

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

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# FSIS NOTICE

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54-16

8/19/16

**VOLUNTARY LABELING STATEMENTS THAT BIOENGINEERED OR GENETICALLY  
MODIFIED INGREDIENTS OR ANIMAL FEED WERE NOT USED IN MEAT,  
POULTRY, OR EGG PRODUCTS**

## I. PURPOSE

This notice informs inspection program personnel (IPP) that meat and poultry products establishments or egg product plants may make claims on the label, or in the labeling of a meat, poultry, or egg product concerning the fact that bioengineered ingredients or genetically modified (GM) ingredients were not used in that particular product. IPP do not have any new verification activities related to this change.

## II. BACKGROUND

A. According to Sec. 291 of the Agricultural Marketing Act (AMA) of 1946, as amended by the Act of ([PL 114-216 \(Sec. 764\), July 29, 2016](#)) "to reauthorize and amend the National Sea Grant College Program Act, and for other purposes" (hereinafter, the Act of July 29, 2016), the term "bioengineering" refers to a food that contains genetic material that has been modified through *in vitro* recombinant deoxyribonucleic acid (DNA) techniques and for which the modification could not otherwise be obtained through conventional breeding or found in nature. The terms "genetically modified," "genetically engineered (GE)" or "bioengineered" are generally synonymous. Labels or labeling may claim that a food or feed ingredients used in the raising of livestock or poultry is not bioengineered when the food or feed ingredients have not been genetically modified through the use of modern biotechnology, as this term has been defined in the AMA, as amended (Sec. 294(c)). FSIS also accepts statements on the labels of multi-ingredient product that the product contains no bioengineered ingredients.

B. FSIS has approved labels with the type of claims described above through its prior label approval process. These approved labels have included special statements and claims such as: "Chicken raised on a diet containing no genetically engineered ingredients." Except for product that included the "Non-GMO Project" logo (the "Non-GMO Project" is a third-party certifier), FSIS has not previously allowed for the use of the term "non-genetically modified organisms" (non-GMO) claims on labels. However, because of the recently passed law, FSIS has reconsidered its position and will accept using the abbreviation "GMO" in a statement indicating that the product (or an ingredient) was not produced through the use of modern biotechnology or bioengineering, as long as the food is, in fact, not derived from a genetically modified plant and the food's label or labeling is not otherwise false or misleading. At this time, FSIS will begin approving non-GMO claims in a manner consistent with the law cited above.

C. FSIS has approved negative claims through its prior label approval process. Because FSIS does not have the ability to independently verify negative claims for ingredients or feed, FSIS has required establishments that make these claims to comply with standards established by a third-party certifying organization. FSIS currently requires that the third-party certifying organization's standards be publicly

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**DISTRIBUTION:** Electronic

**NOTICE EXPIRES:** 9/1/17

**OPI:** OPPD

available on a web site and the label or labeling disclose the web site address of the third-party certifying organization. FSIS currently requires that the establishment demonstrate that its claims of third-party certification are truthful and not misleading.

### III. EXAMPLES OF LABEL CLAIMS

A. Label Example 1 – SINGLE INGREDIENT LABEL WITH “Raised on a diet containing no genetically engineered ingredients:” Examples of such claims for the meat or poultry component that was raised on feed containing non-genetically modified ingredients that FSIS will accept are: “*Pasture raised beef fed a vegetarian diet with no bioengineered ingredients,*” “*Chicken raised on a diet containing no genetically engineered ingredients,*” or “*Derived from beef fed no GMO feed.*”

Label Example 1.



B. Label Example 2 – MULTI-INGREDIENT LABEL WITH “No GE Ingredients:” With respect to acceptable claim terminology for multi-ingredient products, examples of such claims FSIS will accept are: “*Contains No GMO ingredients,*” “*No genetically modified ingredients,*” “*Ingredients used are not bioengineered,*” or “*No genetically engineered ingredients through the use of modern biotechnology.*”

Label Example 2.

**PROGRISIVE MEATS** EST. 1998

# Jalapeno Peppers and Cheese Chicken Sausage

**NO GE  
INGREDIENTS\***

**KEEP REFRIGERATED**

**NET WT.  
48 OZ (3 LB)**

**INSPECTED  
BY  
U.S.  
DEPARTMENT OF  
AGRICULTURE  
P-42**

**Ingredients:** Chicken, Cheese (pasteurized milk, cheese cultures, salt, enzymes and annatto color), water, red peppers, seasoning (sugar, salt, spices), Jalapeno peppers (jalapeno peppers, water, citric acid).

