

April 9, 2024

U.S. Department of Agriculture (USDA) Food Safety and Inspection Service (FSIS)
Docket Clerk, Patriots Plaza III
1400 Independence Avenue, S.W. - Room 8-163 A, mailstop 3782 - Washington, DC 20250-3700

Ref.: "Policies and Regulations Governing the use of Beef Cheek Meat in products and further clarification of labeling policy standards of identity"

Dear Sir or Madam:

The Food Safety and Inspection Service (FSIS) is the public health agency in the U.S. Department of Agriculture responsible for ensuring that the nation's commercial supply of meat, poultry, and egg products is safe, wholesome, and correctly labeled and packaged.

On November 7, 2013, the Food Safety and Inspection Service (FSIS) amended its prior label approval regulations to expand the circumstances in which certain types of labels are generically approved. The Labeling and Program Delivery Staff (LPDS) evaluates four categories of labels (9 CFR 412.1 (c)): labels for religious exempt products (9 CFR 412.1 (c)(1)), labels for export with deviations from domestic requirements (9 CFR 412.1 (c)(2)), labels with special statements and claims (9 CFR 412.1 (c)(3)), and labels for temporary approval (9 CFR 412.1 (c)(4)).

The LPDS staff also evaluates all labels for egg products and all labels for exotic species under voluntary USDA inspection. All other label applications may be generically approved without specific evaluation by LPDS. Enclosed please find a Petition for Rulemaking, directed to the Food Safety and Inspection Service (FSIS) and United States Department of Agriculture (USDA).

As detailed in the Petition, Petitioner request that the agency review the current policies and directives related to policies regarding the use of BEEF CHEEK MEAT and make allowance for use based on product.

Beef cheek meat refers to beef cheeks from which the glandular material has been removed. When beef cheek meat is included in boneless beef, its presence must be specifically declared. Examples include: "Boneless Beef - Contains Beef Cheek Meat 15 percent Beef Cheek Meat."

As per 9 CFR § 319.15 Miscellaneous beef products.

(a) Chopped beef, ground beef. "Chopped Beef" or "Ground Beef" shall consist of chopped fresh and/or frozen beef with or without seasoning and without the addition of beef fat as such, shall not contain more than 30 percent fat, and shall not contain added water, phosphates, binders, or extenders. When beef cheek meat (trimmed beef cheeks) is used in the preparation of chopped or ground beef, the amount of such cheek meat shall be limited to 25 percent; and if in excess of natural proportions, its presence shall be declared on the label, in the ingredient statement required by § 317.2 of this subchapter, if any, and otherwise contiguous to the name of the product.

Beef cheek meat may be used in unlimited quantities and identified as "beef" in meat food products unless restricted by regulatory standards for specific products as indicated in 9 CFR 319.15(a) (Chopped beef, ground beef), 319.15(b) (Hamburger), 319.15(d) (Fabricated steak), 319.81 (Roast Beef parboiled and steam

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roasted), 319.100 (Corned beef), 319.300 (Chili con carne), 319.301 (Chili con carne with beans), and 319.303 (Corned beef hash).

We are therefore requesting the regulation to be changed to allow for use in unlimited quantities and identified as “beef”. North Star Imports is requesting a review of the regulation and policy surrounding the use of Beef Cheeks.

As identified by USDA 9 CFR 301.2 (i) Meat does not include the muscle found in the lips, snout, or ears. We are requesting that the policy related to the regulation be reviewed and amended. Beef Cheek Meat is considered meat and should be permitted in products like ground beef at levels not restricted by the current regulation. We appreciate USDA FSIS looking into this matter. We look forward to your response.

North Star Imports

Jay Goldberger/Jay Goldberger
3459 Washington Dr Suite 106
Eagan, Minnesota 55112