection.

State-Inspected Products:

1. Cooperative Interstate Shipment (CIS) program establishments can donate intrastate and interstate
2. State-Inspected establishments not participating in the CIS program can donate intrastate only

Products Eligible for Donation

“Expired” Products

- Except for infant formula, product dates are not required by federal law.
- Product dating helps consumers and retailers decide when food is of best quality.
- Quality of perishable products may deteriorate after the date passes.
- Most products should still be wholesome if not exhibiting signs of spoilage.

Producers may donate products past “best if used by” or “sell by” dates:

- FSIS recommends that food banks, other charitable organizations, and consumers evaluate the quality of the products before their distribution and consumption to determine if there are noticeable changes in wholesomeness.
- Spoiled foods will develop an off odor, flavor or texture due to naturally occurring spoilage bacteria, making the food unwholesome. If a food has developed such spoilage characteristics, it should not be eaten.

Products Eligible for Donation

Incorrect Standards of Identity

- Can donate products that do not meet the standard of identity listed on the label without having to contact FSIS.
- The reason the product does not meet the standard of identity must be mentioned in the bill of lading.

Statements of Limited Use or Distribution

1. Can donate products bearing a statement of limited use.
2. Statement of limited distribution (i.e., “Not for Sale” or “For Charity Only”) is recommended but not required.
3. Limited distribution statement may be generically-approved and applied to immediate containers, shipping container, or bill of lading.
4. A “Not for Sale” statement is required for labeling of economically-adulterated or misbranded products that have been detained by FSIS and disposed of by donation to non-profit organizations.

Products Ineligible for Donation

Adulterated Products:

- Unsafe or unwholesome, adulterated products may not be donated under any circumstances.

Experimental Products:

- Experimental products are uninspected new or existing products that introduce a new formulation or flavor. They are limited to research and development under the control of the producing official establishment.
- Experimental products may not be donated.

Shipping Donated Products

All participants are responsible for maintaining human food in an unadulterated state, including the:

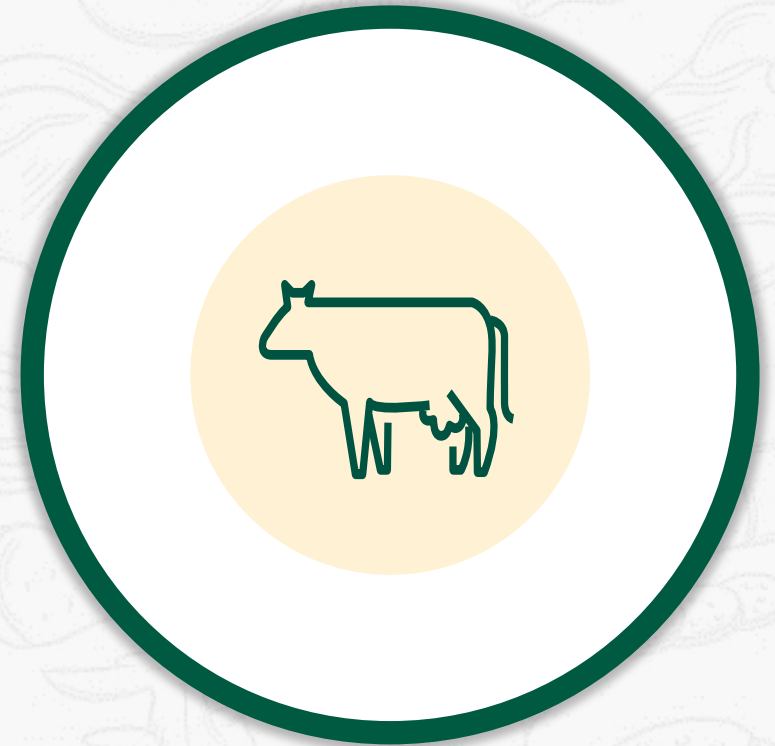
- Donating establishment
- Shipping firm, and
- Receiving non-profit organization

More info can be found in FDA's *Sanitary Transportation of Human and Animal Food* Final Rule.

Donating Meat Products Produced Under Inspection Exemptions

Exemption Type	Eligible to Donate?
	No
Restaurant Central Kitchen	Yes

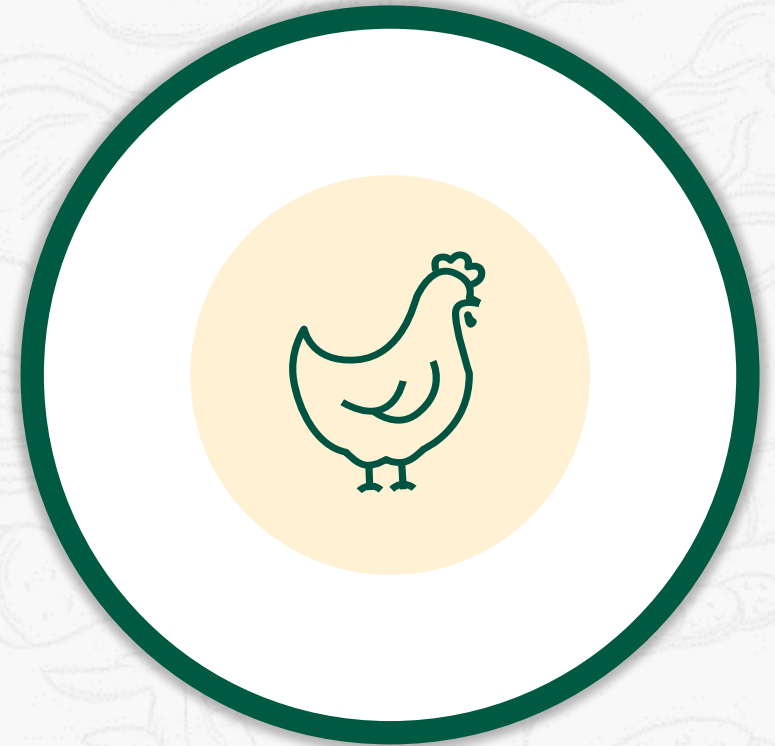
FSIS Guideline for Determining Whether a Livestock Slaughter or Processing Firm is Exempt from the Inspection Requirements of the Federal Meat Inspection Act