Distributed by PROGRISIVE MEATS Co.  
1234 Unique Rd.  
Calambia, VE 00123

**True 2 Earth**

\*Certified No Genetically Engineered ingredients by True 2 Earth.  
true2earth.net/non-ge

C. Label Example 3 – ORGANIC LABEL WITH “Fed a vegetarian diet with no GMO feed ingredients:” An organic certifier accredited by USDA’s Agricultural Marking Service (AMS) National Organic Program (NOP) is one example of a third-party certifying organization. For products that qualify for an “organic” claim under the NOP, establishments are not required to provide FSIS additional documentation as part of the label approval process to verify that genetically modified ingredients were not used in the product. As part of its regulations (7 CFR 205.2), the NOP prohibits the use of an ingredient that was bioengineered in the production of an organic product. Certified organic animals are also prohibited from consuming feed that contains bioengineered ingredients. Therefore, an organic certificate is sufficient documentation to support any claim related to the non-use of GM ingredients in a meat product, poultry product, or egg product.

### Label Example 3.

A Good Win! Farms® est 2010

**All Natural\*\***  
**Raised without**  
**Added Antibiotics**  
**No Added Hormones†**

**Fed a vegetarian diet**  
**with No GMO**  
**feed ingredients\***

**Organic Premium Fresh**  
**Young Chicken**



**Safe Handling Instructions**

This product was prepared from inspected and passed meat and/or poultry. Some food products may contain bacteria that could cause illness if the product is mishandled or cooked improperly. For your protection, follow these safe handling instructions.

-  Keep refrigerated or frozen. Thaw in refrigerator or microwave.
-  Keep raw meat and poultry separate from other foods. Wash working surfaces (including cutting boards), utensils, and hands after touching raw meat or poultry.
-  Cook thoroughly.
-  Keep hot foods hot. Refrigerate leftovers immediately or discard.



\*This pasture raised chicken is fed an organic vegetarian diet with no GMO feed ingredients in compliance with the National Organic Program regulation.

**KEEP REFRIGERATED**

**NET WT.**  
**48 OZ (3 LB)**

Distributed by A Good Win! Farms®  
1224 Unique Dr.  
Orlando, VE 00122

Certified Organic by ABC Green.

\*\*Minimally Processed, No Artificial Ingredients  
†Federal Regulations do not permit the use of hormones in poultry.

## IV. LABEL APPROVAL SUBMISSION

Negative claims are “special statements and claims” as defined in 9 CFR 412.1(e) and are not generically approved unless previously approved in the manner described below. Therefore, unless they meet the criteria below, establishments are required to submit labels with negative claims to FSIS for prior approval before using them on labels or labeling (9 CFR 412.1(c)(3)).

## V. GENERIC APPROVAL FOR CERTAIN LABELS

For meat, poultry or egg products with negative claims that FSIS has previously approved, the establishment is allowed to change the terms “non-genetically engineered” or “non-GE” to “non-GMO” or “no genetically modified organisms” without approval from FSIS. Such changes are generically approved under 9 CFR 412.2. Any other changes to the label or labeling must be approved by FSIS.

## VI. IPP RESPONSIBILITIES

IPP have no additional responsibilities related to these labeling changes. IPP are to continue to verify that the labeling record is complete during inspection as set out in [FSIS Directive 7221.1](#), *Prior Labeling Approval*.

## VII. QUESTIONS

Refer questions regarding this notice to the Labeling and Program Delivery Staff through [askFSIS](#) or by telephone at 1-800-233-3935. When submitting a question, use the Submit a Question tab, and enter the following information in the fields provided:

Subject Field: Enter **Notice 54-16**  
Question Field: Enter question with as much detail as possible.  
Product Field: Select **Labeling** from the drop-down menu.  
Category Field: Select **Labeling Regulations Policies and Claims from** the drop-down menu.  
Policy Arena: Select Domestic (U.S.) Only from the drop-down menu.

When all fields are complete, press **Continue** and at the next screen press **Finish Submitting Question**.

**NOTE:** Refer to [FSIS Directive 5620.1](#), *Using askFSIS*, for additional information on submitting questions.



Assistant Administrator  
Office of Policy and Program Development