Donating Poultry Products Produced Under Inspection Exemptions

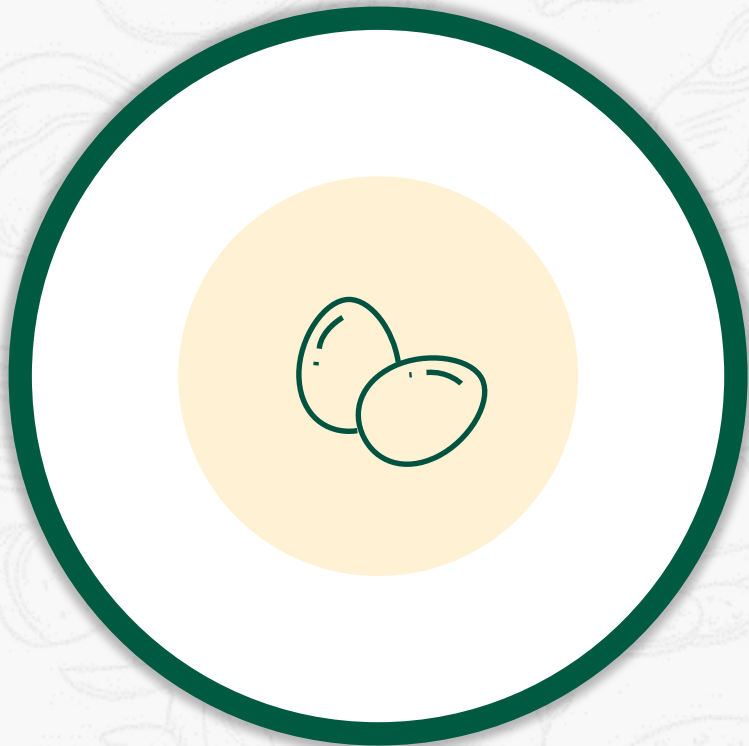
Exemption Type	Eligible to Donate?
Custom Slaughter and Custom Processing	No
Producer/Grower or Other Person (PGOP)	Yes, intrastate
	Yes, intrastate
Retail Dealer; and Retail Store	Yes, for both

[Guidance for Determining Whether a Poultry Slaughter or Processing Operation is Exempt from Inspection Requirements of the Poultry Products Inspection Act](#)



Donating Egg Products Produced Under Inspection Exemptions

Exemption Type	Eligible to Donate?
	No



Liability Protection

Individuals and other qualified entities that wish to donate food have protections under the **Bill Emerson Good Samaritan Food Donation Act of 1996** and the **Food Donation Improvement Act (2023)**:

- The Acts exempt “persons and gleaners” and “qualified direct donors” who make good faith donations of food to non-profit organizations for distribution to needy individuals or for donation directly to needy individuals from liability for injuries arising from the consumption of donated food.
- The Acts protect persons, gleaners, and producers that sell food and grocery products to people in need at a good Samaritan reduced price.

Reminder: Donations of apparently wholesome food by qualified direct donors must be made in compliance with applicable state and local health, food safety, and food handling laws.

General Guidance for Organizations Receiving Donated Products

- A non-profit organization can receive federally inspected and passed products in bulk, break bulk, repack, label, and distribute them to customers in need under the retail exemption from federal inspection.
- If the non-profit organization receives state-inspected products, those products may be distributed within the state only.
- Retailers are still subject to the licensing requirements of state and local (county, city) authorities, and the FDA while producing products under the retail exemption from FSIS inspection.
- A non-profit organization may only receive and use federally inspected egg products.

Guidance for Organizations Receiving Donated Products-Labeling

- The non-profit organization must ensure that the repackaged products meet all FSIS labeling requirements that apply at retail.
- FSIS' Label Submission Checklist webpage contains a checklist of required labeling features and FSIS' Labeling Policies webpage contains additional information on labeling requirements.
- Product exempt from FSIS inspection must not bear the FSIS inspection legend.
- Non-profit organizations that repackage products need to ensure that the products they receive and distribute are properly labeled.

askFSIS

Submit questions directly to us by
through askFSIS.

- <https://www.fsis.usda.gov/contact-us/askfsis>
- Or call us: 1-800-233-3935

fsis.usda.gov

